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Редактор – Қолтубаева Г.Б.
Беттеуші – Ақылбаева С.А.
Тел.: 8 (7172) 26-61-29

Қазақстан Республикасы Ақпарат
және коммуникациялар министрлігі
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Мекен-жайы: Қазақстан Республикасы,
010000, Астана қ., Жеңіс даңғ., 15а
тел.: 8(7172)26-61-22
www.zqai.kz, e-mail: instzak-kz@mail.ru
institutzakonodatelstva@gmail.com

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Редактор – **Колтубаева Г.Б.**
Верстка – **Акылбаева С.А.**
Тел.: 8 (7172) 26-61-29

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Адрес: Республика Казахстан 010000,
г. Астана, пр. Жеңіс, 15а
тел.: 8 (7172) 26-61-22
www.zqai.kz, e-mail: instzak-kz@mail.ru
institutzakonodatelstva@gmail.com

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tel.: 8 (7172) 26-61-22
www.zqai.kz, e-mail: instzak-kz@mail.ru
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THEORETICAL AND PRACTICAL LEGAL APPROACHES TO THE STATUS OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Elnara Gabil Mirzayeva

*Associate Professor of the Department of Private International Law and European Law
of Law Faculty at Baku State University, PhD in Law, Baku city, The Republic of Azerbaijan;
e-mail: elnaramirzayeva@mail.ru*

Abstract. *In the article, some actual problems of the status of international non-governmental organizations in the theoretical and practical direction are extensively analyzed based on the existing diversity of opinions in the legal literature and international practice. The activity of international non-governmental organizations is already felt in various spheres of international relations, as well as having an important influence. Their activity is accepted not only by the international community, but also by individual states, and at the same time, it also leads to the quick resolution of relevant problems. Furthermore, the creation and operation of international non-governmental organizations are more convenient and easier than international intergovernmental organizations. One of the main features of international non-governmental organizations is characterized by their solving important problems of the international society and international law as a whole, and the activity in this direction is expanding even more. In addition, the role of international non-governmental organizations in the management of international society is strengthened, in other words, they act as the main mechanism of international cooperation and control.*

The article consists of several interrelated parts. In the introductory part of the article, the main research directions are defined. Then, the relevance, scientific novelty, and purpose of the research are justified by the main characteristics and new approaches of international non-governmental organizations. Then, a basic analysis of the problem is carried out. Finally, the article concludes with a presentation of scientific innovations and important conclusions. Scientific coherence and connections have been established between all parts of the article. What was mentioned was directly reflected in the scientific results.

The scientific innovations and results obtained in the article can be defined in the main directions as follows: the need to adopt universal and regional international agreements related to various aspects of the activities of international non-governmental organizations; strengthening of international legal subjectivity of international non-governmental organizations in the system of modern international relations; further activation of the activities of international non-governmental organizations in the process of international law creation; formation of the role of international non-governmental organizations in the law enforcement process; strengthening of cooperation relations between states and international non-governmental organizations; the need to establish close relations of international non-governmental organizations with universal and regional international organizations; strengthening the role of international non-governmental organizations in the international control system; existence of international obligations of international non-governmental organizations; the need to adopt a universal international document in the field of international non-governmental organizations and the approximation of national legislative acts of states.

Keywords: *international non-governmental organizations, international agreements, international organizations, civil society, theoretical and practical problems, global problems, globalization.*

ТЕОРЕТИЧЕСКИЕ И ПРАКТИЧЕСКИЕ ПРАВОВЫЕ ПОДХОДЫ К СТАТУСУ МЕЖДУНАРОДНЫХ НЕПРАВИТЕЛЬСТВЕННЫХ ОРГАНИЗАЦИЙ

Мирзаева Эльнара Габил

Доцент кафедры международного частного права и европейского права юридического факультета Бакинского государственного университета, доктор философии по праву, г. Баку, Азербайджанская Республика, e-mail: elnamirzayeva@mail.ru

Аннотация. В статье подробно анализируются некоторые актуальные проблемы статуса международных неправительственных организаций в теоретическом и практическом направлении, исходя из существующего разнообразия мнений в юридической литературе и международной практике. Деятельность международных неправительственных организаций уже ощущается в различных сферах международных отношений, а также оказывает важное влияние. Их деятельность принимается не только международным сообществом, но и отдельными государствами, и в то же время приводит к быстрому решению соответствующих проблем. Кроме того, создание и деятельность международных неправительственных организаций удобнее и проще, чем международных межправительственных организаций. Одна из главных особенностей международных неправительственных организаций характеризуется тем, что они решают важные проблемы международного общества и международного права в целом, и деятельность в этом направлении еще более расширяется. Кроме того, усиливается роль международных неправительственных организаций в управлении международным сообществом, иными словами, они выступают в качестве основного механизма международного сотрудничества и международного контроля.

Статья состоит из нескольких взаимосвязанных частей. Во вводной части статьи определены основные направления исследований. Затем актуальность, научная новизна и цель исследования обосновываются основными характеристиками и новыми подходами международных неправительственных организаций. Далее, проводится базовый анализ проблемы. Наконец, статья завершается презентацией научных инноваций и важных выводов. Между всеми частями статьи установлены научная определенности и связи.

Научные инновации и результаты, полученные в статье, можно определить по следующим основным направлениям: необходимость принятия универсальных и региональных международных соглашений, касающихся различных аспектов деятельности международных неправительственных организаций; укрепление международно-правовой субъектности международных неправительственных организаций в системе современных международных отношений; дальнейшая активизация деятельности международных неправительственных организаций в процессе международно-правового творчества; формирование роли международных неправительственных организаций в правоприменительном процессе; укрепление отношений сотрудничества между государствами и международными неправительственными организациями; необходимость установления тесных связей международных неправительственных организаций с универсальными и региональными международными организациями; усиление роли международных неправительственных организаций в системе международного контроля; наличие международных обязательств международных неправительственных организаций; необходимость принятия универсального международного документа в сфере международных неправительственных организаций и сближения национальных законодательных актов государств.

Ключевые слова: международные неправительственные организации, международные договоры, международные организации, гражданское общество, теоретические и практические проблемы, глобальные проблемы, глобализация.

ХАЛЫҚАРАЛЫҚ ҮКІМЕТТІК ЕМЕС ҰЙЫМДАРДЫҢ МӘРТЕБЕСІНЕ ТЕОРИЯЛЫҚ ЖӘНЕ ПРАКТИКАЛЫҚ ҚҰҚЫҚТЫҚ ТӘСІЛДЕР

Эльнара Ғабил Мирзаева

Баку мемлекеттік университеті заң факультетінің халықаралық жеке құқық және еуропалық құқық кафедрасының доценті, заң ғылымдарының докторы, Баку, Әзірбайжан Республикасы, e-mail: elnaramirzaeva@mail.ru

Аннотация. Мақалада халықаралық үкіметтік емес ұйымдардың мәртебесінің теориялық және практикалық бағыттағы кейбір өзекті мәселелері заң әдебиетіндегі және халықаралық тәжірибедегі қалыптасқан пікірлер алуандығы негізінде кеңінен талданған. Халықаралық үкіметтік емес ұйымдардың қызметі қазірдің өзінде халықаралық қатынастардың әртүрлі салаларында сезілуде, сонымен қатар маңызды ықпал етуде. Олардың қызметін халықаралық қауымдастық қана емес, сонымен қатар жекелеген мемлекеттер де қабылдап, сонымен бірге өзекті мәселелерді тез шешуге әкеледі. Сонымен қатар, халықаралық үкіметаралық ұйымдарға қарағанда халықаралық үкіметтік емес ұйымдарды құру және олардың жұмыс істеуі ыңғайлы және оңай. Халықаралық үкіметтік емес ұйымдардың басты ерекшеліктерінің бірі олардың халықаралық қоғамның және жалпы халықаралық құқықтың маңызды мәселелерін шешуімен сипатталады және бұл бағыттағы белсенділік бұрынғыдан да кеңейеді. Сонымен қатар, халықаралық қоғамды басқарудағы халықаралық үкіметтік емес ұйымдардың рөлі күшейеді, басқаша айтқанда, олар халықаралық ынтымақтастық пен халықаралық бақылаудың негізгі механизмі ретінде әрекет етеді.

Мақала өзара байланысты бірнеше бөліктерден тұрады. Мақаланың кіріспе бөлімінде негізгі зерттеу бағыттары айқындалған. Содан кейін зерттеудің өзектілігі, ғылыми жаңалығы мен мақсаты халықаралық үкіметтік емес ұйымдардың негізгі сипаттамалары мен жаңа көзқарастарымен негізделеді. Соңында мәселенің негізгі талдауы жүргізіледі. Соңында мақала ғылыми жаңалықтар мен маңызды қорытындыларды ұсынумен аяқталады. Мақаланың барлық бөлімдері арасында ғылыми үйлесімділік пен байланыс орнатылған. Айтылғандар ғылыми нәтижелерде тікелей көрініс тапты.

Мақалада алынған ғылыми жаңалықтар мен нәтижелерді негізгі бағыттар бойынша келесідей анықтауға болады: халықаралық үкіметтік емес ұйымдар қызметінің әртүрлі аспектілеріне қатысты әмбебап және аймақтық халықаралық келісімдерді қабылдау қажеттілігі; қазіргі халықаралық қатынастар жүйесінде халықаралық үкіметтік емес ұйымдардың халықаралық құқықтық субъективтілігін нығайту; халықаралық құқықты құру процесінде халықаралық үкіметтік емес ұйымдардың қызметін одан әрі жандандыру; құқық қолдану процесінде халықаралық үкіметтік емес ұйымдардың рөлін қалыптастыру; мемлекеттер мен халықаралық үкіметтік емес ұйымдар арасындағы ынтымақтастық қатынастарын нығайту; халықаралық үкіметтік емес ұйымдардың әмбебап және аймақтық халықаралық ұйымдармен тығыз байланысын орнату қажеттілігі; халықаралық үкіметтік емес ұйымдардың халықаралық бақылау жүйесіндегі рөлін күшейту; халықаралық үкіметтік емес ұйымдардың халықаралық міндеттемелерінің болуы; халықаралық үкіметтік емес ұйымдар саласындағы әмбебап халықаралық құжатты қабылдау және мемлекеттердің ұлттық заңнамалық актілерін жақындастыру қажеттілігі.

Түйінді сөздер: халықаралық үкіметтік емес ұйымдар, халықаралық шарттар, халықаралық ұйымдар, азаматтық қоғам, теориялық және практикалық мәселелер, глобалдық проблемалар, жаһандану.

Introduction

International non-governmental organizations, especially issues related to their activities, have been widely analyzed in legal literature recently. This is explained by a number of features. First of all, the activity of international non-governmental organizations is already felt in various spheres of international relations, as well as having an important influence. Secondly, their activity is accepted not only by the international community, but also by individual states, and at the same time, it also leads to the quick resolution of relevant problems. Then, the establishment of international non-governmental organizations is more convenient and easier than international intergovernmental organizations, and their activities are characterized by independence and non-coordination of the wills of all states. One of the main features of international non-governmental organizations is characterized by their solving important problems of international society and international law as a whole, and the activity in this direction is expanding even more. In addition, the role of international non-governmental organizations in the management of international society is strengthened, in other words, they act as the main mechanism of international cooperation and international control. Although the role of international intergovernmental organizations and international agreements (especially international documents containing "firm" legal norms) is the main one in the regulation of international relations, other means are not excluded. International non-governmental organizations and "soft" legal norms have a special place here. It is no coincidence that despite the fact that the main responsibility for the adoption and implementation of international legal norms was placed on the states and international intergovernmental organizations at the World Vienna Conference on Human Rights held in 1993, which is one of the important international events, it was especially noted that international non-governmental organizations play an important role in this process and can make a great contribution to this work.

The above is confirmed by statistics. In the 1990s, there were 300 international intergovernmental organizations in the world [1, p. 87]. In modern times, the number of international non-governmental organizations has increased considerably. So, if the number of

international non-governmental organizations increased from 6,000 in 1990 to 26,000 in 1999, 40,000 are estimated in the 2013 report. According to 2015 data, it is estimated that there are approximately 10 million non-governmental organizations in the world. The number of people donating money to international non-governmental organizations in the world increased from 1.2 billion in 2011 to 1.4 billion in 2014. This number is expected to increase to 2.5 billion by 2030 [2].

International non-governmental organizations play an important role in the formation and development of not only states but also nations and inter-ethnic relations. Considering that more than 5 thousand peoples and nations live in the world, the regulation of these relations should be considered one of the most urgent problems of the international community. Currently, the scope of international relations continues to expand, and here include relations between states, states and international organizations, international organizations themselves, individuals and states, individuals and international organizations, etc. In addition, the addition of international non-governmental organizations to the new system of relations greatly enriched and actualized this circle of relations.

It is rightly noted in the legal literature that the increase in the number of international non-governmental organizations and their development trends is due to a number of reasons, including the emergence of global problems, the strengthening of democratic processes in the field of domestic and international relations, giving preference to universal values such as human rights rather than state interests, international security, environmental protection, etc., lack of necessary capabilities of individual states and international intergovernmental organizations to solve existing problems, etc. [3, p. 72]. Along with agreeing with these ideas mentioned in the legal literature, this list can be increased. These increases are directly related to the increasing and serious nature of the problems of the international society, and the expansion of the tendency of the increasing role of international law in the comparison of domestic law and international law.

Thus, a comprehensive analysis of some important problems of the status of international non-governmental organizations in the theoretical and practical direction is carried out, finally, it is determined by the relevance of the

research, scientific innovation, and methods, putting forward current issues in each direction, investigating their solutions and obtaining important results.

Materials and methods

In the article, the works of a number of local and foreign legal scholars conducting research in the field of international law, including the activities of international non-governmental organizations, were used in a comparative manner. At the same time, important international documents adopted have become the main object of analysis.

As a whole, the article contains formal-logical, comparative-legal, analysis, synthesis, etc. methods that have been widely used. At this time, international legal norms were comprehensively applied, based on the generalized results presented in the works of local and foreign scientists. The theoretical importance of the article is that, based on the analysis of numerous normative materials, as well as doctrinal sources, the study of theoretical and practical problems in the legal status, legal subjectivity, and activities of international non-governmental organizations and a specific approach to their solution was put forward. Later, in the article, theoretical analysis of problems, taking into account the modern level of development of international law and interstate cooperation in this sphere, a scientific study of the issues of international legal regulation of the activities of international non-governmental organizations was conducted.

All analyzes were done on a comparative basis, and other theoretical and practical studies characteristic of the modern era were conducted. The mentioned are fully compatible with the materials and methods used.

In addition to the existing diversity of opinion, the article referred to the adopted important international documents and statistical indicators, which show that the scientific material base of the article is quite significant.

Basic provisions

The main feature that shows the relevance of the research is that the increase in theoretical and practical problems in the activity of international non-governmental organizations has made scientific research in this direction an absolute necessity. In addition to all this, the lack of a single concept for the efficient operation of international non-governmental organizations, which occupy an important

place in modern international relations and carry out effective activities in solving global problems, once again shows the relevance of the selected research work. These issues cause many difficulties in the practical activities of international non-governmental organizations. At the same time, the changing legal status of international non-governmental organizations in regional and universal institutions, as well as in the framework of domestic legislation, also requires detailed consideration. Further, this indicates the need for a more in-depth study of the contemporary problems of international non-governmental organizations and their development prospects. At present, serious analyses and justifications at the level of international law are being conducted in the direction of the justification of international non-governmental organizations acting as subjects of international law. In this field, active activities are also carried out on the formation of international legal norms. From this point of view, the scientific investigation of the research is of special relevance and importance.

The scientific novelty of the research is directly related to the fact that in modern times, in the conditions of globalization, the legal status of international non-governmental organizations, and legal subjectivity, in short, the main approaches to the theoretical and practical aspects of their activity were analyzed in new directions. At the end of the article, a number of important proposals and conclusions aimed at the analysis of the activities of international non-governmental organizations in the mentioned direction and increasing their activity in this field were put forward.

The purpose of the study is to determine the theoretical and practical aspects of the legal status of international non-governmental organizations, where important interrelated tasks are defined. For example, addressing the diversity of opinions in the legal literature in this field, analyzing international agreements, analyzing the directions of activities of international non-governmental organizations, defining the scope of new relations, strengthening relations with states and international intergovernmental organizations, etc.

Results, discussion

In modern times, international non-governmental organizations carry out very important and effective activities in solving global problems, thereby providing close assistance to states and international

organizations. At the same time, the theoretical and legal problem of international non-governmental organizations as an international legal subject, which has not been fully resolved, creates a number of practical problems in the activities of these organizations.

Important studies have been conducted in the legal literature about the concepts of international non-governmental organizations. Thus, G.I. Morozov, who studied the advantages of the term "non-governmental organizations", notes that the concept of "non-governmental organizations" is clearer and does not cause conflicting interpretations compared to the concept of "public organization" [4, p. 189]. Another author, B. Stošić, considers the concept of "non-governmental organizations" inaccurate. In his opinion, preference should be given to the concept of "international public organizations", which reflects its essence more correctly [5, p. 12-13]. D. Carro and P. Juar propose to recognize international non-governmental organizations as institutions with the status of a legal entity established by the initiative of individuals or legal entities, including international non-commercial activities and determined by domestic law (not international law) [6, p. 524-525]. The term "non-governmental organizations" is also widely used in international legal research and practice. According to M.A. Novitsky, taking this into account, it is impossible to find a single and universally accepted concept for non-governmental organizations [7, p. 59]. In modern studies, the role of international non-governmental organizations is mostly explained from the point of view of expanding their functions [8, p. 56-57; 9, p. 112-113]. In our opinion, this can be explained by the diversity of their activities.

In general, the evolution of international non-governmental organizations is closely related to the creation and development of international intergovernmental organizations. In this regard, the creation and activity of the UN should be specially mentioned. The beginning of formal relations with international non-governmental organizations was established by the UN Charter. In this regard, there are a number of provisions in the UN Charter. Currently, UN bodies, international organizations included in the UN system (especially UN specialized agencies), and a number of regional international organizations (Organization of American States, Council of Europe, African Union, etc.) are working in close interaction with international non-governmental organizations. [10, p. 15-

25]. If we take into account that international non-governmental organizations take into account the features of effective regulation of international relations, the demand of the international community comes from the need to develop interstate relations, including relations between states and international organizations, then the true essence of international non-governmental organizations can be understood. There are problems that are better solved not by international intergovernmental organizations, but by international non-governmental organizations. The role of international non-governmental organizations in international society is clearly accepted and appreciated not only by the international community but also by states and international intergovernmental organizations.

In the conducted studies, it is rightly noted that in recent years, the tendency of the creation of a large number of international non-governmental organizations prevails in all countries of the world and continues to develop [11, p. 143-150; 12, p. 10-13; 13, p. 154-156]. Based on the statistical figures and the analysis of international relations, we can conclude that not only the number of international non-governmental organizations has increased in modern times, but at the same time, their role and importance have also expanded, and their legal status has strengthened them to do important work in the direction of solving various problems. The process of adopting important international legal norms in this field has also been accelerated. Currently, more and more states and the world community as a whole are beginning to understand that it is necessary to look for new, mainly non-traditional approaches to solving the problems of people's better and more prosperous life, and to create and reorganize new mechanisms to coordinate the efforts of states in this direction. It is rightly noted in the legal literature that the experience of recent times shows that in various spheres - economic, environmental, political, etc. activities of international non-governmental organizations give positive results, and states are more interested in cooperating with them in order to benefit from the services of these organizations. Another characteristic feature of relevant international non-governmental organizations is their experience of close cooperation and consultation with international control bodies, which has an important role in joint coordination and development of activities. International non-governmental organizations operate in two directions: informal formulation

and promotion of new international legal norms as an initial response to the urgent demand of the world community; putting pressure on governments in various forms for states to fulfill their obligations under international law [14, p. 246-247].

According to experts conducting research in this direction, international non-governmental organizations act as an important form of civil society in the modern world, in the course of their activities, they unite and coordinate the interests, including the opinions, of different sections of the population of the countries of the world, by giving a serious impetus to the creation of international law, the universally recognized principle of international law and they become an active international participant in complying with the norms, thereby fulfilling the requirements of international law [15, p. 28-34]. What has been mentioned is confirmed once again by the unique characteristics of international non-governmental organizations, including their goals and tasks, and the main directions of their activities. Besides, enough international agreements prepared with the participation of international non-governmental organizations justify our opinion once again.

One of the important directions related to the legal status of international non-governmental organizations is the analysis of their legal subjectivity. There are a number of different opinions about this. The first direction states that international non-governmental organizations cannot claim international legal subjectivity and they are only subjects of international relations. Another direction determines that international non-governmental organizations have a special international legal entity. This subjectivity is distinguished by a number of features in the subjectivity of international law of international intergovernmental organizations. This means that international non-governmental organizations have some rights and perform some duties belonging to the subjectivity of international law. International non-governmental organizations do not have some other characteristics. A third direction justifies the full subjectivity of international non-governmental organizations under international law. They note that international non-governmental organizations often perform some of the functions characteristic of international legal entities, albeit indirectly, they have a decisive role in the development of interstate relations and also play an important role in solving global problems. It should be taken into account that currently, several

international agreements regulating the activities of international non-governmental organizations have been adopted, and work in this direction is being carried out even more actively. In addition, the indispensable role of international non-governmental organizations in the preparation of some important international agreements should be noted. In particular, international documents such as the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, the Slavery Convention of 1956, the Declaration of the Rights of the Child of 1959, the Convention on the Rights of the Child of 1989, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, etc. should be noted.

In this regard, according to a number of authors (A. Ost [16, p. 13], A.K. Lindblom [17, p. 36-46], M. Nourtman [18, p. 54-55], and I. Ross [19, p. 126]), humanity has entered such a stage of development of international relations that it has already begun to objectively move away from the idea that states are the only subjects of international relations. In addition, some studies note that even if international non-governmental organizations and the circles they represent are defined as serious international participants, their influence in international relations is not as much as expected, including that it does not lead to important results [20, p. 49]. I think that we can agree with the mentioned ideas to a certain extent.

The special role of international non-governmental organizations is that they work in close interaction with international organizations. International non-governmental organizations have an active role in the development of the norms and principles of international law and its separate areas, the establishment of relations between states and the international society, and the preparation and application of international standards in various fields. The active role of international non-governmental organizations is closely related to the establishment and development of international control mechanisms, which is currently a relevant direction. The role of international non-governmental organizations is also increasing in the activity of international judicial bodies. Examples of this include the UN International Court of Justice, the European Court of Human Rights, the international judicial systems in the African Union and the American region, and the practices related

to the activities of the International Criminal Court. The practice of the international tribunals of Yugoslavia and Rwanda also confirms the active role of international non-governmental organizations in this case. Areas of activity range from giving opinions on individual cases to participating in court proceedings as a witness, third party, etc.

Thus, the fact that the activities of international non-governmental organizations are more related to solving international problems has made their importance even more urgent. This includes different areas of human rights, environmental protection, international humanitarian law, international migration, international fight against crime, international security and peaceful settlement of international disputes, strengthening of international cooperation in different fields, development of international control and international judicial systems, etc.

One of the important directions is the creation of international law, in which international non-governmental organizations have an active role. Thus, the International Committee of the Red Cross carried out an important activity in the preparation of the 1949 Geneva Conventions on the Protection of War Victims, and generally in the codification of international humanitarian law. The activity of the Human Rights Watch organization can also be noted, which includes the preparation of documents adopted in the field of human rights (for example, the 1989 Convention on the Rights of the Child, resolutions of the UN General Assembly, etc.) [21, p. 226-227].

Thus, international non-governmental organizations operate in the direction of important international legal problems. Thus, the International Association against Torture, established in 1987, has discussed a number of issues, such as torture and detention, the death penalty, etc. making statements at the UN Human Rights Council. The Forum of the World Summit of Women jointly with the UN has taken a number of important measures in the direction of the implementation of the "Peace Planning" (1999) Project, by publishing a biannual global bulletin entitled "Enhancing the Rights and Opportunities of Women and Children" in four languages, together with the UN facilitates the wide distribution of his reports on the work. In addition, in 1996, he established the World Foundation for the Protection of the Dignity of Children in order to put an end to the sexual exploitation of children and to call on nations to eliminate such practices. Since that year,

the Fund has financed more than 20 programs and projects in different countries of the world related to the prevention of sexual assaults on children and their rehabilitation. The activities of Amnesty International are aimed at solving a number of issues. For example, ensuring a fair and prompt trial for political prisoners, abolishing the death penalty, ending torture and ill-treatment of prisoners, eliminating extrajudicial punishments and disappearances, etc. Amnesty International, which has branches in 40 countries and covers about 180 countries, was awarded the Nobel Peace Prize in 1977. Founded in 1976, the Human Rights Network actively participates in the work of the UN Economic and Social Council and its subsidiary bodies. KidsRights was founded in 2003 to create a world where children's rights are guaranteed and they can realize their great potential [22, p. 24-25].

Thus, by summarizing the opinions expressed with international non-governmental organizations, several main points can be noted as follows: international non-governmental organizations operate in the direction of current problems of international law and international society; international non-governmental organizations try to operate in conditions of close relations with international organizations; although international non-governmental organizations are formed on the basis of national legislation, they already operate outside national systems; international non-governmental organizations are interested in further developing their activities on compliance with important international legal norms; expanding the circle of states with which they are in contact is one of the main goals of international non-governmental organizations; international non-governmental organizations in close contact with states have made important contributions to the formation and further development of international law, and this process is developing rapidly; the spheres of activity of international non-governmental organizations are constantly expanding.

Conclusion

A number of main directions for scientific innovations in research can be defined as follows:

- The increase in the role of international non-governmental organizations in the regulation of international relations has made the adoption of a number of "hard" and "soft" international documents of a legal nature relevant in this direction. Here, the main characteristics and

directions of the activities of international non-governmental organizations, and then their mutual relations with international organizations and states should be determined.

- The establishment of international non-governmental organizations as having special international legal subjectivity was unequivocally confirmed. This special subjectivity manifests itself clearly with the formation of their close cooperation with international organizations. Today, international non-governmental organizations act as consultants in international organizations. For example, 350 international non-governmental organizations operate under the Council of Europe.

- The existence of close and reciprocal relations between international non-governmental organizations and international intergovernmental organizations has been clearly accepted by the international community and confirmed, and at the same time, this trend has developed rapidly and continues to do so. In this regard, it would be appropriate to mention a number of documents adopted by international non-governmental organizations. For example, in the resolution adopted by the International Criminal Law Association in 1994, the main features of cooperation in the criminal-legal sphere were mentioned. In addition, with the UN ECOSOC resolutions dated May 23, 1968, and April 16, 1996, the need to further develop cooperation relations with international non-governmental organizations in various spheres was noted. With the Resolution dated 1996, the UN ECOSOC also determined the importance of building cooperation with international non-governmental organizations in a new direction in a number of important areas.

- Giving international non-governmental organizations a practical opportunity to directly participate in the process of creating international law, in other words, preparing international legal norms, is of particular importance. For example, the Institute of International Law (The Hague) has played an important role in the informal codification of international law, and the International Committee of the Red Cross has played an important role in the creation of international law in the field of international humanitarian law, and significant work is currently being done in this direction.

- The spheres of activity of international non-governmental organizations are expanding, which mainly include identifying gaps in the existing legal regulation in various fields of international law, as well as action towards

their elimination, preparation of important international documents, reporting of attitude to relevant international issues, the orientation of states to issues of concern to the international community, preparation and assessment of state reports in various fields, and other important problems (in accordance with the global problems of international law, these areas are constantly expanding).

- One of the forms of participation of international non-governmental organizations in the process of law enforcement is the importance of participating in international court proceedings. Thus, international non-governmental organizations have closely participated in the activities of international tribunals (Yugoslavia, Rwanda) and are currently participating in the activities of the International Criminal Court. This participation is carried out in the form of providing relevant opinions, including the creation of independent fact-finding and investigation commissions.

- Currently, in order to properly and fully coordinate the activities of international non-governmental organizations in the international sphere, the UN as a universal international organization in this sphere, and some regional organizations as regional international organizations (for example, the Council of Europe in the European region, the African Union Organization in the African region, the Organization of American States in the American region, Organization of Islamic Cooperation in the system of Islamic countries, etc.), activity in this direction should be increased, and important coordinating international institutions should be created (the mentioned should be reinforced with the international documents adopted within the framework of those international organizations);

- The trend of increasing the role of international non-governmental organizations in international control mechanisms in any sphere should be specially noted. This is a very important element. So, currently, the role of international non-governmental organizations in the discussion of the reports of the states on the existing 9 committees (Human Rights Committee, Children's Rights Committee, etc.) within the framework of the UN has increased. In addition, a number of organizations, such as Human Rights Watch, Freedom House, Amnesty International, International Federation of Human Rights, etc. along with the reports of the states, also actively participate in writing alternative reports in the respective countries.

In addition to the general ideas and scientific

innovations mentioned above, the following important results (suggestions) can be put forward as a result of our research:

- Although the issue of international legal subjectivity of international non-governmental organizations is seriously discussed in international law, an important international agreement in this field has not been adopted. However, taking into account the role of international non-governmental organizations in international society and their serious spheres of activity, it is very necessary to adopt a universal international agreement in this field. The mentioned can be characterized as one of the important demands of the international community. At the same time, it should be taken into account that there are very few studies that directly deny the possibility of international non-governmental organizations being subjects of international law and international relations. On the contrary, the research conducted in recent times highly appreciates the possibility of international law subjectivity of international non-governmental organizations, which is reflected in a number of documents adopted by the UN.

- The problem of legal subjectivity of international non-governmental organizations is closely related to their legal essence, and in this regard, it is necessary to admit that although they are not subjects of international law, they are subjects of international relations and one of the most dynamic developing organizations. The fact that they are subjects of international relations can be explained by the matter that they act in the direction of important problems of the international society. This ultimately closely connects international non-governmental organizations with international law.

- As with international intergovernmental organizations, international non-governmental organizations also have their own international

obligations. These obligations differ in their nature. Thus, if the obligations of international intergovernmental organizations are directly related to international society and have the character of international legal obligations, the obligations of international non-governmental organizations are not international legal obligations and derive from their constituent documents. However, the mentioned does not reduce the international responsibility of international non-governmental organizations, because international non-governmental organizations work towards the solution of more serious and urgent problems of the international society.

- The European Convention on the Recognition of the Legal Status of International Non-Governmental Organizations currently allows overcoming existing obstacles in the way of recognizing the important role of non-governmental organizations in society and the state, strengthening international relations and fully realizing the potential of building a civil society. Taking this into account, the possibility of states joining this international document should be increased. Then, in accordance with the provisions of that international agreement, appropriate domestic legislative measures should be implemented by the states.

- In general, in order to solve the current problems related to the activities of international non-governmental organizations, it is necessary to further improve the domestic legal framework in all states and eliminate possible collisions.

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