

International Legal Subjectivity: Concept and Reality in the UN

Ornela Taçi

Abstract

The article titled “International legal subjectivity: Concept and reality in the UN” the first, identifies debates on subjects of International Law briefly. The identification of debates serves to deal the creation of UNO (United Nations). Then, the article treats a brief historical overview on the functions of the UN since its creation until today to analyze international legal personality and its legal nature opposite functions that are dampened and transnational capabilities, the UN priority today. Also, it gives the reasons why the debate on UN reform should remain open.

The aim of this study is to examine from the perspective of a qualitative methodology the characteristics of the legal status of the UN in space and in time to create a model based on Charter and on the real exercise of its functions but not according to denomination. The theories on international legal personality, the distribution of the United Nations and the consequences are not treated for this reason in this study. Also, historical and legal methods are used.

The legal status of UNO is a tool to fulfil mission in approach of action of International Law, the challenge of the debate today. UNO was established in 1945 and acts are based on its Charter and international documents. The UN mission has changed today but the International Order is not in danger because the target of the UN is its renewal through reforms.

The open debate on reform gives a contribution on evolution of International Law.

Keywords: The UN, Debates, Reason, Legal Status, Mission, Subject.

1. The debates on subjects of International Law

“The subject of International Law is an organ or entity that has ability to have rights and obligations and to exercise them in accordance with International Law”. This definition is discussed among the critics and supporters of the legal nature of the International Law. The critics of the legal nature of International Law argue dependence of "legal subjectivity" by such criteria as "real existence... political recognition", while the supporters deny them.¹ According to them the International Law exists through an evolution since antiquity.² The evolution of International Law consists in term, object, subject, content and its implementation.³ This means that “jus gentium [-] jus inter gentes [-] [c]ivitas [g]entium [m]axima [-] international law”⁴ as a system of norms and rules of conduct regulates the relations among subjects of International Law that are states, international organizations, individuals, corporations.

The adding of subjects of International Law testifies the change of international legal subjectivity from absolute to relative. The strongest argument is “the fact that the measure of international legal subjectivity given by International Law can vary in dependence of concrete subject” This focuses the statement that the classification of entities of International Law according to activities that carry out “is more accurate” than the classification by their name. So, the UNO is derived subject of International Law if performs “its functions really”, based on the Charter and international documents. Good examples are: “the ICJ reports no.174, 1949, no. 66, 1996”⁵. The changing of UN functions is worrying for international doctrine. The good example is the argument of Professor Liang Xi, a participant in “the World Jurist Association’s 22 nd Biennial Congress on

¹ See: Dixon M., 2010, “E drejta ndërkombëtare”, Tiranë: AHS, pg 168-169.

² See: Dixon M., 2010, *E drejta ndërkombëtare*, Tiranë: AHS, pg 35-38, 52-58, 60. Baça F., 2010, “Shqipëria dhe organizatat ndërkombëtare, Tiranë: Globus R, pg 32-35.

³ See: Puto A., 2010, “E drejta ndërkombëtare publike”, Tiranë: Dudaj, pg 5-99.

⁴ See: Puto A., 1994, “E drejta ndërkombëtare publike”. Tiranë: Albin, pg 76-77, 98

⁵ See: Dixon M., 2010, “E drejta ndërkombëtare”, Tiranë: AHS, pg 168-170, 180-181.

the Law of the World “held on 4 th September -10 th, 2005 in China. According to him the UN’s mission had changed and the reform was necessity for its survival and the “International Order”⁶.

2. The creation of UNO

The United Nations organization was established on 24th October, 1945 as consequence of international organizations evolution not only in terms but also in contents.⁷ It⁸ was conceived as an “Amphictyonic Council” in Antiquity. Amphictyonic Council was a temporary organ to administer the rules and ecclesiastical norms to / between states such as Greece⁹, India, China and Egypt. An international organization was conceived as “an authoritarian complex structure “under the leadership of the pope in the Middle Ages. This structure presented in the form of an Icumenic Council, Chivalric Order, judicial decision¹⁰, arbitration decision¹¹ connected “indipendent political communities” with each - other.¹² “Peace of Westpfhalia “brought the creation of new states in 1648.¹³

The following years brought the consideration of the international organization as “European Concert”. The European Concert was presented as a meeting of five countries: Austria, Britain, Prussia, Russia and France (when the peace was violated in Europe)¹⁴ which was concluded with the signing of an agreement. Technological and industrial revolutions in the 19-th century influenced in the creation of non- public international mergers

⁶ Xi L., 2005, “United Nations at a Crossroads”, 22 nd Biennial Congress Report, Beijing, pg 15-16; Gabel D., (2005) “United Nations: “Its Role, Function, and Reform”, *The World Jurist*, Vol.42, No, 4&5, pg 15-16.

⁷ On the meaning of International organizations see further: Armstrong D., Llojd L., Redmond J., 2009, *Organizatat ndërkombëtare në politikën botërore*. Tiranë: AIIS. pg. 9.

⁸ International Governmental Organization. See further: Armstrong D., Llojd L., Redmond J., 2009, *Organizatat ndërkombëtare në politikën botërore*. Tiranë: AIIS. pg 9.

⁹ The word is for the cities- states of Greece... Indian states...ibid, pg 9-10.

¹⁰ See: ibid, pg 10.

¹¹ See: Dixon M., 2010, *“E drejta ndërkombëtare”*, Tiranë: AIIS, pg 370.

¹² Armstrong D., Llojd L., Redmond J., 2009, *Organizatat ndërkombëtare në politikën botërore*. Tiranë: AIIS, pg 9-11.

¹³ Puto A., 1995, *“E drejta ndërkombëtare II”*, Tiranë: Albin, pg 256.

¹⁴ Armstrong D., Llojd L., Redmond J., 2009, *Organizatat ndërkombëtare në politikën botërore*. Tiranë: AIIS, pg 14

(NGOs¹⁵) and public (government) and the notion of the international conference.¹⁶ 1863, 1873 marked the establishment of international nongovernmental unions like “the International Committee of the Red Cross, the Association of International Law”¹⁷ while 1875, 1878 marked the creation of international governmental unions as General “Postal” Union, Universal Postal Union”.¹⁸ According to these unions the states collaborated in a sustainable manner in solving of problems in specific fields.

The Congress of Vjena in 1815 where many countries took part showed that international issues would be the object of the discussions and the treatments in international conferences. Positive examples were: the conference held in 1856 Paris, conferences of Berlin held from 1884 to 1885;¹⁹ Hague conference held in 1899.²⁰ January of 1918 brought the use of the term international organization provided as the League of Nations in a point program presented by US President Wilson. This project became a reality at Paris Peace Conference on 28 April 1919 and entered into force “as an integral part in the peace treaties with Germany, Austria, Hungary and Bulgaria”.²¹

The League of Nations through its organs was obliged to perform the defined duties in the statut. The duties were “the Maintenance of peace and international security and the development of international cooperation”. Non performance of them²² and the struggle of people against the fascism and the aggression brought the idea²³ to create a new universal organization with designation “United Nations”.²⁴ The decision was

¹⁵ See: Armstrong D., Llojd L., Redmond J., 2009, “Organizatat ndërkombëtare në politikën botërore”. Tiranë: AHS, pg 19.

¹⁶ See: *ibid*, pg 9-14.

¹⁷ Puto A., 1995, “E drejta ndërkombëtare II”, Tiranë: Albin, pg 257.

¹⁸ Armstrong D., Llojd L., Redmond J., 2009, “Organizatat ndërkombëtare në politikën botërore”. Tiranë: AHS, pg 11-12.

¹⁹ Puto A., 1995, “E drejta ndërkombëtare II”, Tiranë: Albin, pg 256-257. Note. These examples are mentioned to concrete the case.

²⁰ Armstrong D., Llojd L., Redmond J., 2009, “Organizatat ndërkombëtare në politikën botërore”. Tiranë: AHS, pg 15. Note: These examples are mentioned to concrete the case.

²¹ See: Puto A., 1995, “E drejta ndërkombëtare II”, Tiranë: Albin, pg 259.

²² See: *ibid*, pg 271

²³ See: *ibid*, pg 272; Armstrong D., Llojd L., Redmond J., 2009, “Organizatat ndërkombëtare në politikën botërore”. Tiranë: AHS, pg 58.

²⁴ Puto A., 1995, “E drejta ndërkombëtare II”, Tiranë: Albin, pg 256-273.

formulated at the Moscow conference in October of 1943 by representatives of United States, Soviet Union and Great Britain.

Dumbarton Oaks²⁵ conference held from August to September in 1944 in Washington determined many details with exception of the Security Council's issue of veto.²⁶ It was discussed at Yalta in February 1945. San Francisco Conference developed from April until Jun in 1945 established the right of "veto" that had every permanent member of Council Security in all procedural matters, created the Trusteeship Council, the Economic-Social Council, and the clarity of the General Assembly power as the main UN bodies. The UN creation brought the distribution of the League Nations in April 1946.²⁷

3. Legal Nature of UNO

The United Nations is not state. The state comprises several elements such as territory, population, government.²⁸ The population is not in the same sense with nationality. The terms: territory, [p]eople, [n]ations are provided in Preamble of the Charter of the United Nations [forming the concept of nation states].²⁹ "The sovereignty of nation" does not belong to the theory formulated by French Constitutional Assembly.³⁰ The identification of transformations in the nature of the United Nations is possible by brief analyzing of its government.³¹

²⁵ What is Dumbarton Oaks see: Ibid, 273.

²⁶ On meaning of veto and more see: Armstrong D., Llojd L., Redmond J., 2009, "Organizatat ndërkombëtare në politikën botërore". Tiranë: AIIS, pg 57.

²⁷ See: Puto A., 1995, "E drejta ndërkombëtare II", Tiranë: Albin, pg 272-275.

²⁸ See: Dixon M., 2010, "E drejta ndërkombëtare", Tiranë, pg 168-178.

²⁹ See: The United Nations website. [Online]. Available from: <http://www.un.org/en/documents/charter/preamble.shtml>, [Accessed 1 May, 2013]; on the nationality is expressed and the Constitutional Court of Albania with decision no.52/2011, pg. 8, Official Newspaper no.163.2011.

³⁰ See further: Omari L., 2007, "Parime dhe institucione të së drejtës publike", Tiranë: Elena Gjika, pg. 60.

³¹ See: Morgenthau H., 2008, "Politika ndërmjet kombeve, lufta për pushtet". Tiranë: AIIS, pg 352, 356.

4. The identity of the UN

The UN Charter in the first chapter, article 2, does not define any “fundamental principle of justice” [such as the principle of separation of powers: legislative, executive, judicial]³², does not refer it in the other articles or sources.³³ It provides political bodies as the Secretariat, the General Assembly and the Security Council.³⁴ The first General - Secretary (G-S) was Trygve Lie from Norway.³⁵ His successor from Sweden Dag Hammarskjöld brought UN flourishing “transforming it into a dynamic system of governance”.³⁶ He impacted positively in International Law. The achievements included the release of prisoners (“members of the Air Force”) held by Chinese authorities “during Korean war” in 1954; the maintenance of the peace in Egypt through the deployment of UN peace troops there in 1956; the extent of influence of the organization in other countries as Lebanon, Jordan in 1958; his visit in Laos in 1959; the controlling of the operation of “Congo”.³⁷

The arrival of Secretary- General “from Burma” U.Thant in 1961 gave a further development to UN. The criticisms towards the Secretariat administration brought its replacement by the Austrian Kurt Waldheim. Positive example of activity was the restriction of function of Secretary-General.³⁸ The period from 1982 to 2000 marked the tension of US-UN relations and Secretaries- General of UN Perez de Cuellar and Boutros - Ghali didn't influence in their mitigation. The successor Secretary-General Kofi Annan brought the improving of the relations among them.³⁹ 2007 brought the Secretary - General Ban Ki -Moon at the top of the UN.⁴⁰

³² The principle of separation of powers see further: Omari L., 2007, “Parime dhe institucione të së drejtës publike”, Tiranë: Elena Gjika, pg 107-119.

³³ See: Morgenthau H., 2008, “Politika ndërmjet kombeve, lufta për pushtet”, Tiranë: AIIIS, pg 355-356.

³⁴ See: United Nations Rule of Law website: [Online]. Available from: <http://www.unrol.org/files/UNcharter.pdf>. [Accessed 1 May, 2014].

³⁵ See: Armstrong D., Llojd L., Redmond J., 2009, “Organizatat ndërkombëtare në politikën botërore”. Tiranë: AIIIS, pg 74-76.

³⁶ See: Morgenthau H., 2008, “Politika ndërmjet kombeve, lufta për pushtet”, Tiranë: AIIIS, pg 358.

³⁷ See: Armstrong D., Llojd L., Redmond J., 2009, “Organizatat ndërkombëtare në politikën botërore”, Tiranë: AIIIS, pg 74-76. Note. Is became word for UN

³⁸ See: *ibid*, pg 100-103

³⁹ For more see: *ibid*, pg 108-112, 165-168, 183-186.

⁴⁰ See: Baça F., 2010, “Shqipëria dhe Organizatat ndërkombëtare”, Tiranë: Globus R, pg. 108.

The General Assembly (GA) functions in private and public level.⁴¹ It discusses, investigates and recommends but does not act when has threat to international peace or security in accordance with the provisions of Statute.⁴² It adopted a set of resolutions in favor of third world interests to conclude business agreements with the foreigners based on legal principles. "The United Nations Conference on Trade and Development" in 1964 influenced in the improvement of trade problems that had the developing countries.

After 1970s the western countries conceded the existence of economic inequality in the world. The oil crises which felt much in the development countries brought the request for a "New International Economic Order (NIEO)". The adoption of two resolutions at the sixth specific session and "the Charter on the economic rights and the obligations of states" at the UN regular session in 1974 was good examples. "The perspective of NIEO was waned." The GA did not change the discriminatory racial policies of states radically as in the case of Britain to Rodezia and in the case of South Africa. Also, the efforts to strengthen the General Assembly from 1980 to 1999 failed.

The twenty-first century brought priorities to the GA. The important event was the holding of the Summit on September of two - thousand. The achievement of this Summit was not only the approval of Millennium Declaration and the creation of a "global north-south agreement" intentionally the strengthening of cooperation between states but also was attended by more state leaders than in other activities of the UN.⁴³ Also, the GA through the establishment of the International Law Commission continues the work on the development and codification of International Law.⁴⁴ The full codification does not exist despite of the efforts of physical and juridical persons through the centuries. The preparation of projects by the Commission (the "open sea regime, the regime of territorial waters, on

⁴¹ See: Armstrong D., Llojd L., Redmond J., 2009, "Organizatat ndërkombëtare në politikën botërore", Tiranë: AIIS, pg 89.

⁴² Is the word for the articles 10-14 of Charter. See further: Morgenthau H., 2008, "Politika ndërmjet kombeve, lufta për pushtet", Tiranë: AIIS, pg 353.

⁴³ See: Armstrong D., Llojd L., Redmond J., 2009, "Organizatat ndërkombëtare në politikën botërore", Tiranë: AIIS, pg 76, 84-89, and 168-170.

⁴⁴ See further: Dixon M., 2010, "E drejta ndërkombëtare", Tiranë: AISS, pg 30-31.

diplomatic immunities and privileges, on the consular and treaties law ...") has led the development of many international conferences.⁴⁵

The Security-Council (SC) is a executive UN organ.⁴⁶ The Security Council had 11 members in 1961 where five members were permanently and six members weren't permanently. The number of non-permanent members continues to grow. This growth can influence in the solution of conflicts with difficulty and ineffectiveness between the states as "the loss of warm relations" among them.⁴⁷ Permanent members are: United States of America, Russian Federation, China, Great Britain and France.⁴⁸ They have the right of veto which means a "vote against a draft resolution" [rejects]. The United States and other powerful states could leave from UN if is deprived of the right of veto in every case. This brings its weakness,⁴⁹ thus, "[the] UN Charter does not provide possibility that the United Nations to act as an international government ...in order to subdue the China, the United States and the Soviet Union...against their will".⁵⁰

The infringement of permanent members' interests in states such as Afghanistan, Iraq, Lebanon, Czechoslovakia, Vietnam also explains passive attitude of SC (non action de jure) towards the use of force in these states.⁵¹ The active attitude of SC in favor of their interests influenced in the rejection of the UN from the countries such as Cuba, Hanoi.... These examples told that the ability to act of UN was restricted from 1960 to 1980. Its impact (towards the maintaining peace and security in the international

⁴⁵ On the meaning of the codification see further: Puto A., 2010 "E drejta ndërkombëtare publike", Tiranë: Dudaj, pg 23- 26, on the meaning of Physical and legal persons and the World conferences for human rights see further: Dixon M., 2010, "E drejta ndërkombëtare", Tiranë: AIIS, pg 447.

⁴⁶ See: Morgenthau H. 2008, "Politika ndërmjet kombeve, lufta për pushtet", Tiranë: AIIS, pg 352.

⁴⁷ See: Armstrong D., Llojd L., Redmond J., 2009, "Organizatat ndërkombëtare në politikën botërore". Tiranë: AIIS, pg 163.

⁴⁸ See: Puto A., 2009, "E drejta ndërkombëtare", Tiranë: Dudaj, pg 492-495?; Puto A., 2010, "E drejta ndërkombëtare publike", Tiranë: Dudaj, pg 487.

⁴⁹ See further: Armstrong D., Llojd L., Redmond J., 2009, "Organizatat ndërkombëtare në politikën botërore", Tiranë: AIIS, pg. 164.

⁵⁰ See: Morgenthau H., 2008, "Politika ndërmjet kombeve, lufta për pushtet", Tiranë: AIIS, pg 355.

⁵¹ See: Dixon M., 2010, "E drejta ndërkombëtare", Tiranë, pg 40-43, Armstrong D., Llojd L., Redmond J., 2009, "Organizatata ndërkombëtare në politikën botërore", Tiranë: AIIS, pg 96.

arena) in some cases wasn't great and other cases were zero.⁵² The efforts to reform the Security Council are without effects.⁵³ The UN continues its commitment on prevention of conflict and post conflicts practices to states renewing efforts [every year] to make them comprehensibly and effectively.⁵⁴ "Positive example is"⁵⁵ the prohibition of sexual violence against women during the fighting in the Democratic Republic of Congo.⁵⁶

The Trusteeship Council is another UN body which is transformed in "historical organ". The testimony is the suspension from UN current activity.⁵⁷ The Economic and Social Council is non political UN body which coordinates "social and economic activities". The International Court of Justice (ICJ) is another UN "non political body". It gives "decisions and advisory opinions".⁵⁸ The ICJ has achieved positive and negative results during activity. The positive results are after 1990s that include "major international crisis as the hostilities in Kosovo and Congo, the destruction of a U.S. passenger plane in Lockerbie, in Scotland, the claims of Croatia against Yugoslavia."⁵⁹ It also is expressed about questions that have to do with mutual assistance in criminal matters, on the diplomatic relations.⁶⁰

The good examples are: "Djibouti v. France" where two countries entered in odds with each-other because of the claim of Borrell's widow that her husband was killed by government officials in Djibouti from President Ismael Omar Guelleh;⁶¹ "Honduras against Brazil No. 16, 2010" where Honduras had presented a request to the ICJ by 28 October 2009. The Court stated for not taking of actions until in a further notice while the

⁵² See: Armstrong D., Llojd L., Redmond J., 2009, "Organizatat ndërkombëtare në politikën botërore", Tiranë: AHS, pg 95-104.

⁵³ See: *ibid*, pg 162-165.

⁵⁴ See: Bulletin of the World Jurist Association, Jan/Feb, 2010, Vol.47, Nr.1, 2010, pg 5.

⁵⁵ See: Dixon M., 2010, "E drejta ndërkombëtare", Tiranë: AHS, pg 41.

⁵⁶ See: The World Jurist Association., 2010, "United Nations Update", *The World Jurist*, Vol.47.No.1, pg 5.

⁵⁷ On the activity of the UN main organ Trusteeship Council see further: Puto A., 2010, "E drejta ndërkombëtare publike", Tiranë: Dudaj, pg. 490.

⁵⁸ See: Armstrong D., Llojd L., Redmond J., 2009, "Organizatat ndërkombëtare në politikën botërore", Tiranë: AHS, pg 77, 186-187.

⁵⁹ See: Armstrong D., Llojd L., Redmond J., 2009, "Organizatat ndërkombëtare në politikën botërore", Tiranë: AHS, pg 78, 186-187.

⁶⁰ See: Armstrong D., Llojd L., Redmond J., 2009, "Organizatat ndërkombëtare në politikën botërore", Tiranë: AHS, pg 82-86, 89-92.

⁶¹ See: Pancholy S., 2009, "Updates from the United Nations. Important Cases Affecting International Law", *The World Jurist*, Vol.46. No. 1, pg 5-6.

Government of Honduras through a letter dated on 3th May, 2010 signed by its ambassador in the Hague Mr. Canauhati informed the Court that the Honduran government didn't continue the actions undertaken based on a request made against Brazil. The request was registered officially.⁶² Three organs are out the scope of this topic due to their non political nature.

5. International legal personality of the UN

The legal status of the UN has functional nature, ie. the UN has legal personality that means the international rights and obligations based in Charter and in exercising of the functions specifically. So, the Security Council has in disposition the arms troops or other necessary means to cope an aggression on the base of a signed agreement between the UN and the member states.⁶³ It takes coercive measures with military, economic, diplomatic, political, social character with decision not only toward states but also to "non-governmental units". The UN use force in Korea in 1950, restrictions and trade embargoes against South Africa, Serbia and Montenegro, notably in 1977, 1992, interrupted the air relations with Libya in 1992, 1993, took economic and financial measures against "Al Qaeda organization."⁶⁴

The Economic and Social Council has the right to terminate the agreements with specialized institutions. The signing of agreements makes them to connect with the organization. It also realizes some specific decisions of the UN organs connecting agreements from the member states.⁶⁵ Also, the Economic and Social Council and the General Assembly have right to require the expertise in the International Justice of Court for specific matters. Good examples are the processes "on the privileges and immunities" and use nuclear weapons or threats in accordance with the International Law.⁶⁶

The UN don't enjoy in full measure "immunities and privileges" in accordance with the international documents. Every member state recognizes legal capacity of the UN as long as accomplishes its duties and

⁶² See: International Court of Justice website. [Online]. Available from: <http://www.icj-cij.org/docket/index.php?p1=3&p2=5&p3=1&y=2010>. [Accessed 15 August, 2011].

⁶³ See: Puto A., 2009 "E drejta ndërkombëtare", Tiranë: Dudaj, pg 100.

⁶⁴ See: Dixon M., 2010, "E drejta ndërkombëtare", Tiranë, pg 42-43.

⁶⁵ See: Puto A., 2009, "E drejta ndërkombëtare", Tiranë: Dudaj, pg 100.

⁶⁶ See: Dixon M., 2010, "E drejta ndërkombëtare", Tiranë, pg 181.

the purpose of setting in that territory. Good example is the agreement between UN and Switzerland in 1946 where Swiss courts adjudicate the organization only if expresses its consent.⁶⁷ The conclusion of international agreements, the acquisition of immovable and movable property and their disposition, the bond of contracts, the exit as party to court, also show the international legal personality of the UN.⁶⁸

6. UN other tools

The headquarters and financial resources are other tools that the United Nations uses to fulfill its mission. Buildings of the UN are set in an area of New York and the headquarters of its branches in the territories of different continents that are outside the jurisdiction of these states. The seat of this branch of the UN for Europe is Geneva in Switzerland.⁶⁹ The concerns for United Nations are the financial crisis. The budget has been some times “in critical points”, for instance, in 1962, 1987, 1990.⁷⁰ The United Nations survives through the reforms.⁷¹

7. UN priorities: transnational capacity

The United Nations must realise the “Millenium Development Goals and the development Agenda beyond 2015. The[c]limate change remains a top priority.”⁷² [Also, the other targets as] the reduction of poverty, hunger, diseases, the fight against terrorism present “the [UN] capacity to deal with the transnational problems” and its position in “World system”.⁷³

⁶⁷ See: Puto A., 2009 “E drejta ndërkombëtare”, Tiranë: Dudaj, pg 100-101.

⁶⁸ See: Puto A., 2009, “E drejta ndërkombëtare”, Tiranë: Dudaj, pg100-101.

⁶⁹ See: *ibid*, pg 101.

⁷⁰ See: Armstrong D., Llojd L., Redmond J., 2009, “Organizatat ndërkombëtare në politikën botërore”, Tiranë: AIIS, pg 102, 110, 166-167. Note: The financial resources are provided in 17 and 19 Articles of the UN Charter.

⁷¹ See: Zierlein K., 2005, 22 nd Biennial Congress Report, Beijing, pg15.

⁷² “Climate change remains a top priority. Also is disarmament, combating crises and poverty, global health, peace and security in Sudan, Middle East, Iraq, Haity, Responsibility to protect th women. Un reform and Accountability”. See further: The United Nations website. [Online]. Available from: <http://www.un.org/sg/PublicDisclosure.shtml>; <http://www.un.org/sg/priority.shtml>, [Accessed 5 August, 2011]; The United Nations website. [Online]. Available from: <http://www.un.org/en/development/>, [Accessed 17 March, 2014].

⁷³ See: Zierlein K., 2005, ? 22 nd Biennial Congress Report, Beijing, pg15.

8. The appeal of new regionalism

The growing trend of globalization is challenged by new regionalism. The negative consequences of globalization have added commitments of states in many “regional agreements” after 1990’s. Also, the analysts argue that the new regionalism process has advantages over the globalization process⁷⁴. [This priority in the future could distribute the UNO; thus, the question is focused: How can be prevented it?

The UN target is its renewal through reforms. Also, the distribution of UNO and the consequences in Albania are out the aim of study. For these reasons, the debate on UN reform remains opened.

9. Conclusions

The United Nations is derived subject of International Law. It was established on 24th October, 1945 on base of the international organizations evolution. The United Nations is not state. It acts based in the Charter and other international documents. The United Nations has achieved positive and negative results during its activity. The General Assembly, the Security Council, and the Secretary-General exercise the limited political functions while the Economic and Social Council, the International Court of Justice and the Trusteeship Council have economical & social, judicial, historical functions; thus, the United Nations is not global government. The UN has the right to represent, to conclude the international agreements with its members and other international organizations, to sign contracts, to acquire and to dispose immovable and movable property, to exit as a party in court, to enjoy immunities and privileges. The headquarters is not concern for the UN but the budget is. The limited political UN functions and financial crisis brought new capacities as the deal of transnational problems. Their deal presents the UN in world system. The growing trend of globalization is challenged by new regionalism. The UN mission has changed and the International Order today is not in danger because the UN target is its renewal through reforms. So, the UN and the International Law are in evolution which suggests further studies in the future.

⁷⁴ See further: Armstrong D., Lloid L., Redmond J., 2009, “Organizatat ndërkombëtare në politikën botërore”, Tiranë: AHS, pg 287-325.

List of references

- Armstrong D., Llojd L., & Redmond J., (2009) "Organizatat ndërkombëtare në politikën botërore". Tiranë: AIIS.
- Baça F., (2010) "Shqipëria dhe Organizatat ndërkombëtare", Tiranë: Globus R.
- Dixon M., (2010) "E drejta ndërkombëtare", Tiranë: AIIS. "Fletore Zyrtare" (2003), Tiranë: QPZ "Fletore Zyrtare"(2011), Tiranë: QPZ
- Gabel D., (2005) "United Nations: "Its Role, Function, and Reform", *The World Jurist*, Vol.42, No, 4&5, pg 15-16.
- Gubernick R., Malik A., Ogunyemi F., (2010) "United Nations Update", *The World Jurist*, Vol.47.No.1, pg 5.
<http://www.un.org/en/documents/charter/preamble.shtml>, [Accessed 1May, 2013].
<http://www.unrol.org/files/UNcharter.pdf>, [Accessed 1May, 2014].
- Important Cases Affecting International Law", *The World Jurist*, Vol. 46. No. 1, pg 5-6.
- Morgenthau H.,(2008) "Politika ndërmjet kombeve,lufta për pushtet", Tiranë: AIIS.
- Omari L., (2007) "Parime dhe institucione të së drejtës publike", Tiranë: Elena Gjika.
- Pancholy S., (2009)"Updates from the United Nations.
- Puto A., (1994), "E drejta ndërkombëtare publike", Tiranë: Albin, 1st Edition
- Puto A., (1995), "E drejta ndërkombëtare publike", Tiranë: Albin, 2nd Edition
- Puto A., (2009), "E drejta ndërkombëtare", Tiranë: Dudaj.
- Puto A., (2010), "E drejta ndërkombëtare publike", Tiranë: Dudaj.
- The International Court of Justice website [Online]. Available from:
<http://www.icjci.org/docket/index.php?p1=3&p2=5&p3=1&y=2010>, [Accessed 15 August, 2011].
- The United Nations website. [Online].Available from:
 The United Nations website. [Online]. Available from:
<http://www.un.org/en/development/>, [Accessed 17 March, 2014].
- The United Nations website. [Online]. Available from:
[http://www.un.org/sg/Public Disclosure.shtml](http://www.un.org/sg/Public%20Disclosure.shtml);
<http://www.un.org/sg/priority.shtml>, [Accessed 5 August, 2011].
- United Nations Rule of Law website:[Online].Available from:
- Xi L., 2005, "United Nations at a Crossroads"? 22 nd Biennial Congress Report, Beijing, pg 15-16

Zierlein K., 2005, "United Nations: Its Role, Function, and Reform", 22nd Biennial Congress Report, Beijing, pg 15.