

*Nichyporenko G.V., PhD student  
(National Aviation University, Ukraine)*

## **International legal mechanisms exclusion of a state from international organizations**

*This report examines the international legal mechanisms for the inclusion of states in international organizations. It examines the grounds and procedures for exclusion, as well as examples from the practice of the UN, the Council of Europe and other organizations. Special attention is paid to the political and legal consequences of exclusion for states and the international community.*

### **International legal mechanisms**

The international legal mechanism for expelling states from international organizations is a complex and multifaceted process based on international law and the internal rules of each organization. It combines legal, political and moral aspects and can have a significant impact on the international community. The importance of state expulsion lies in the fact that it is a last resort to ensure compliance with international obligations and restore the broken international order.

First, the basis for the expulsion of states is the provisions contained in the charters and other constituent documents of international organizations. These documents clearly define the rights and obligations of member states, as well as the mechanisms for their expulsion in case of violation of their obligations. For example, the UN Charter contains provisions allowing for the expulsion of states that systematically violate the principles enshrined in the Charter. This requires a resolution of the General Assembly on the recommendation of the Security Council.

While obtaining certain rights, international organizations also bear responsibility for the conduct of their activities as a whole or for individual employees. If an international organization inadvertently causes damage to a state in the performance of its duties, it is obliged to compensate for this damage. For example, military operations by UN and NATO forces often cause environmental problems and material damage to civilians.

In such cases, the organization allocates funds to compensate for losses. International law provides for sanctions against offenders in connection with violations of the rules of conduct by individual members of the organization. The most common violations can be classified as follows: failure to comply with the organization's decisions, actions that deviate from the principles set out in the organization's charter, failure to fulfill financial obligations, and acts of aggression against other states.

Depending on the severity of the violation, the following sanctions are applied:

- termination of voting rights in the organization's bodies;
- deprivation of technical and financial assistance;
- temporary suspension of membership in the organization;
- expulsion from the organization;

- use of armed forces against the offender [1, p. 33-34].

The grounds for deportation depend on the nature of the offense. They include serious violations of international norms, such as aggression against another state, genocide, large-scale human rights violations, and failure to fulfill obligations to maintain international peace and security. States that violate these principles lose the legitimacy of their membership, as their actions contradict the fundamental purposes and principles of the organization.

The political context plays a crucial role in the exclusion process. Even if a state violates its international obligations, its expulsion usually depends on the political will of other member states. In the UN, for example, expulsion decisions require the support of the permanent members of the Security Council, which can be a serious obstacle in the event of political disagreements between major powers.

There are also a number of procedural problems in the expulsion procedure. For example, the Council of Europe in its Charter provides for the possibility of expelling states that systematically violate fundamental principles such as democracy, human rights and the rule of law. This decision is made on the basis of a vote of the member states. In the case of Russia, its expulsion in 2022 for the attack on Ukraine was a vivid example of the use of this mechanism.

In addition to the legal aspects, it is important to consider the moral dimensions of state exclusion. International organizations were created to protect and promote peace, security, human rights and cooperation among states. When states violate these principles, expulsion can be a symbolic act that reaffirms the international community's commitment to these values. It also increases the credibility of the organization and strengthens its ability to take action against violators.

However, not all international organizations provide for direct exclusion mechanisms. For example, the European Union (EU) does not have a procedure for expelling member states, but it does have other means of pressure, such as sanctions and voting rights restrictions. For example, the EU can impose sanctions on countries that violate fundamental EU values such as democracy and the rule of law, effectively isolating them from important decision-making processes.

Another important aspect is the consequences of expulsion for states. States expelled from international organizations may lose international prestige, opportunities for economic cooperation, and access to important financial and technical assistance. This can have serious domestic economic and political consequences, forcing states to reconsider their policies.

On the other hand, the exclusion of a state can also have negative consequences for the organization itself. Isolating states limits opportunities for dialogue and diplomacy and makes conflict resolution more difficult. For example, when a state is excluded, the organization loses the ability to influence the behavior of that state through multilateral channels, which can lead to further escalation of the conflict.

In international law, the exclusion of a state is also a precedent-setting tool. It sends an important signal to other states that violate international norms that the international community will not tolerate such behavior. It creates a mechanism of preventive pressure that encourages states to comply with their international obligations.

It should be noted, however, that exclusionary mechanisms are often seen as a last resort. Most international organizations try to find other ways to resolve disputes, such as negotiations, sanctions or other forms of pressure, before resorting to exclusion. This is due to the fact that exclusion is not only legally but also politically complicated and can affect the stability of international relations.

An example is the expulsion of the USSR from the League of Nations. When a conflict crisis arose between the member states of the League of Nations, the case was referred to the Security Council or the Court of Arbitration, consisting of neutral states. If necessary, all members of the League of Nations were obliged to sever all economic and cultural relations with the aggressor and declare a general blockade. The crisis of the League of Nations was particularly acute after the failure of the International Conference on Disarmament, from which Germany and Japan withdrew in 1933. The USSR used the League of Nations as a platform for political propaganda instead of resolving real international disputes. The ineffectiveness of the League of Nations was evident in the discussion of complaints about Japanese aggression against China in 1931, Italian aggression against Ethiopia (1935-36), and Soviet aggression against Finland (1939-40). The League of Nations failed to take effective measures against the aggressors: the expulsion of the USSR from the League of Nations in December 1939 was more of a desperate measure than real help to the victims of aggression [2, p. 76-77].

An important example of the use of exclusion mechanisms is the case of South Africa during the apartheid regime: In the 1960s, the country was expelled from many international organizations because of its racist policies. This exclusion had serious international consequences, and eventually South Africa was forced to reform its political system. Thus, exclusion can be an instrument of influence aimed at changing the domestic policy of a state.

Another example is the expulsion of Yugoslavia from international organizations during the Balkan wars. This measure was intended to put pressure on the Yugoslav government, which pursued an aggressive policy during the conflict. The expulsion was part of a broader international campaign aimed at resolving the conflict and protecting human rights.

In the current context, the exclusion of states from international organizations may be a response to new challenges, such as cybercrime, international terrorism, and violations of climate change commitments. For example, if a state systematically violates a climate change agreement, international organizations may consider isolating or expelling that state as a means of ensuring compliance with global environmental standards.

Finally, on September 16, 2022, Russia withdrew from the European Convention for the Protection of Human Rights and Fundamental Freedoms. This was the result of Russia's expulsion from the Council of Europe. The European Court of Human Rights has finally lost jurisdiction over Russia and is considering thousands of complaints against Russia, including those filed by Ukraine. This was reported by Volodymyr Yavorsky, human rights activist at the Center for Civil Liberties: "Russia's current position is that it has no obligations, as it withdrew from the Convention on Human Rights in March." He also emphasizes this: "The ECHR, from the point of view of procedure, cannot make a decision without taking into account Russia's

position. Moreover, a judge from this country must be present at the hearing" [3, p. 171].

Exclusion mechanisms are becoming increasingly important with the development of globalization and cross-border challenges. International organizations are facing new challenges that require flexible and effective tools to ensure accountability of member states. This requires the development of new mechanisms or modernization of existing procedures to ensure their effectiveness in the current environment.

### **Conclusions.**

Thus, international legal mechanisms for expelling states from international organizations are an important means of ensuring compliance with international obligations and maintaining the international legal order. They have a complex legal and political structure, and their effectiveness depends on international support and political context. In the future, these mechanisms may become even more important to respond to new global challenges and threats.

### **References**

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