# State and Supranational order: The European Framework





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THE EUROPEANIZATION OF CONSTITUTIONAL LAW. THE IMPACT OF EU LAW ON NATIONAL SOURCES OF LAW, FORM OF GOVERNMENT, RIGHTS AND FREEDOMS.

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# Definition of International Global Organizations

- International global organisations are entities established by formal political agreements between their members that have the status of international treaties
- •Their existence is recognised by law in their member countries
- Every State can (eventually) participate in this kind of organization, notwithstanding the geographical collocation

- •The UN is the most important international global organization
- It was established on 24 October 1945 to promote peace and cooperation among the States
- At first, the UN had 51 member States; nowadays it counts 193 member States (all the States except Vatican City and the Palestine)



- •The General Assembly is the main deliberative assembly of the UN
- It represents all the member states
- It approves recommendations that usually are not binding for member states, but that are politically important because they represent the international community's position about a certain issue

- •The Security Council is the executive body of the UN
- The Security Council is made up of 15 member states: 5 permanent (China, France, Russia, the United Kingdom, and the United States) and 10 non-permanent members for 2 years term
- It has the power to make binding decisions
- •The 5 permanent members hold veto power over UN resolutions

- The International Court of Justice is the primary judicial organ of the UN
- •It is composed of 15 judges who serve 9-year terms and are elected by the General Assembly and the Security Council
- •Its main function is to adjudicate disputes among states

- Others bodies of the UN are the Secretariat (the administrative body of the organization) and the Economic and Social Council (that promote economic and social co-operation among the States)
- •The UN can establish specialized agencies to fulfill specific duties (the most important are the UNICEF, the FAO, the UNESCO, the UNHCR, the IMF, the WTO, the ILO...).

# Definition of International Regional Organizations

- International regional organisations are entities established by formal political agreements between their members that have the status of international treaties
- •Their existence is recognised by law in their member countries
- •They include states with common goals and belonging to the same geographical area

### Goals of International Regional Organizations

- These international organizations include states with common goals, which can be of various nature and extent
- •The most important goals of these kind of international organization are the economic and political integration and the protection of human rights

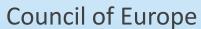
### The main International Regional Organizations

- For economic/political integration
  - European Union (Europe)
  - Mercosur, Caribbean Community, Andean Community (Latin America)
  - Nafta (North America)
  - Asean (Asia)
- For the protection of human rights
  - Council of Europe (Europe)
  - Interamerican Court of Human Rights (America)
  - African Court of Human and Peoples' Rights (Africa)

### Two different organizations in Europe

- •In the European continent there are 2 different organizations!!!!!
- •The EU and the CoE differ each others for the goals, for the extension and for the kinf of organization
- •As for the goals, the main aim of the EU is to promote political and economic integration, while the CoE deals with the protection of human rights
- As for the extension, the EU includes 28 States, while the CoE includes 47 States
- As for the kind of organization, the UE is a supranational organization, while the CoE is an international organization

### Two different organizations





European Union



# The Council of Europe: historical development

- •1949: Ten States (Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom) sign the Treaty of London establishing the Council of Europe
- ■1950: the ten States sign the European Convention on Human Rights (ECHR) (formally the Convention for the Protection of Human Rights and Fundamental Freedoms)
- In these decades, many States have joined (now 47) and other treaties and protocols to the ECHR have been signed

### The Council of Europe: organization

- •The Parliamentary Assembly includes national parliamentarians from all member states and elects its President for a year; it is a representative body
- •The Committee of Ministers, includes the Ministers of Foreign Affairs of the member states; it is the decision making body
- •The Secretary General is elected for a five years terms by the Assembly on the recommendation of the Committee; he is responsible for the activities of the Council.
- •The Congress of Local and Regional Authorities comprises political representatives from local and regional authorities in all member states

# The Council of Europe: the European Court of Human Rights



# The Council of Europe: the European Court of Human Rights

- •The most important body is the European Court of Human Rights
- It includes 47 judges (one for each State) elected for a non-renewable nine-year term by majority vote in the Parliamentary Assembly from the three candidates nominated by each member State
- It can work in Committees (3 judges), Chambers (7 judges) or Grand Chamber (17 judges); the plenary court has no judicial, but electoral and administrative functions

### The Council of Europe: the European Court of Human Rights

- •Its main function is to hear applications by individuals, non-governmental organisations, groups of individuals or a State against a member State, alleging a violation of the rights recognized by the European Convention on Human Rights
- •The Court decides cases by majority (separate opinions are admitted)
- It may order the member state to redress violations or to pay material and/or moral damages and the legal expenses
- It can also deliver advisory opinions on the interpretation of the European Convention on Human Rights