

рактёра, пользуются также те, которые были лишены свободы или свобода которых была ограничена в связи с вооруженными конфликтами. Это значит, что дополнительные Женевские протоколы значительно расширили круг лиц, находящихся под защитой международного права.

3. Во втором дополнительном протоколе подчеркивается, что данный «Протокол не применяется к случаям нарушения внутреннего порядка и возникновения обстановки внутренней напряженности, – таким, как беспорядки, отдельные и спорадические акты насилия и иные акты аналогичного характера, поскольку таковые не являются вооруженными конфликтами».

IV. 1. A distinction must be made between international armed conflicts and non-international armed conflicts. This distinction is taken into consideration in two protocols additional to the Geneva Conventions of 1949 adopted at the Diplomatic Conference in Geneva in March-June 1977.

2. The first additional Protocol applies not only to wars between States, but also to "armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right to self-determination".

3. The first additional Protocol concerns the protection of victims of international armed conflicts (Protocol I). The second additional Protocol regulates the protection of victims of non-international armed conflicts (Protocol II).

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– International humanitarian law covers two areas: the protection of those who are not, or no longer, taking part in fighting; restrictions on the means (in particular weapons) and the methods of warfare, such as military tactics.

– **Что такое «защита»?**

– International humanitarian law protects those who do not take part in the fighting, such as civilians and medical and religious military personnel. It also protects those who have ceased to take part, such as wounded, shipwrecked and sick combatants, and prisoners of war.

These categories are entitled to respect for their lives and for their physical and mental integrity. They also enjoy legal guarantees. They must be protected and treated humanely in all circumstances, with no adverse distinction.

More specifically: it is forbidden to kill or wound an enemy who surrenders or is unable to fight; the sick and wounded must be collected and cared for by the party in whose power they find themselves. Medical personnel, supplies, hospitals and ambulances must all be protected.

– **Какие ограничения устанавливает международное гуманитарное право в отношении средств и методов ведения войны?**

– International humanitarian law prohibits all means and methods of warfare which: fail to discriminate between those taking part in the fighting and those, such as civilians, who are not, the purpose being to protect the civilian population, individual civilians and civilian property; cause superfluous injury or unnecessary suffering; cause severe or long-term damage to the environment. Humanitarian law has therefore banned the use of many weapons, including exploding bullets, chemical and biological weapons, blinding laser weapons and anti-personnel mines.

– **Насколько эффективно международное гуманитарное право?**

Sadly, there are countless examples of violation of international humanitarian law. Increasingly, the victims of war are civilians. How-

ever, there are important cases where international humanitarian law has made a difference in protecting civilians, prisoners, the sick and the wounded, and in restricting the use of barbaric weapons.

– **Как обеспечить выполнение норм международного гуманитарного права?**

– Measures must be taken to ensure respect for international humanitarian law. States have an obligation to teach its rules to their armed forces and the general public. They must prevent violations or punish them if these nevertheless occur. In particular, they must enact laws to punish the most serious violations of the Geneva Conventions and Additional Protocols, which are regarded as war crimes.

TEST

I. 1. prohibits; 2. outbreak; 3. are suspended; 4. mercenaries; 5. nineteenth; 6. are entitled; 7. surrenders; 8. exploding; anti-personnel; 9. coercion; 10. enjoy; 11. captivity; 12. combatant; prisoner; 13. leave; 14. universal; 15. alien.

II. 1. up; 2. in; 3. in; 4. on; 5. of; 6. of, to; 7. under; 8. against; 9. on; 10. upon; 11. on; 12. on; 13. for; 14. for; 15. during.

III. 1. Во Втором дополнительном протоколе содержится указание на то, что он применяется ко всем вооруженным конфликтам, не подпадающим под действие Первого дополнительного протокола к Женевским конвенциям и происходящим на территории какой-либо Высокой Договаривающейся Стороны между ее вооруженными силами и антиправительственными вооруженными силами или другими организованными вооруженными группами, которые, находясь под ответственным командованием, осуществляют контроль над частью ее территории, позволяющий им проводить непрерывные согласованные действия и применять настоящий Протокол.

2. В Протоколе II говорится, что покровительством законов и обычаев войны в конфликтах, не носящих международного ха-

24. 1) to harm the enemies; 2) surface and submarine fleets; 3) naval aviation; 4) the rule of the inadmissibility of bombardment; 5) the high seas; 6) territorial waters; 7) internal maritime waters; 8) vulnerable object; 9) trade relations; 10) suffocating, poisonous gases and substances; 11) treacherous killing or wounding of civilians and military personnel; 12) cruel treatment of non-combatant population; 13) disparagement of human dignity; 14) taking of hostages; 15) the use of torture; 16) to prohibit military operations; 17) civilian population; 18) unprotected objects; 19) means of mass destruction; 20) to pursue a racial policy; 21) enemy's resistance; 22) to prohibit the threat and use of terror; 23) methods and means of warfare; 24) naval forces; 25) the rules of naval warfare; 26) the rules of land warfare; 27) to cause widespread, long-term and severe damage to the natural environment; 28) explosive bullets or shells; 29) development, production, stockpiling of bacteriological and toxin weapons; 30) biological agents and toxins.

25. 1. F. The rules of air warfare laid down in 1923 at the Hague have *not* become treaty norms. 2. F. The Hague Convention of 1907 prohibits the bombardment by naval forces of undefended ports, towns, villages, dwellings or buildings. 3. T. 4. F. The Geneva Protocol of June 17, 1925 prohibits *the use in war of suffocating, poisonous or other similar gases and substances, and also the use of bacteriological weapons*. 5. T. 6. T. 7. F. The Convention on the Prohibition of the Development, Production, Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction was signed on 10 April 1972. 8. T. 9. T. 10. F. The aim of naval warfare is *not* only to inflict the greatest possible damage on the naval forces, the ports and coastal areas of the enemy, *and not only to preserve or achieve military advantage at sea, but also to prevent the enemy sustaining trade relations with other countries via sea routes*.

29.

– **Что такое международное гуманитарное право?**

– International humanitarian law is a set of rules which seek, for humanitarian reasons, **to limit the effects of armed conflict**. It pro-

fects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict.

– **Является ли международное гуманитарное право частью международного права?**

International humanitarian law is a part of international law, which is the body of rules governing relations between States. International law is contained in agreements between States – treaties or conventions –, in customary rules, which consist of State practice considered by them as legally binding, and in general principles.

– **К чему восходит международное гуманитарное право?**

– International humanitarian law is rooted in the rules of ancient civilizations and religions – warfare has always been subject to certain principles and customs.

– **Когда началась всеобщая кодификация МГП?**

Universal codification of international humanitarian law began in the nineteenth century. Since then, States have agreed to a series of practical rules, based on the bitter experience of modern warfare. These rules strike a careful balance between humanitarian concerns and the military requirements of States.

– **Каковы основные источники МГП?**

– A major part of international humanitarian law is contained in the four Geneva Conventions of 1949. Nearly every State in the world has agreed to be bound by them. The Conventions have been developed and supplemented by the Additional Protocols of 1977. Other agreements prohibit the use of certain weapons and military tactics and protect certain categories of people and goods.

– **К чему применимо международное гуманитарное право?**

– International humanitarian law applies only to armed conflict; it does not cover internal tensions or disturbances such as isolated acts of violence. The law applies only once a conflict has begun, and then equally to all sides regardless of who started the fighting.

– **Какие области охватывает международное гуманитарное право?**

19. 1) раненые – the wounded; 2) захват заложников – taking of hostages; 3) увечье – mutilation 4) жестокое обращение – cruel treatment; 5) пытка – torture; 6) грубое нарушение человеческого достоинства – outrage upon personal dignity; 7) принимать во внимание – to take into consideration; 8) чудовищные преступления – monstrous crimes; 9) проводить биологические опыты – to carry out biological experiments; 10) оставлять кого-либо без медицинской помощи – to leave smb without medical aid or help; 11) гуманное, человеческое обращение – humane treatment; 12) устрашение – intimidation; 13) оскорбление – insult; 14) состояние здоровья – state of health; 15) профессиональная квалификация – professional skill; 16) военная оккупация – military occupation; 17) послевоенная оккупация – post-war occupation; 18) ответственность (наказание) за агрессию – a penalty for aggression; 19) Гагская конвенция о законах и обычаях сухопутной войны – the Hague Convention concerning the Laws and Customs of War on Land; 20) обеспечивать общественный порядок – to ensure public order; 21) средства обороны – means of defense; 22) присягать на верность неприятельской державе – to take oaths of loyalty to an enemy power; 23) иметь право на уважение семейных прав и религиозных убеждений – to have the right to enjoy respect for their family rights and religious convictions; 24) запугивание и оскорбление – intimidation and insults; 25) моральное и физическое принуждение – physical or moral coercion.

20. 1) armed or auxiliary forces, to exert pressure on them, or to engage in propaganda to persuade them join the enemy army. 2) Geneva Conventions of 1949. 3) sex, race, nationality, religion and political convictions. 4) respect for their family rights and religious convictions. 5) army or means of defence, or to take oaths of loyalty to an enemy power. 6) killing or destroying them, subjecting them to torture, carrying out biological experiments on them, deliberately leaving them without medical aid or help, and deliberately creating conditions intended to lead to their infection. 7) it is actually placed under the

authority of the hostile army. 8) penalty for aggression. 9) prisoners of war. 10) armed forces of another.

21. 1) in the event of occupation; 2) private property; 3) damage or destroy; 4) an occupying power; 5) military operations; 6) drafted and signed; 7) in the event of armed conflict; 8) cultural property; 9) origin; 10) architectural and historical monuments; 11) works of art, manuscripts, books and also scientific collections; 12) buildings, whose primary and actual purpose is to preserve or exhibit movable objects of cultural value; 13) The protection of cultural property; 14) prohibit the use of cultural property; 15) to prohibit, prevent and terminate any acts of stealing, looting; 16) to prohibit the requisitioning and refrain from any repressive measures against cultural property; 17) prohibits any acts of hostility; 18) cultural or spiritual heritage of peoples.

23. 1. violate; 2. killing; 3 torture; 4. inhuman; 5. deportation; 6. weapon; 7. civilian; 8. warfare; 9. injury; 10. pillage

a	k	n	z	o	g	w	m	r	a	j	o	k	i
p	i	l	l	a	g	e	b	t	l	k	l	l	n
e	l	v	a	w	a	a	i	n	j	u	r	y	h
l	l	i	t	f	k	p	l	i	s	j	a	a	u
o	i	o	o	a	s	o	x	o	o	a	i	j	m
k	n	l	w	p	o	n	v	r	o	t	a	s	a
f	g	a	d	e	p	o	r	i	a	t	i	o	n
d	t	t	r	n	v	m	m	u	p	i	a	l	p
a	o	e	t	v	a	w	a	r	f	a	r	e	h
c	i	v	i	l	i	a	n	e	m	o	e	o	a

warring State 9) to take **up** arms 10) inhabitants **of** a non-occupied territory 11) to comply **with** the conditions 12) outbreak **of** war 13) to be assigned **to** a neutral State 14) to be waged **among** the armed forces 15) to be directed **against** civilian populations.

12. 1) k 2) d 3) i (a) 4) o 5) n(l) 6) b 7) j 8) g 9) l (n) 10) i (a) 11) c 12) e 13) f; 14) h 15) m

13.

1. Modern international law prohibits any unleashing of aggressive wars – whether with or without the declaration of war.

2. A declaration of a state of war between two States produces specific legal consequences in the relations between them.

3. The protection of the interests of a warring State and of its nationals is usually assigned to a neutral State, which maintains diplomatic relations with both warring parties.

4. Various limitations are applied to nationals of a warring State who are on the territory of an enemy State. They may be obliged to reside for the duration of the war in a specific region, or else may be interned.

5. The outbreak of war seriously affects the international treaties of warring States. Bilateral political treaties (concerning non-aggression, neutrality) concluded before the war either lose their force or are suspended. Treaties concluded in the event of war are viewed as coming in force, and with the beginning of military operations acquire particular importance (treaties relating to the rules of waging war, demilitarized zones, etc).

6. According to the Geneva Convention of 1949 relative to the Treatment of Prisoners of War, the inhabitants of a non-occupied territory who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war, also enjoy the rights of combatants (Art. 4 [6]).

7. All categories of combatants are viewed as legitimate combatants if they comply with the following conditions laid down by the Conventions :

1) they are commanded by a person responsible for his subordinates;

2) they have a fixed distinctive sign recognizable at a distance;

3) they carry arms openly;

4) they conduct their operations in accordance with the laws and customs of war.

8. The concept of “volunteer units” also extends to persons who have expressed their desire to leave their country and participate in military operations on the side of the people of a foreign State struggling for freedom and independence.

9. The regular naval forces include warships of any type and designation, auxiliary warships providing supplies to naval forces in the form of ammunition, combat materiel or troop transport, and also special landing ships and former merchant ships reequipped as warships. In air warfare the crews of military aircraft are the combatants.

10. The Geneva Conference of 1977 does not recognize mercenaries as legitimate combatants.

15. 1) C 2) A 3) B

16. 1. from; 2. in; 3. of; to; 4. against; of; 5. under; of; 6. of; on; 7. for; 8. on; 9. from; of; to; 10. to; 11. against; 12. in; 13. on; 14. from; 15. to

17.

1) to torture: torture (n); – torturer (n); – torturous(adj).	6) to treat – treatment (n).
2) to murder: murder (n); – murderer (n); – murderous (adj).	7) to execute – execution (n); – executed (adj).
3) to mutilate – mutilation(n); – mutilated (adj).	8) to intimidate – intimidation (n).
4) to outrage: outrage (n); – outrageous(adj).	9) to insult – insult (n).
5) to humiliate: humiliation (n); humiliating (adj).	10) to coerce – coercion (n); – coercible (adj).

18. 1) c; 2) e; 3) j; 4) a; 5) i; 6) b; 7) d; 8) g; 9) f; 10) h

TEST

I. 1) commercial; 2) utilization; 3) global; regional; 4) principles; 5) pollutants; 6) deterioration; 7) Hostile; 8) celestial; 9) contamination; 10) substances.

II. 1) on; of; 2) at; of; 3) with; 4) by; 5) in; 6) in; 7) on; of; 8) for; 9) out; 10) by; 11) of; for; 12) in; 13) of; 14) to; 15) of; into.

III. 1. Договаривающиеся Стороны, учитывая должным образом соответствующие факты и проблемы, выражают решимость охранять человека и окружающую его среду от загрязнения воздуха и будут стремиться ограничивать и, насколько это возможно, постепенно сокращать и предотвращать загрязнение воздуха, включая его трансграничное загрязнение на большие расстояния.

2. Конвенция о международной торговле видами дикой фауны и флоры, находящимися под угрозой исчезновения, 1973 года налагает ограничения и вводит контроль над международной торговлей вымирающими животными и растениями посредством системы импортно-экспортных разрешений. Цель Конвенции – предотвратить чрезмерную эксплуатацию исчезающих видов фауны, и флоры.

3. Конвенция об охране всемирного культурного и природного наследия 1972 года призвана, в частности, создать эффективную систему коллективной охраны памятников природы (уникальных природных комплексов, районов обитания исчезающих животных и растений и т.п.).

IV. 1. The protection of those species of wild animals that, in the course of their natural cycle, constantly cross the borders of States, is covered by the 1979 Convention on the Conservation of Migratory Species of Wild Animals signed in Bonn.

2. This Convention establishes general norms for the behaviour of States in relation to wild animals migrating through their territories. Annexes to the Convention contain lists of migrating species that are

threatened by extinction, and also of those species that will be the object of special agreements by interested States.

3. The 1972 Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, totally prohibits the dumping in the sea of radioactive waste and provides for rigorous control.

UNIT 10. INTERNATIONAL HUMANITARIAN LAW

1. 1) b 2) b 3) a 4) c 5) b

4.

noun	verb		noun	verb
confrontation	confront		urge	urge
violence	violate		disarmament	disarm
conduct	conduct		wound	wound
cease	cease		amelioration	ameliorate

5. 1) d 2) i 3) f 4) h 5) g 6) b 7) a 8) j 9) c 10) e.

6. 1) c; 2) h 3) a 4) g 5) b 6) d 7) f 8) e

7. 1) nations, peoples and individuals. 2) violence so as to limit the suffering which is its inevitable consequence. 3) conduct in war. 4) disarmed and wounded enemy fighters. 5) civilians and the vanquished. 6) rules of international law protecting the victims of conflict. 7) 16 States in 1864. 8) the two Protocols additional to the Geneva Conventions of 1949. 9) the conduct of hostilities in modern wars. 10) universal in their application.

8. 1. combatants; 2. war; 3. warship; 4. military aircraft; 5. volunteer

10. unaggressive war; illegal consequences; unofficial relations; unnecessary assistance; non-occupied territory; irregular armed units; illegitimate combatants

11. 1) to fight **in** an armed conflict 2) to enter **into** war 3) customs of war 4) **on** the side of the warring States 5) declaration of war 6) a prisoner of war 7) participate **in** military operations 8) request of a

13. 1) at the global level or the regional level; 2) the serious pollution of the marine environment in many areas of the World Ocean; 3) the pollution of the marine environment; 4) petroleum and petroleum-water mixtures from ships; 5) in 1983; 6) pollution of the marine environment by any substances, including petroleum, liquid poisonous substances, waste waters and garbage discharged into the sea from ships; 7) not be buried at all; 8) raw and fuel petroleum, heavy diesel fuel and oil, highly radioactive waste products, mercury and mercury compounds, stable plastics, and also materials produced for biological and chemical warfare; 9) measures of a global character are complemented by regional cooperation among States; 10) carrying out this task.

14. 1) legal regime; 2) navigation; 3) are utilized; 4) water resources of these rivers 5) pollution and depletion; 6) an integral natural complex; 7) codify the principles and norms; 8) special international agreements; 9) riparian States; 10) equal and equitable water utilization; 11) riparian State; 12) refrain from damaging; 13) utilization and protection; 14) water course or a water system; 15) water utilization on border rivers.

18. 1) – f 2) – g 3) – j 4) – i 5) – e; 6) – d; 7) – b; 8) – c; 9) – a 10) – h

19.

noun	verb	noun	verb
1) modification	<i>modify</i>	<i>protection</i>	1) protect
2) deterioration	<i>deteriorate</i>	<i>destruction</i>	2) destroy
3) achievement	<i>achieve</i>	<i>damage</i>	3) damage
4) precipitation	<i>precipitate</i>	<i>transformation</i>	4) transform
5) regulation	<i>regulate</i>	<i>threat</i>	5) threaten
6) exploration	<i>explore</i>	<i>penetration</i>	6) penetrate
7) contamination	<i>contaminate</i>	<i>contribution</i>	7) contribute
8) environment	<i>environ</i>	<i>recognition</i>	8) recognize
9) irradiation	<i>irradiate</i>	<i>existence</i>	9) exist
10) reduction	<i>reduce</i>	<i>signature</i>	10) sign

20. d 2-j 3-h 4-a 5-f 6-e 7-i 8-c 9-g 10-b

21. 1) o; 2) a; 3) w 4) b 5) v; 6) s; 7) z; 8) c; 9) y; 10) f; 11) d; 12) t; 13) x; 14) e; 15) g; 16) h; 17) i; 18) u; 19) j; 20) k; 21) l; 22) p; 23) m; 24) n; 25) q; 26) r

22. *Международно-правовая охрана животного и растительного мира*

Расширение масштабов вмешательства человека в естественные процессы ведет к деградации природы, исчезновению многих видов фауны и флоры, уменьшению популяций диких животных, уничтожению мест их обитания. С лица Земли уже безвозвратно исчезло несколько сот видов птиц, рыб, млекопитающих и растений. Сегодня под угрозой исчезновения находятся такие редкие животные, как синий кит, азиатский носорог, горная горилла. Не случайно, что принятием в начале века ряда соглашений, направленных на охрану представителей животного мира, и началось, по существу, становление международно-правовой охраны окружающей среды.

Существующие в этой области соглашения регулируют главным образом вопросы охраны:

- мигрирующих птиц и животных (Международная конвенция об охране птиц 1950 г.);
- отдельных видов животных (Соглашение об охране белых медведей 1978 г.);
- районов обитания мигрирующих животных (Конвенция о водноболотных угодьях, имеющих международное значение, главным образом в качестве места обитания водоплавающих птиц 1972 г.);
- отдельных экосистем и природных комплексов (Конвенция об охране природы в Южной части Тихого океана 1976 г.);
- растений (Международная конвенция об охране растений 1951 г., Соглашение об охране растительного мира региона Юго-Восточной Азии и Тихого океана 1956 г., Соглашение о сотрудничестве в области карантина и защиты растений от вредителей и болезней 1959 г., заключенное рядом социалистических стран).

5. 1) natural environment; 2) species of animals; 3) productive forces; 4) intensive utilization; 5) ecological crisis; 6) rational utilization; 7) urgent global problem; 8) modern age; 9) regional level; 10) play the leading role; 11) living resources; 12) Earth's atmosphere; 13) circum terrestrial; 14) outer space; 15) radioactive contamination; 16) legal protection; 17) international custom; 18) multinational rivers; 19) improvement of the planetary environment; 20) protection of the waters.

6. 1) cooperation; 2) utilization; 3) legal protection; 4) take; 5) unilateral; 6) well-being; 7) treaties; 8) advantage; 9) inalienable; 10) dispose; 11) respect; 12) inflicting; 13) customary; 14) recognition; 15) ensure; 16) jurisdiction; 17) prohibited.

7. 1) The first treaties concerning the protection of the natural environment had already appeared at the turn of the century. 2) The revolution in science and technology and the rapid development of the productive forces of society have intensified the impact of man's economic activities on the natural environment, and have considerably widened the sphere of his intervention in natural processes. 3) The intensive utilization of natural resources and the pollution of the planet's biosphere have brought the human race to the brink of a serious ecological crisis. 4) The international legal protection of the environment is a relatively new but rapidly developing part of modern international law. 5) International custom also plays an important role in the protection of the environment. 6) An important role in the development of the international legal protection of the environment is played by resolutions adopted by international organizations, and above all by the United Nations and its specialized agencies. 7) The basic principles of international law also apply to cooperation among States in the conservation and utilization of the natural environment and its resources. 8) They are: the principle of protecting the environment; the principle of inalienable sovereignty over natural resources and the principle of not inflicting damage on the environment beyond national state jurisdiction. 9) This principle means that each State has the sovereign right to dispose freely of its own resources in accordance with its policy on the environment, and obligates other States to respect that right. 10) Yes, States have the duty to cooperate

with one another in environmental conservation and in balanced utilization of natural resources. Such cooperation is effected in accordance with treaties on the basis of equality and mutual advantage.

9. 1) - e 2) - i 3) - d 4) - f 5) - g 6) - b 7) - c 8) - j 9) - h 10) - a

11. 1) regional cooperation; 2) dangerous substances and materials; 3) liquid poisonous substances; 4) an effective instrument; 5) raw and fuel petroleum; 6) intensive shipping; 7) extraction of mineral resources; 8) International Convention for the Prevention of Pollution from Ships; 9) utilization of the seas; 10) discharging and burying industrial and household waste products; 11) to take urgent measures; 12) waste waters; 13) joint actions by States; 14) marine environment; 15) to discharge of petroleum and petroleum-water mixtures from ships; 16) at the global level; 17) heavy diesel fuel and oil; 18) prevention of the pollution; 19) land-based sources; 20) garbage; 21) the seabed and of its subsoil; 22) London Convention for the Prevention of Pollution of the Sea by Oil; 23) to impose on States specific obligations; 24) mercury and mercury compounds; 25) discharge of waste products from ships; 26) pollution of the marine environment by any substances; 27) petroleum; 28) deliberate burial; 29) Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter; 30) materials produced for biological and chemical warfare;

12.

1) poison(n) - to poison- poisoner (n) poisonous(adj)	6) to waste - waste (n) - waste (adj) - wastable (adj)
2) to dump - dumping (n) - dump (n)	7) resource (n) - to resource - resourced (adj) - resourceful (adj) - resourcefully (adv) - re- sourcefulness (n)
3) to pollute - pollutant (n) - pol- luter(n); pollution (n) - polluted (adj)	8) to impose; imposition (n)
4) environment (n) - environmental (adj)- environmentally (adv) - envi- ronmentalism (n) - environmentalist (n)	9) to prevent - preventable (adj) - prevention (n) - preventive (adj) - preventative (adj)
5) to discharge - discharge (n) dis- chargeable (adj); discharger (n)	10) to bury - burial (n)

15) to punish piracy on the open sea карать/наказывать за пиратское действия в открытом море

16) maritime piracy морское пиратство

17) traffic in slaves работорговля

18) illicit traffic of narcotic drugs незаконная торговля наркотическими средствами

19) trafficker лицо, занимающееся незаконной торговлей наркотиками; торговец незаконными товарами

20) extradition crime преступление, за которое виновный подлежит выдаче другому государству

21) extraditable crime преступление, за совершение которого возможна выдача преступника другому государству

22) commonly deplored crimes всеми осуждаемые виды преступности

23) crime against peace преступление против мира

24) crime against humanity / mankind преступление против человечества

25) traffic in arms торговля оружием

TEST

I. 1) crimes; 2) units; 3) substances; 4) Piracy; 5) Extradition ; 6) wastes; 7) international character; 8) High Seas; 9) treaties; 10) domestic

II. 1) against; 2) -; 3) with; 4) on; 5) out; 6) on; 7) to; 8) from; 9) for; 10) into; 11) from; 12) for; 13) to; 14) at; 15) -

III. 1. Государство-участник, на территории которого предполагается преступник подвергается уголовному преследованию, сообщает в соответствии со своим законодательством об окончательных результатах разбирательства Генеральному секретарю Организации Объединённых Наций, который направляет эту информацию другим заинтересованным государствам и заин-

тересованным международным межправительственным организациям.

2. Лица, в отношении которых имеются доказательства о совершении ими военных преступлений и преступлений против человечества, подлежат привлечению к судебной ответственности и, в случае признания их виновными, наказанию, как общее правило, в странах, где они совершили эти преступления. В соответствии с этим государства осуществляют сотрудничество в вопросах выдачи таких лиц.

3. Государство-участник, на территории которого удерживается захваченный преступником заложник, принимает все меры, которые оно считает целесообразными для облегчения положения заложника, в частности обеспечения его освобождения и содействия, в соответствующем случае, его отъезду после освобождения.

IV. 1. Persons charged with genocide shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

2. Every State has the right to try its own nationals for war crimes against humanity.

3. War crimes and crimes against humanity, wherever they are committed, shall be subject to investigation and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment.

UNIT 9. INTERNATIONAL LEGAL PROTECTION OF THE ENVIRONMENT

1. 1) b 2) c 3) a 4) c 5) b

4. 1) with, at; 2) with; 3) of; 4) in; 5) in; 6) within, of.

18. 1) f 2) h 3) j 4) a 5) i 6) b 7) c 8) d 9) g 10) e

19. 1) f 2) h 3) a 4) g 5) b 6) d 7) c 8) e

1) competent court; 2) criminal prosecution; 3) suspected criminal; 4) grave punishment; 5) multilateral convention; 6) mutual agreement; 7) convicted person; 8) competent court

20. 1) by; 2) with; 3) out; 4) on; 5) to; 6) for; 7) into; 8) to; 9) to; 10) at; 11) on; 12) for; 13) to; 14) in; with; 15) on; of

21. 1) Yes, the States concerned provide legal assistance to each other by fulfilling requests to undertake the appropriate procedural actions. 2) Yes, they are quite diverse. 3) The extradition of criminals represents an act of legal assistance by one State to another State (the requestor) with the aim of carrying out a criminal prosecution, finding and arresting a suspected criminal in order to bring him to court or for executing the sentence. 4) a) the person whose extradition is requested is a citizen of the State receiving the request; b) the crime has been committed on the territory of the State receiving the request; c) the criminal prosecution, according to legislation of the State receiving the request, cannot be initiated, or else the sentence cannot be carried out as a result of the expiry of the time-limit or for other reasons; d) with regard to the person who has committed the crime the organs of the State receiving the request have already arrived at a verdict or have ceased prosecution; e) the crime, according to the legislation of both States, is prosecuted in a form of special charge. 5) No, in multilateral conventions on the suppression of international crimes, extradition isn't viewed as a legal obligation of the State to which the request is addressed. 6) Yes, in the absence between States of special treaties on extradition, multilateral conventions can be viewed by States as constituting a juridical basis for the extradition. 7) The transfer of the convicted person is not effected if: a) according to the legislature of the State whose citizen he is, the activity for which he was sentenced is not a crime; b) in the State whose citizen the convicted person is, he has already served his sentence for this same

crime or was exonerated, or else the case was closed; c) the punishment cannot be carried out in the State whose citizen the convicted person is as a result of the expiration of the time-limit or on some other grounds; e) the convicted person is a permanent resident on the territory of the State whose court issued the verdict; f) agreement was not reached concerning the transfer of the convicted person under the terms envisaged by the Convention. 8) Yes, the transfer of the convicted person may take place only after the verdict has entered into legal force, and may be carried out on the initiative of either of the interested states.

23. 1) x; 2) e; 3) a; 4) m; 5) y; 6) s; 7) i; 8) b; 9) o; 10) c; 11) w; 12) d; 13) v; 14) f; 15) u; 16) g; 17) k; 18) j; 19) l; 20) p; 21) n; 22) t; 23) q; 24) r; 25) h

1) piracy on the high seas пиратство в открытом море;

2) highly sophisticated crime преступление с использованием новейшей техники

3) crime of international significance преступление международного характера

4) to extradite smb. pursuant to article to a state выдавать кого-л. в соответствии со статьёй какому-л. государству

5) war criminal военный преступник

6) legal basis for extradition юридическое основание для выдачи (преступника)

7) request for extradition просьба о выдаче (преступника)

8) to be excluded from extradition не подлежать выдаче

9) to grant extradition осуществить / разрешить экстрадицию, удовлетворить требование о выдаче (преступника)

10) to make extradition conditional on the existence of a treaty обуславливать выдачу (преступника) наличием договора

11) to refuse extradition отказать в выдаче (преступника)

12) extradition treaty договор о выдаче преступников

13) extradition of the criminal выдача преступника (иностран-ным государством)

14) air/ aviation piracy воздушное пиратство, угон самолетов

11.

noun	verb	adjective
murder	to murder	murderous
protection	protect	protected
violence	violate	violent
force	force	forcible
mutiny	mutiny	mutinous
deliberation	deliberate	deliberate
injury	injure	injured
damage	damage	damaged
offence	offend	offensive
falsification	falsify	false
exploit	exploitation	exploitative

12. Down: 1. procuration; 2. seizure; 3. kidnap; 4. plunder; 5. piracy;
Across: 6. substance; 7. brothel; 8. injury; 9. mutiny; 10. bill.

1 p	r	o	c	u	r	a	t	i	o	n	6 s	
8 i			b 7								u	
n		9 m	r	4 p	l	u	n	d	e	r	b	
j		u	o	2 s	e	i	z	u	r	e	s	
u		t	t					10 b			t	
r		i	h			3 k	i	d	n	a	p	
y		n	e				l				n	
		y	l				l				c	
				5 p	i	r	a	c	y		e	

13. 1) a Head of State; 2) a member of a collegial organ; 3) to cause serious injury; 4) danger to health; 5) money unit; 6) inducement to prostitution; 7) beyond the boundaries of the jurisdiction of any one of the States; 8) procuration; 9) harmful substances; 10) murder; 11) counterfeiting; 12) kidnapping; 13) securities; 14) attack on the person or on the freedom; 15) to run a brothel; 16) attack on the official premises; 17) in circulation; 18) threats and attempts to attack; 19) violence, forcible detention, plunder; 20) control over; 21) to mutiny; 22) pollution of the sea with petroleum; 23) slave trade; 24) radioactive substance; 25) harm marine life and resources; 26) the Convention on Psychotropic Substances; 27) the Convention on the Physical Protection of Nuclear Material; 28) illegal application.

14. 1) T. 2) F. The Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents came into force in 1977. 3) F. According to international legal norms, piracy is any unlawful act of violence, forcible detention or plunder, committed against any ship or aircraft, against persons and property that are on board, at the time when the ship or aircraft is in the high seas or in other locations beyond the boundaries of the jurisdiction of any one of the States. 4) F. The Convention on the Physical Protection of Nuclear Material was opened for signing on 3 March, 1980. 5) T. 6) T. 7) F. The falsification and sale of various securities, tokens of postal payment, i.e. actions that have not been regulated under the International Convention for the Suppression of Counterfeiting Currency, should be equated with criminal operations with currency. 8) T.

15. 1) adoption; 2) jurisdiction; 3) committed; 4) committed; 5) alleged; 6) accused; 7) extradition; 8) competent; 9) legislation; 10) suppression; 11) application; 12) grave; 13) High; 14) punished; 15) Narcotic

17. 1 - B 2 - G 3 - A 4 - D 5 - F 6 - E

2. Каждый человек имеет право на свободное выражение своего мнения; это право включает свободу искать, получать и распространять всякого рода информацию и идеи, независимо от государственных границ, устно, письменно или посредством печати или художественных форм выражения, или иными способами по своему выбору.

3. Каждому, кто законно находится на территории какого-либо государства, принадлежит, в пределах этой территории, право на свободное передвижение и свобода выбора местожительства.

4. Все лица, лишённые свободы, имеют право на гуманное обращение и уважение достоинства, присущего человеческой личности

IV. 1) Any propaganda for war shall be prohibited by law.

2) No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

3) Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

4) Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

UNIT 8. INTERNATIONAL COOPERATION

IN CRIME CONTROL

1. 1) c; 2) b; 3) a; 4) c; 5) a

4.

noun	verb	noun	verb
offence	offend	investigation	investigate
punishment	punish	drug	drug

crime	criminalize	counterfeit	counterfeit
witness	witness	extradition	extradite

5. 1) f 2) j 3) a 4) i 5) h 6) b 7) c 8) e 9) g 10) d

6. 1) the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents; 2) offence; 3) the Single Convention on Narcotic Drugs; 4) criminal policy; 5) criminal liability; 6) the Convention on the High Seas; 7) to carry out the illegitimate policies; 8) recruiting; 9) public danger; 10) the Convention for the Suppression of Unlawful Seizure of Aircraft; 11) a crime of an international character; 12) extradition of criminals; 13) suppression; 14) coordinated actions; 15) to investigate; 16) court examination; 17) crime control; 18) legal assistance; 19) victim; 20) material evidence; 21) to prevent and put an end to crimes of an international character; 22) establishment of jurisdiction over crimes; 23) inevitability of punishment; 24) legal assistance on criminal matters; 25) legal means; 26) sovereign rights; 27) International Convention for the Suppression of Counterfeiting Currency; 28) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation; 29) law of the sea; 30) financing and training of mercenaries.

7. *Suggested answers:* 1) international organizations; 2) international problems of a social and humanitarian character; 3) within the framework of; 4) preventing and stopping crimes; 5) Under the aegis of the United Nations; 6) UN General Assembly; 7) the seizure of aircraft; 8) the Single Convention on Narcotic Drugs; 9) narcotics control; 10) legal status; 11) one of the auxiliary agencies of the United Nations; 12) the Economic and Social Council; 13) under the auspices of the United Nations; 14) international criminal police organization (Interpol); 15) combating criminal offences.

10. 1) c; 2) i; 3) a; 4) g; 5) h; 6) b; 7) j; 8) d; 9) f; 10) e

the right to participation in public affairs and elections; 19) необоснованное посягательство на жизнь – arbitrary deprivation of life; 20) рабство и принудительный труд – slavery and forced labour; 21) несанкционированный арест или содержание под стражей – arbitrary arrest and detention; 22) разжигание расовой или религиозной ненависти – advocacy of racial and religious hatred

22.

• *How does the UN defend vulnerable groups in society?*

• Организация Объединенных Наций является защитником наиболее уязвимых групп общества — меньшинств, трудящихся-мигрантов, беженцев, коренного населения и детей, особенно детей, находящихся в трудном положении, — и предпринимает усилия для улучшения их бедственного положения. В рамках Организации Объединенных Наций для защиты уязвимых групп населения были заключены такие международные договоры, как Конвенция 1989 года о правах ребенка и Конвенция 1990 года о защите прав всех трудящихся-мигрантов и членов их семей. Организация Объединенных Наций проводит международные кампании с целью повышения степени информированности международной общественности о проблемах, затрагивающих уязвимые группы населения.

• *What is the role of the UN Commission on the Status of Women?*

• Комиссия Организации Объединенных Наций по положению женщин, учрежденная в 1946 году, ежегодно проводит сессии, на которых обсуждаются вопросы прав женщин. Она выносит рекомендации по проблемам, требующим незамедлительного внимания, и способствует принятию международных правовых норм в поддержку прав женщин.

• *What other organs are devoted to women's issues?*

• Два органа Организации Объединенных Наций занимаются исключительно вопросами женщин. Фонд Организации Объединенных Наций для развития в интересах женщин (ЮНИФЕМ)

финансирует проводимую в интересах женщин новаторскую деятельность в целях развития, особенно в сельских районах развивающихся стран. Международный учебный и научно-исследовательский институт по улучшению положения женщин (МУ-НИУЖ) использует новые информационные технологии для содействия улучшению положения женщин и предоставления им более широкого доступа к информационным технологиям

• *Why do we need an International Criminal Court?*

• Международный уголовный суд был создан для судебного расследования преступлений геноцида, военных преступлений и преступлений против человечности. Вопрос об учреждении такого суда давно стоял в повестке дня Организации Объединенных Наций, однако ужасающие кровавые расправы в Камбодже, бывшей Югославии и Руанде придали еще большую актуальность этому вопросу. Статут Суда, разработанный Комитетом, учрежденным Генеральной Ассамблеей, с участием более чем 100 государств-членов, был одобрен 120 странами на конференции, состоявшейся в Риме в 1998 году. Получив необходимые 60 ратификаций, Суд начал функционировать 1 июля 2002 года.

TEST

I. equal; 2) freedom; 3) arbitrarily; 4) 30 articles; 5) before; 6) equal; 7) entitled; 8) on; 9) ethnocentrism; 10) petty apartheid; 11) standards; 12) International Criminal Court; 13) provisions; 14) auspices; 15) trade .

II. 1) by; 2) to; 3) on; 4) under; 5) between; 6) on; 7) through; 8) for; 9) under; 10) between; 11) within; 12) from; 13) before; 14) up; 15) against.

III. 1. Всякое выступление в пользу национальной, расовой или религиозной ненависти, представляющее собой подстрекательство к дискриминации, вражде или насилию, должно быть запрещено законом.

15. racial segregation – *расовая сегрегация*; to arrest and detain people without trial – *арестовывать и задерживать людей без суда*; relocation of blacks – *перемещение афро-американцев*; policy of discrimination – *политика дискриминации*; tribal system – *родовой строй*; racial inequality – *расовое неравенство*; to detain anyone suspected of opposing government policies – *задерживать любого подозреваемого в оппозиции к политике государства*; identity card – *удостоверение личности*; to authorize segregated public facilities – *узаконивать отдельные для разных рас объекты и коммуникации общественного пользования*

17.

noun	verb	noun	verb
1) segregation	<i>segregate</i>	<i>application</i>	1) apply
2) sanction	<i>sanction</i>	<i>discrimination</i>	2) discriminate
3) restriction	<i>restrict</i>	<i>designation</i>	3) designate
4) power	<i>power</i>	<i>denial</i>	4) deny
5) requirement	<i>require</i>	<i>separateness</i>	5) separate
6) enforcement	<i>enforce</i>	<i>suspect</i>	6) suspect
7) desolation	<i>desolate</i>	<i>expandability</i>	7) expand
8) Promotion	<i>promote</i>	<i>authorization</i>	8) authorize
9) government	<i>govern</i>	<i>strengthen</i>	9) strength
10) treatment	<i>treat</i>	<i>relocation</i>	10) relocate

18. 1) *F*. Racial segregation, sanctioned by law, in South Africa before the National party won control of the government in 1948. 2) *True* 3) *True* 4) *F*. The Group Areas Act of 1950 *created separate residential and business sections in rural areas for each race. The Indemnity Act of 1961 made it legal for the police to torture and kill in the course of performing their duties.* 5) *True*

20. 1. The first universal act on international protection of human rights was the Universal Declaration of Human Rights. It was ap-

proved by the UN General Assembly on 10 December 1948. 2. The Convention on the Political Rights of Women was adopted in 1953. 3. It qualifies apartheid as a crime against humanity, and the inhuman acts, that result from the practice and policy of apartheid, as crimes violating the principle of international law and creating a threat to peace and security. 4. In 1973. 5. No, it also proclaims economic, social and cultural rights. 6. On 10 December. 7. Yes, the covenants on human rights represent the first experience of the international comprehensive regulation of basic human rights. 8. The Covenant on Economic, Social and Cultural Rights provides some rights, such as : the right to work, to just and favorable working conditions, to form trade unions, as well as the right to social security, to an adequate standard of living, to medical care, to education, and to take part in the cultural life.

21. 1) k 2) l 3) m 4) i 5) j 6) n 7) h 8) a 9) f 10) b 11) c 12) d 13) e 14) g 15) o 16) q 17) p 18) s 19) t 20) u 21) v 22) r

1) поощрять и защищать права человека – to promote and protect human rights; 2) Верховный комиссар ООН по правам человека – UN High Commissioner for human rights; 3) документы о правах человека – human rights instruments; 4) гуманитарная помощь – humanitarian assistance; 5) обладать правами человека – to enjoy human rights; 6) юридически обязательные договоры по правам человека – legally binding human rights agreements; 7) под эгидой ООН – under the UN auspices; 8) международный пакт – international covenant; 9) Дополнительный протокол – optional protocol; 10) отмена смертной казни – the abolition of the death penalty; 11) подневольное состояние – servitude; 12) свобода от произвольного ареста – freedom from arbitrary arrest; 13) право на убежище – the right to seek asylum; 14) право на отдых и досуг – the right to rest and leisure; 15) equality between men and women – равенство между мужчинами и женщинами; 16) право на беспристрастное судебное разбирательство – the right to a fair trial; 17) презумпция невиновности – presumption of innocence; 18) право на участие в общественной деятельности и выборах –

7. 1) What is the one of the main tasks of the UN? *One of the tasks of the United Nations is to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.* 2) What do the norms of international law concerning the international protection of human rights regulate? *The norms of international law concerning the international protection of human rights regulate relations among States in terms of promoting universal respect for and observance of human rights and basic freedoms for all, without distinction as to race, sex, language or religion.* 3) The principle of respect for fundamental human rights and freedoms is one of the basic principles of modern international law, isn't it? *Yes, this principle has become one of the basic principles of modern international law.* 4) What is one of the greatest achievements of the United Nations? *One of the great achievements of the United Nations is the creation of a comprehensive body of human rights law, which, for the first time in history, provides us with a universal and internationally protected code of human rights, one to which all nations can subscribe and to which all people can aspire.* 5) What are the rights proclaimed in the Universal Declaration? *Articles 3 to 21 set forth the civil and political rights, articles 22 to 27 set forth the economic, social and cultural rights.* 6) Apart from the Universal Declaration, what other instruments make up the International Bill of Human Rights? *The Universal Declaration, together with the two International Covenants on Human Rights and their Optional Protocols, comprise the International Bill of Human Rights.* 7) When was the Universal Declaration of Human Rights adopted? *The Universal Declaration of Human Rights was adopted on 10 December 1948.* 8) Does securing human rights remain primarily an internal affair of States? *Yes, securing human rights remains and will continue to remain primarily an internal affair of States.* 9) Have many newly independent countries have cited the Universal Declaration or included its provisions in their basic laws or constitutions? *Yes, many newly independent countries have cited the Universal Declaration or included its provisions in their basic laws or constitutions.* 10) A large majority of the world's coun-

tries are parties to the Covenants, aren't they? *A large majority of the world's countries are parties to the Covenants.*

8. 1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. 2. Everyone has the right to life, liberty and security of person. 3. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. 4. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. 5. No one shall be subjected to arbitrary arrest, detention or exile. 6. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. 7. Everyone has the right to freedom of movement and residence within the borders of each State. 8. Everyone has the right to leave any country, including his own, and to return to his country. 9. Everyone has the right to seek and to enjoy in other countries asylum from persecution. 10. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

12. to direct **against** immigrants from former colonies; to spread **around** the world; racism differs **from** ethnocentrism; to be superior **to** others; the contradiction **between** slavery and ideology; to be based **on** the notion; to stem **from** racism; link **between** inherited traits..

13. 1) f 2) g 3) e 4) b 5) c 6) a 7) d 8) l 9) h 10) k

14. 1. - F - 1948; 2 - F ("Asian"); 3 - T; 4 - F (urban areas); 5 - T; 6 - F (government); 7 - T

переговоры с мёртвой точки – to achieve a breakthrough in negotiations; 26) благодаря чьему-л. посредничеству – through the mediation of smb., through smb.'s mediation;

TEST

I. 1) dispute; 2) negotiators; 3) settle; 4) maintain; 5) territorial; 6) agreement; 7) peaceful settlement; 8) conciliation; 9) mediation; 10) mutual; 11) the League of Nations; 12) resolve; 13) The International Court of Justice; 14) jurisdiction; 15) channel

II. 1) to; 2) to; 3) through; 4) to; 5) on; 6) to; 7) to; 8) with; to; 9) with; 10) for; 11) on; 12) without; for; of; 13) on; 14) in; 15) for

III. 1) Без ущерба для положений статей 33–37 Совет Безопасности уполномочивается, если все стороны, участвующие в любом споре, об этом просят, делать сторонам рекомендации с целью мирного разрешения этого спора.

2) Специализированные учреждения ООН в своих уставах и заключаемых в их рамках конвенциях предусматривают различные виды мирного разрешения споров по вопросам, относящимся к их компетенции. В большинстве случаев – это использование прямых переговоров, арбитража, Международного Суда.

3) Делая рекомендации на основании настоящей статьи, Совет Безопасности принимает также во внимание, что споры юридического характера должны, как общее правило, передаваться сторонами в Международный Суд в соответствии

IV. 1) The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

2) The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

3) If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

UNIT 7. HUMAN RIGHTS AND INTERNATIONAL LAW

1. 1) a 2) b 3) c 4) c 5) c

4. 1) up; 2) on; 3) by; 4) for; of; 5) among; 6) out 7) out; 8) of; 9) in; 10) without; 11) of; 12) of

5. 1) a comprehensive body of human rights law; 2) a broad range of internationally accepted rights; 3) the Universal Declaration of Human Rights; 4) migrant workers; 5) disabled persons; 6) indigenous peoples; 7) legally binding human rights agreements; 8) under United Nations auspices; 9) Optional Protocols; 10) the right of individual petition; 11) the abolition of the death penalty; 12) to set up bodies to monitor; 13) the provisions of the Universal Declaration; 14) a party to the Covenant; 15) to spell out basic civil rights; 16) an internal affair; 17) vulnerable group; 18) The United Nations Charter; 19) observance of human rights; 20) without distinction as to race, sex, or religion.

6. 1) cornerstone; 2) dignity; 3) are entitled; 4) distinction; 5) origin; 6) are entitled; 7) slavery; 8) inhuman; 9) judicial; 10) arbitrary; 11) fair; 12) impartial; 13) upon; 14) against; 15) seek; 16) own; 17) assembly; 18) pay; 19) join; 20) standard; 21) sole; 22) securing; 23) welfare.

dispute whose continuation could threaten the maintenance of international peace.

Regional organizations frequently address appeals and proposals to the parties to a dispute and provide good offices or mediation. But yet the main role in the settlement of disputes is played by those bodies in which the leaders of the member-states are represented. The charters of regional organizations declare the peaceful settlement of disputes to be one of their basic tasks.

The Organization of African Unity has created a special body for considering disputes – the Commission of Mediation, Conciliation and Arbitration – which consists of 21 members elected by the Conference of Heads of State and Government of the OAU. Members of the Commission include persons selected to play the role of mediators and arbitrators. A dispute is submitted to the Commission either by member-states or by the supreme organs of the OAU. During the years it has operated the Organization has played a positive role in settling a number of disputes among member-states.

The League of Arab States has assigned the leading role in the examination of disputes to its Council. With regard to disputes that do not affect the independence, sovereignty and territorial integrity of States, it may carry out the functions of arbitration. In considering such disputes, both parties must address themselves to the Council, which takes a binding and final decision. Parties to the dispute do not participate in the discussion and decision of the Council. In those cases where the dispute might lead to war, the Council performs the functions of conciliation. The League of Arab States has succeeded in settling a number of disputes, for example, the dispute between the Southern and Northern Yemen in 1972.

The Organization of American States. In 1948, the American Treaty on Pacific Settlement of Disputes was adopted at a Conference in Bogota. It describes in detail such methods as good offices and mediation, inquiry and conciliation.. The big role in the peaceful settlement of disputes is played by the Permanent Council of the Organization.

20. 1) z; 2) o; 3) s; 4) a; 5) p; 6) q; 7) r; 8) b; 9) g; 10) f; 11) y; 12) c; 13) e; 14) k; 15) d; 16) h; 17) I; 18) j; 19) x; 20) w; 21) l; 22) m; 23) t; 24) u; 25) v; 26) n

1) комиссия по примирению, примирительная комиссия, комиссия по выработке примирительных предложений – conciliation commission; 2) выступать в качестве посредника – to act as a mediator; 3) переговоры между спорящими сторонами – negotiations between the conflicting parties; 4) назначить мирового посредника – to nominate a conciliator; 5) вести переговоры о чём-л. – to negotiate for smth.; 6) переговоры на высшем уровне – negotiations at the highest level; 7) переговоры между вооружёнными силами воюющих сторон – negotiations between the armed forces of belligerents; 8) быть посредником / посредничать между двумя воюющими странами – to mediate between two warring countries 9) уладить/урегулировать спор; решить спорный вопрос – to settle/to solve a dispute; 10) добиться политического урегулирования путём переговоров – to negotiate a political settlement; 11) передать спор на арбитраж – to submit a dispute to arbitration; 12) стороны в споре – parties to a dispute; 13) разрешение споров мирными средствами – pacific settlement of disputes; 14) передавать споры на обязательное судебное или арбитражное разрешение – to submit disputes to obligatory judicial or arbitral settlement; 15) разрешение споров в суде; разрешение споров по суду – adjudication of disputes; 16) разрешить спор при чём-л. посредничестве – to settle a dispute by the mediation of smb.; 17) урегулировать спор путём переговоров – to settle a dispute through negotiations; 18) передать спор в Международный Суд – to refer a dispute to the International Court of Justice; 19) в арбитражном порядке, через третейский суд – through arbitration; 20) потерпеть неудачу в переговорах – to fail in one's negotiations; 21) содействовать приостановке военных действий – to mediate a suspension of hostilities; 22) добиваться перемирия (при помощи посредничества) – to mediate a suspension of arms; 23) вести / проводить переговоры – to carry on / to conduct / to hold / to pursue negotiations; 24) вступить и переговоры с кем-л. о чём-л. – to enter into negotiations with smb. for smth; 25) сдвинуть

Государства-члены обязаны разрешать свои споры мирными средствами «таким образом, чтобы не подвергать угрозе международный мир и безопасность и справедливость».

– *Isn't the United Nations intended to replace other means for settling disputes?*

– ООН ни в коей мере не должна подменять иные средства разрешения споров. Наоборот, Устав поощряет их использование. Даже в тех случаях, когда продолжение спора могло бы угрожать поддержанию мира, стороны должны прежде всего стараться разрешить спор при помощи имеющихся в их распоряжении средств, среди которых, как уже отмечалось, на первом месте указаны переговоры.

– *What organ of the UN takes an active part in the peaceful settlement of disputes?*

– Поскольку вся процедура мирного решения споров в ООН подчинена интересам поддержания мира, постольку центральное место в ней занимает Совет Безопасности, что ярко проявляется в гл. VI Устава, посвященной мирному разрешению споров. Совет Безопасности вправе по собственной инициативе рассмотреть любой спор для определения того, не может ли продолжение этого спора угрожать поддержанию международного мира и безопасности. Любой член ООН может довести о таком споре до сведения Совета Безопасности или Генеральной Ассамблеи.

– *Can a State that is not a member of the United Nations inform the General Assembly and the Security Council of any dispute?*

– Не являющееся членом ООН государство также может довести до сведения этих органов любой спор, в котором оно является стороной, если при этом примет на себя обязательства, связанные с мирным разрешением споров по Уставу ООН (ст.35). Совет Безопасности вправе делать рекомендации с целью мирного разрешения любого спора, т.е. и не создающего угрозы миру, если все стороны об этом просят. Совет Безопасности может потребовать от сторон разрешения спора при помощи мирных средств по их выбору либо рекомендовать им надлежащую процедуру.

– *In what cases may the Security Council take legally binding decisions?*

– Юридически обязательные решения Совет Безопасности вправе принимать лишь в случае угрозы миру, нарушений мира и актов агрессии. Совет Безопасности должен учитывать, что споры юридического характера в качестве общего правила подлежат передаче сторонами в Международный Суд.

– *Has the system for the peaceful settlement of disputes yielded positive results?*

– Несмотря на сложность международной обстановки, предусмотренная Уставом ООН система мирного урегулирования споров дала положительные результаты. Все наиболее серьезные споры и конфликты так или иначе обсуждались в ООН. Нельзя также недооценивать и роль ООН в предотвращении эскалации споров и конфликтов.

19. Regional Organizations

The importance of regional organizations in the peaceful settlement of disputes is growing. Their role in resolving questions bearing on the maintenance of peace "as are appropriate for regional action" is set forth in Art. 52 of the UN Charter. The necessary condition for the lawful existence of regional organizations is that their charters and activities be compatible with the purposes and principles of the United Nations. This also relates to their activities to secure the peaceful settlement of disputes, which is viewed by the UN Charter as one of their fundamental tasks.

The UN Charter imposes on States the duty to make every effort to achieve a peaceful settlement of local disputes with the help of regional bodies before submitting these disputes to the Security Council. The latter must encourage efforts to achieve the peaceful settlement of local disputes by regional bodies, both at the initiative of interested States and at the initiative of the Security Council. In the sense in which the UN Charter uses the term "local dispute" it means any dispute among States of a given region, with the exception of a

11. 1) Direct negotiation is a principal means of the peaceful settlement of disputes among States. 2) The negotiation consists in a direct contact between the opposing sides in order to clarify each other's position, and the actual circumstances involved, and to achieve an agreement. 3) The advantage of negotiation lies in that it establishes direct contact between the parties to the dispute and limit the possibility of interference by other States. Negotiation is also characterized by simplicity of organization and functioning. 4) Direct negotiations are those in which only those who are parties to a dispute participate, regardless of their number. 5) Direct negotiations may be carried out through normal diplomatic channels or at specially convened conferences. 6) The results of negotiations are embodied in international documents which may be only political or else political legal in character. 7) Having entered into negotiations, the participants are obliged to refrain from actions that could impede the settlement of the dispute. 8) The principal types of international conciliation are: good offices, mediation, commissions of inquiry, and commissions of conciliation. 9) Good offices consist in providing assistance to parties to the dispute in establishing direct contact and organizing direct negotiations. 10) Mediation refers to the active participation by a mediator in negotiations, including the submission of proposals concerning individual aspects of the issue, or else concerning the dispute as a whole. 11) Good offices and mediation may be provided by a State that is not a party to the dispute, by an international official or by private persons. 12) In order that these functions may be carried out, the consent of the parties to the dispute must be given. 13) Commissions of Inquiry and Conciliation have as their objective to assist the settlement of a dispute through direct agreement between the parties. 14) Commissions of Inquiry and Conciliation may be formed, on the basis of parity, from an equal number of representatives of both parties; representatives of other States as members or chairmen may be included. 15) The task of commissions of inquiry is to establish the factual circumstances of the dispute.

13. Suggested answers:

1. *The Origin of the International Court* ; 2. The International Court of Justice is a principal organ of the United Nations; 3. The Structure of the ICJ; 4. Jurisdiction; 5. Procedure; 6. Judgment

15. 1) e 2) j 3) a 4) i 5) h 6) b 7) c 8) f 9) g 10) d

16. 1) f 2) i 3) b 4) a 5) j 6) c 7) d 8) e 9) g 10) h

1) advisory opinions; 2) integral part; 3) ipso facto; 4) personal capacity; 5) to take measures; 6) compulsory jurisdiction; 7) permanent body; 8) make recommendations; 9) international disputes; 10) judicial organ

17. 1) implies; 2) applicable; 3) odd; 4) umpire; 5) arbitrator; 6) consist; 7) designate; 8) nationals; 9) umpire; 10) compromise; 11) Statute; 12) adopted; 13) consideration; 14) law; 15) regional

18. – *What is the role of international organizations in the pacific settlement of disputes?*

– Рост числа и роли международных организаций вносит изменения в систему средств мирного решения споров между государствами. Мирное урегулирование разногласий и споров – необходимый элемент международного сотрудничества, развитие которого является задачей организаций. Процедура решения споров международными организациями, в отличие от судебной, носит преимущественно политический характер. Однако это не означает принижения роли международного права, на основе которого должно осуществляться любое мирное урегулирование.

– *What is the role of the UN in this process?*

– Организация Объединенных Наций – основной орган сотрудничества государств во всемирном масштабе – является ядром современной системы мирных средств разрешения споров. Устав ООН делает упор на интересы поддержания международного мира и безопасности при решении споров. Одна из главных целей ООН состоит в разрешении не всяких споров, а тех, которые могут создать угрозу миру или привести к нарушению мира.

5. 1) b; 2) c; 3) h; 4) a; 5) g; 6) e; 7) j; 8) f; 9) d; 10) i

1) *good offices*; 2) conciliatory procedure; 3) principal role; 4) judicial settlement; 5) direct negotiation; 6) international dispute; 7) peaceful settlement; 8) legal means; 9) to cause harm; 10) vitally important

6. 1) Yes, in diplomatic practice the term "international disputes" refers to the most diverse conflict situations among States. 2) The UN Charter distinguishes the following types of disputes: a) disputes whose continuation could threaten the maintenance of **international peace** and security; b) other disputes. 3) The Security Council has the right to recommend an appropriate procedure or methods for resolving the dispute. 4) Yes, any dispute causes harm to peaceful relations and to cooperation among States. 5) Yes, in international relations politics and law are very closely intertwined. 6) An analysis of the practice of international courts and courts of arbitration indicates that disputes that are associated with vitally important **state interests** are not submitted to them. 7) According to Art. 36 of the Statute of the International Court of Justice, legal disputes are primarily those that relate to the interpretation of treaties, questions of international law, the existence of any fact constituting a breach of international obligations, and **compensation** due for the breach of international obligations. 8) They are: direct negotiation, conciliation, mediation, arbitration, judicial settlement, the settlement of disputes through international organizations.

8. 1) специально созываемые совещания – specially convened conferences; 2) фактические обстоятельства – factual circumstances; 3) непосредственные переговоры – direct negotiation; 4) обмен документами – exchange of documentation; 5) решение спора путем непосредственного соглашения между сторонами – the settlement of a dispute through direct agreement between the parties; 6) переговоры должны вестись добросовестно – negotiations must be carried out in good faith; 7) при помощи переговоров –

through negotiation; 8) переговоры на высшем уровне – negotiations at the summit level; 9) совместные коммюнике и заявления – joint communiqués or declarations; 10) рекомендовать проект решения спора – to recommend a draft solution to a dispute; 11) помешать решению спора – to impede the settlement of the dispute; 12) на паритетных началах – on the basis of parity; 13) согласительные комиссии – commissions of conciliation; 14) на основе равного уважения законных прав и интересов всех участников – on the basis of equal respect for the legitimate rights and interests of all the participants; 15) через обычные дипломатические каналы – through normal diplomatic channels; 16) вести переговоры – to conduct negotiations; 17) следственные комиссии – commissions of inquiry; 18) посредничество – mediation; 19) достигать соглашения – to achieve an agreement; 20) вступать в переговоры – to enter into negotiations; 21) внесение предложений – submission of proposals; 22) широкие возможности – considerable opportunities; 23) добрые услуги – good offices; 24) мирные средств разрешения международных споров – peaceful settlement of disputes; 25) воздерживаться от действий – to refrain from actions

9. 1) b 2) f 3) h 4) a 5) i 6) c 7) j 8) g 9) e 10) d

10

noun	verb	adjective
1) conciliation	to conciliate	conciliatory
2) mediation	to mediate	mediatory
3) negotiation	to negotiate	negotiable
4) settlement	to settle	settled
5) dispute	to dispute	disputable
6) interference	to interfere	interfering
7) obligation	to oblige	obligatory
8) inquiry	to inquire	inquiring
9) conciliation	to conciliate	conciliatory
10) consent	to consent	consensual

1) consular affairs – консульская деятельность; 2) consular agencies – консульские агентства; 3) establishment of a consulate general – учреждение генерального консульства; 4) consular archives – консульские архивы; 5) bilateral consular convention – двусторонняя консульская конвенция; 6) consular corps – консульский корпус; 7) consular district – консульский округ; 8) consular duties – консульские обязанности; 9) consular fees – консульские сборы; 10) to exercise / to perform consular functions – выполнять консульские функции / обязанности; 11) termination of a consular mission – закрытие консульской миссии; 12) consular office – консульское учреждение; 13) consular personnel – консульский персонал; 14) consular premises – помещения консульства; участок земли, на котором расположено консульство; 15) consulate general – генеральное консульство; 16) rupture of consular relations – разрыв консульских отношений; 17) to open consular relations – установить консульские отношения; 18) consular staff – состав консульства; 19) honorary consular representation – почётное консульское представительство; 20) to take up one's duty as Consul General – приступить к обязанностям генерального консула

TEST

I. 1) privileges; 2) senior; 3) four ; 4) cards; 5) exequatur; 6) diplomatic; 7) plenipotentiary; 8) non-staff (honorary); 9) persona non grata; 10) ambassadors; 11) "diploma"; 12) external; 13) embassies and legations; 14) host; 15) appointment; 16) agrément; 17) letters of credence; 18) consent; 19) inviolable; 20) deputy

II. 1) with; 2) on; 3) out; 4) through; 5) in; 6) in; 7) with; to; 8) by; 9) in; 10) by; 11) in; of; 14) into; 15) for; 16) from; 17) without; 18) in; to; 19) of; before; 20) with; of

III. 1. Личность дипломатического агента неприкосновенна. Он не подлежит аресту или задержанию в какой бы то ни было форме. Государство пребывания обязано относиться к нему с

должным уважением и принимать все надлежащие меры для предупреждения каких-либо посягательств на его личность, свободу или достоинство.

2. Все лица, пользующиеся привилегиями и иммунитетами, обязаны, без ущерба для их привилегий и иммунитетов, уважать законы и правила государства пребывания. Они также обязаны не вмешиваться во внутренние дела этого государства.

3. Аккредитуемое государство должно убедиться в том, что государство пребывания дало агента на то лицо, которое оно предполагает аккредитовать как главу представительства в этом государстве.

IV. 1. A consular post may be established in the territory of the receiving State only with that State's consent.

2. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

3. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

UNIT 6. INTERNATIONAL LEGAL MEANS FOR RESOLVING INTERNATIONAL DISPUTES

1. 1) b 2) c 3) c 4) a 5) b

4. 1) on; 2) in; with; 3) to; 4) with; 5) with; 6) to; 7) to; for; of; 8) with; to; 9) for; 10) through.

1) to be based **on** the agreement; 2) **in** accordance **with**; 3) a dispute causes harm **to** peaceful relations; 4) to be associated **with** state interests; 5) the Security Council is endowed **with** special rights; 6) refer **to**; 7) freedom **to** choose means **for** the peaceful settlement of disputes; 8) **with** regard **to**; 9) to recommend conditions **for** settling the dispute; 10) to settle **through** political means.

a diplomatic settlement – призвать к решению / урегулированию (конфликта и т. п.) средствами дипломатии; 18) diplomatic representation – дипломатическое представительство; 19) through diplomatic channels – дипломатическим путём, по дипломатическим каналам; 20) to appoint smb. (to be) a diplomat – назначить кого-л. дипломатом

20. Обязанности по отношению к государству пребывания

Предоставление привилегий и иммунитетов не означает, что лица, ими пользующиеся, могут не считаться с законами и правилами государства пребывания. В Венской конвенции специально указывается, что без ущерба для их привилегий и иммунитетов все лица, пользующиеся ими, обязаны уважать законы и постановления государства пребывания. Они также обязаны не вмешиваться во внутренние дела этого государства.

Хотя дипломата и нельзя привлечь к ответственности за нарушение законов и постановлений страны пребывания, но он может быть объявлен правительством этой страны *persona non grata* и будет вынужден покинуть ее.

Согласно Венской конвенции, дипломаты не могут заниматься в государстве пребывания профессиональной или коммерческой деятельностью в целях личной выгоды.

CONSULAR LAW

4. 1) legalization and notarization of documents; 2) inheritance; 3) staff consuls; 4) protecting the interests of its own State; 5) to maintain consular relations; 6) to exchange consular missions; 7) non-staff (honorary) consuls; 8) establishment of consular relations; 9) non-staff (honorary) consuls; 10) plenipotentiary representatives; 11) a specified range of issues; 12) legal aid; 13) consular district; 14) encouraging trade; 15) performing administrative and notarial functions; 16) legal persons; 18) agreements on social security; 19) to take into account the laws of the host State; 20) to collect consular fees

5. 1) consu (n) – consular (adj) – consulship (n) – consulate (n); 2) notary (n) – to notarize (v) – notarization (n) – notarial (adj); notarially (adv); 3) to encourage – encouragement (n) – encourager(n) – encouraging (adj) – encouragingly (adv); 4) to accredit (v) – accreditation (n) – accredited (adj) – accreditee (n) – accreditor (n); 5) to suspend (v) – suspense (n) – suspensive (adj) – suspension (n);

6) to monitor (v) – monitor (n) – monitoring (n); 7) to perform (v) – performance (n) – performer (n) – performing (adj). 8) to prolong (v) – prolongation (n) – prolongable (adj) – to prolongate (v); 9) legal (adj) – legalese (n) – legalism (n) – legalist (n) – legalistic (adj) – legality (n) – to legalize (v) – legalization(n) – legalized (adj) – legally (adj); 10) an office (n) – officer(n) – official (n) – official (adj) – officially (adv) – officialdom(n) – officialese (n) – officialism (n) –officiality (n) – officialize (v)

6. 1) that do not maintain diplomatic relations. 2) the suspension of consular relations. 3) by agreement between the two States involved. 4) a specified range of issues and only in their own consular district. 5) non-staff (honorary) consuls. 6) international law, especially by treaties between their State and the host State. 7) their country's department of foreign affairs and also its diplomatic mission. 8) a court and other organs of the host country. 9) any international organization. 10) the granting or prolongation of passports and visas, the issue of visas, the acceptance of applications on matters of citizenship, the maintenance of registry records, the legalization and notarization of documents, and activities relating to inheritance.

8. 1) f 2) a 3) j 4) c 5) i 6) h 7) d 8) e 9) g 10) b

9. 1) F 2) D 3) B 4) G 5) A 6) E

11. 1) – k 2) – d 3) – g 4) – b 5) – i 6) – j 7) – c 8) – e 9) – f 10) – a

13. 1) l 2) t 3) a 4) f 5) r 6) b 7) p 8) c 9) d 10) q 11) g 12) m 13) s 14) e 15) i 16) h 17) o 18) j 19) k 20) n

quest by the receiving State that a diplomatic representative be recalled is effected only in extreme cases.

13. The Functions of a Diplomatic Mission

The functions of diplomatic missions are determined by international law and the internal law of the given States. In each State there are legal norms governing the functions of its diplomatic missions within the limits permitted by international law.

According to the 1961 Vienna Convention on Diplomatic Relations, the basic functions of diplomatic missions consist in:

- 1) representing the sending State in the receiving State;
- 2) protecting in the receiving state the interests of the sending State and of its nationals, within the limits permitted by international law;
- 3) negotiations with the government of the receiving State;
- 4) ascertaining by all lawful means conditions and developments in the receiving State and reporting thereon to the government of the sending State;
- 5) promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

In addition to these functions, diplomatic missions often also carry out consular functions, and in such cases the structure of embassies and legations includes consular departments.

16. 1) under international law to foreign diplomatic missions, their heads and staff members. 2) any unwarranted entry or damage, and for preventing all breaches of the mission's security and avoiding insults to its worthiness and reputation. 3) the conditions that it needs to carry out its functions. 4) the control of the authorities of the host State. 5) employees of a state agency. 6) immunity from search, requisition, arrest and executive actions. 7) pursued by authorities of the host State. 8) categories, namely, the privileges and immunities of the diplomatic mission and the personal privileges and immunities of its staff members. 9) at all times, independently of their location. 10) the

buildings or parts of buildings that are used by the mission for its own purposes.

17. 1-e 2-h 3-f 4-a 5-c 6-j 7-b 8-k 9-g 10-i

18. 1) inviolable; 2) detained; 3) with; 4) outrages; 5) inviolability; 6) inviolability; 7) enjoys; 8) premises; 9) inviolable; 10) enjoy; 11) investigation; 12) investigation; 13) beyond; 14) enjoy; 15) located; 16) inheritance; 17) conducted; 18) official; 19) obliged; 20) dues; 21) municipal; 22) indirect; 23) permits; 24) used; 25) duties; 26) levies; 27) storage; 28) exempted; 29) grounds; 30) prohibited.

19. 1) b 2) f 3) c 4) t 5) e 6) h 7) g 8) o 9) i 10) j 11) q 12) n 13) m 14) p 15) a 16) l 17) k 18) r 19) s 20) d

1) instruments of diplomacy – дипломатические средства; 2) balance-of-power diplomacy – дипломатия равновесия сил; 3) diplomatic withdrawal – отзыв дипломатического персонала; 4) diplomatic solution – решение (проблемы, конфликта и т. д.) дипломатическим путём /путём переговоров; 5) diplomatic archives – дипломатические архивы; 6) diplomatic asylum – дипломатическое убежище, убежище в здании дипломатического представительства; 7) to seek a diplomatic way out – g) пытаться найти выход (из кризисной ситуации) средствами дипломатии; 8) diplomatic means – дипломатические средства; 9) diplomatic premises – участок земли, занимаемый дипломатическим представительством; здания, помещения дипломатического представительства; 10) to find a diplomatic settlement – найти решение (конфликта и т. п.) средствами дипломатии; 11) to give diplomatic support – оказывать дипломатическую поддержку; 12) diplomatic mission – н) дипломатическое представительство; 13) career diplomatic officials – профессиональные дипломатические работники, карьерные дипломаты; 14) diplomatic privileges and immunities – дипломатические привилегии и иммунитеты; 15) peace-making diplomacy – миротворческая дипломатия; 16) diplomatic intercourse – дипломатические контакты /отношения государств; 17) to call for

- the 1947 Convention on Privileges and Immunities of the UN Specialized Agencies.

8. 1 - F 2 - D 3 - A 4 - C 5 - G 6 - E

10. 1-f 2-i 3-e 4-j 5-c 6-a 7-h 8-g 9-b 10-d

11. 1) termination of the functions of a diplomatic representative; 2) envoy; 3) diplomatic representative; 4) host State; 5) to lead to disputes and conflicts; 6) diplomatic mission; 7) embassy; 8) legation; 9) ambassador; 10) appointment of diplomatic representatives; 11) papal nuncios; 12) domestic legislation; 13) the head of a diplomatic mission; 14) agrément to receive the candidate for appointment; 15) letters of credence; 16) the head of the receiving State; 17) to perform functions in the host State; 18) internuncios; 19) certified copies; 20) the ministry of foreign affairs of the host State; 21) persona non grata; 22) the cessation of diplomatic relations; 23) charges d'affaires; 24) a war between the accrediting and receiving States; 25) to be disputed by the accrediting State

12. 1) Where does the term "diplomacy" derive from? *The term "diplomacy" derives from the Greek "diploma".*

2) How can you explain "diploma"? *"Diploma" was the name given in ancient Greece to paired wooden slabs with corresponding words that were given to state representatives being sent abroad.*

3) What has led to a widening of the functional sphere of diplomacy? *The expansion and consolidation of political, economic, scientific, technical, cultural and other relations among States has led to a widening of the functional sphere of diplomacy.*

4) What is a diplomatic mission? *A diplomatic mission is an organ of one State located on the territory of another State for the purpose of conducting diplomatic relations with that State.*

5) How many types of missions do you know? *There are two types of diplomatic missions - embassies and legations.*

6) Is a legation headed by an ambassador? *An embassy is headed by an ambassador, and a legation, by an envoy or a permanent charge d'affaires.*

7) Diplomatic missions are established by agreement between States, aren't they? *Yes, diplomatic missions are established by agreement between States.*

8) What led to disputes and conflicts before the beginning of the 19th century? *Before the beginning of the 19th century there wasn't any rigorous classification of diplomatic representatives and of their seniority.*

9) Is the appointment of diplomatic representatives governed by both domestic legislation and by international law? *Yes, the appointment of diplomatic representatives is governed by both domestic legislation and by international law.*

10) What does the government do before appointing the head of a diplomatic mission? *Before appointing the head of a diplomatic mission, the government of the host State is asked for its agrément to receive the candidate for appointment.*

11) Who signs the letters of credence? *The head of the sending State usually signs the letters of credence.*

12) When does a diplomatic mission begin its activity? *The Vienna Convention on Diplomatic Relations establishes that the time when the head of a diplomatic mission is considered to have begun to perform his functions in the host State depends on the practice of that State, which must be applied in a uniform manner. This may be either from the moment that he submits his letters of credence or from the moment when certified copies of his letters of credence are presented to the ministry of foreign affairs of the host State.*

13) What is the most common cause of the termination of the functions of a diplomatic representative? *The most common cause of the termination of the functions of a diplomatic representative is his recall by his own government.*

14) A request by the receiving State that a diplomatic representative be recalled is effected only in extreme cases, isn't it? *Yes, a re-*

TEST

I. 1) terminates; 2) termination; 3) annulment; 4) denunciation; 5) jus cogens; 6) absolutely invalid; 7) entry into force; 8) accession; 9) relatively invalid; 10) ratification; 11) adoption; 12) political; 13) in good faith; 14) pacta sunt servanda; 15) commercial

II. 1) with; 2) in; upon; 3) by; in; 4) to; 5) from; 6) out; 7) to; 8) – ; 9) of; 10) on; of

III. 1) «Оговорка» означает одностороннее заявление в любой формулировке и под любым наименованием, сделанное государством при подписании, ратификации, принятии или утверждении договора или присоединении к нему, посредством которого оно желает исключить или изменить юридическое действие определенных положений договора в их применении к данному государству;

2) «Договор» означает международное соглашение, заключенное между государствами в письменной форме и регулируемое международным правом, независимо от того, содержится ли такое соглашение в одном документе, в двух или нескольких связанных между собой документах, а также независимо от его конкретного наименования;

3) Согласие государства на обязательность для него договора может быть выражено подписанием договора, обменом документами, образующими договор, ратификацией договора, его принятием, утверждением, присоединением к нему или любым другим способом, о котором условились.

IV. 1) “Full powers” means a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty.

2) “Negotiating State” means a State which took part in the drawing up and adoption of the text of the treaty;

3) The adoption of the text of a treaty at an international conference takes place by the vote of two-thirds of the States present and voting, unless by the same majority they shall decide to apply a different rule.

UNIT 5. DIPLOMATIC AND CONSULAR LAW

DIPLOMATIC LAW

1. 1) b; 2) c; 3) a ; 4) b; 5) a.

4. 1) diplomatic immunity; 2) branch of international law; 3) privileges and immunities of inter-governmental organizations; 4) the Vienna Convention on Diplomatic Relations; 5) permanent diplomatic missions; 6) legal position; 7) activities of state organs of external relations; 8) customary norms; 9) Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents; 10) bilateral convention.

5.

- the Protocol of the Congress of Vienna of 1815;
- the 1961 Vienna Convention on Diplomatic Relations;
- the 1963 Vienna Convention on Consular Relations;
- the 1969 Convention on Special Missions;
- the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents;
- the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character;
- the 1946 Convention on the Privileges and Immunities of the United Nations;

29.

1) Is a treaty terminated only in accordance with the norms of international law? *Yes, a treaty is terminated only in accordance with the norms of international law.*

2) What are the most widely employed grounds for the termination of a treaty? *The most widely employed grounds for the termination of a treaty are the expiry of the period of validity, or fulfilment of its objectives.*

3) What does denunciation mean? *Denunciation means the legitimate unilateral termination of a given treaty on terms that are provided for within it.*

4) What does annulment mean? *The term annulment refers to the unilateral legitimate termination of a treaty in accordance with terms that are not contained in the treaty.*

5) According to international law it is permitted to refer to radical changes in circumstances as a basis for annulling a treaty, isn't it? *No, according to international law it is usually not permitted to refer to radical changes in circumstances as a basis for annulling a treaty.*

6) What frees the signatories from the obligation? *The termination of a treaty frees its signatories from the obligation to comply with its terms.*

7) What does the suspension of a treaty constitute? *The suspension of a treaty temporarily frees the signatories from their obligation to execute it, but it does not influence the rights and obligations that they have acquired under its terms.*

8) Must signatories refrain from acts that would make the treaty's renovation impossible? *Signatories must refrain from acts that would make the treaty's renovation impossible.*

31. 1) on; 2) provisions, 3) states; 4) outbreak; 5) in; 6) implementing; 7) terminated; 8) radical; 9) for; 10) grounds; 11) refer; 12) violations; 13) void; 14) restore; 15) in; 16) between; 17) on; 18) invalid; 19) apply; 20) contingency; 21) weapons; 22) to; 23) force; 24) with; 25) terminated.

32. 1) g 2) a 3) y; 4) m 5) b 6) x 7) c 8) w 9) d 10) v 11) h 12) j 13) i 14) k 15) l 16) u 17) n 18) p/t 19) o 20) t/p 21) q/s 22) r 23) s/q 24) f 25) e

1) a basic treaty – основополагающий договор; 2) to withdraw from a treaty – выйти из договора 3) a demarcation treaty – договор о демаркации границ; 4) a non-aggression treaty – договор о ненападении; 5) to violate a treaty – нарушить договор; 6) a peace treaty – мирный договор; 7) Strategic Offensive Arms Limitation Treaty – договор об ограничении стратегических наступательных вооружений (ОСВ) 8) a treaty of alliance – союзный договор 9) a treaty of cession – договор о цессии 10) a treaty of friendship, cooperation and mutual assistance – договор о дружбе сотрудничестве и взаимной помощи; 11) a treaty of mutual security – договор о взаимной безопасности 12) a treaty of unlimited duration – бессрочный договор; 13) breach of an international treaty – нарушение бессрочного договора; 14) prolongation of a treaty – продление срока действия договора 15) to sign a treaty – подписать договор 16) to accede to a treaty – присоединиться к договору 17) to adhere to a treaty – придерживаться договора; 18) to conclude a treaty – заключить договор 19) to denounce a treaty – денонсировать договор 20) to enter into a treaty – заключить договор; 21) to extend the validity of a treaty – продлить действие договора 22) to observe a treaty – соблюдать договор; 23) to prolong the validity of a treaty – продлить действие договора; 24) to ratify a treaty – ратифицировать договор; 25) to renounce a treaty – отказаться от договора;

33. 1) a treaty of friendship, cooperation and mutual assistance – договор о дружбе сотрудничестве и взаимной помощи; 2) a non-aggression treaty – договор о ненападении; 3) to conclude a treaty – заключить договор; 4) breach of an international treaty – нарушение бессрочного договора; 5) to adhere to a treaty – придерживаться договора; 6) to renounce a treaty – отказаться от договора; 7) to withdraw from a treaty – выйти из договора; 8) to violate a treaty – нарушить договор; 9) to accede to a treaty – присоединиться к договору; 10) breach of an international treaty – нарушение бессрочного договора.

14.

noun	verb	noun	verb
consent	consent	approval	approve
exchange	exchange	signature	sign
government	govern	acceptance	accept
authentication	authenticate	conclusion	conclude
ratification	ratify	accession	accede

15. 1) acceptance; 2) approval; 3) express one's consent; 4) come into force; 5) full powers; 6) reservation; 7) definitive consent; 8) the law of treaties; 9) an additional opportunity; 10) to sign a treaty.

16. 1) ratified; 2) treaty; 3) full powers; 4) approval; 5) bilateral; multilateral; 6) provisions; 7) consent; 8) sign; 9) conclusion; 10) adopted

17. 1. – T; 2. – F (The conclusion of an international treaty consists of two stages); 3. – T; 4. – T; 5. – F (Accession the process by which a state which was not a signatory of the treaty may nevertheless become a party to the treaty and be bound to its terms. Entry into force is the actual implementation of the treaty's terms and in the Vienna Convention is governed by article 24).

18. 1) bring a treaty into force. 2) through signature, the exchange of instruments, acceptance, approval, ratification, and "any other means if so agreed." 3) and obligations of the parties. 4) the formal act signifying that the form and content of the treaty have been agreed upon. 5) the parliamentary/legislative branch of government. 6) become a party to the treaty and be bound to its terms. 7) a non-binding prior signature. 8) laid out in the treaty have been met.

21. **Across:** 1. representative; 3. coercion; 4. consequence; 6 fraud; 7. termination; 9. invalid; 10. corruption

Down: 2. prohibition; 5. error; 8 entail

1	r	e	2	p	r	5	e	s	e	n	t	a	t	i	v	8	e
			r		r												u
	3	c	o	e	r	c	i	o	n								t
			h		o												a
			i	6	f	r	a	u	d								i
			b														l
			i		10	c	o	r	r	u	p	t	i	o	n		
			7	t	e	r	m	i	n	a	t	i	o	n			
			i														
	4	c	o	n	s	e	q	u	e	n	c	e					
	9	i	n	v	a	l	i	d									

22. 1) e ; 2) a 3) j; 4) h; 5) b; 6) c; 7) i; 8) d; 9) g; 10) f

23. 1) b; 2) f; 3) a; 4) j; 5) c; 6) i; 7) d; 8) g; 9) e; 10) h

26. 1) b; 2) e; 3) a; 4) j; 5) h; 6) c; 7) i; 8) f; 9) d; 10) g

27.

to terminate- termination(n)	to suspend – suspense (n) – suspension (n) – suspender (n) – suspending (adj)
to withdraw – withdrawal (n)	to denunciate – denunciation (n)
to annul- annulment (n) – annulled (adj)	to violate – violation (n)
to notify – notification (n) – notifiable (adj)	to contradict – contradiction (n) – contradictor (n) – contradictory (adj) – contradictory (adj)

28. 1) to contradict the treaty's principles and aims; 2) termination of a treaty; 3) to implement a treaty; 4) withdrawal from a treaty; 5) radical changes in circumstances; 6) legitimate unilateral termination; 7) illegitimate actions; 8) denunciation; 9) on the basis of the general norms of international law; 10) notification; 11) annulment; 12) violation of the treaty by other signatories; 13) the creation of a new imperative norm; 14) to refer to; 15) suspension of a treaty;

UNIT 4. THE LAW OF TREATIES

1. 1. a; 2. c; 3. c; 4. a; 5. b

5. 1) c; 2) e; 3) j; 4) f; 5) g; 6) i; 7) h; 8) a; 9) d; 10) b

6. 1) d; 2) a; 3) h; 4) j; 5) b; 6) i; 7) c; 8) f; 9) e; 10) g

7. 1) What is the most common title of an international agreement? *"Treaty" is the most common title of an international agreement but the following are also used: convention, act, general act, protocol, agreement, modus vivendi, concordance, charter, declaration, and compromise* 2) Do treaties comprise 3 parts? *Treaties generally comprise four parts: the title, the preamble, the main body, and the final part.* 3) Which part of a treaty sets forth the right and obligations of the parties? *Main body sets forth the rights and obligations of the parties.* 4) What languages are used in treaties? *There is no universal rule as to what language or what number of languages must be utilized for the text of the treaty. Rather, the language of the treaty is selected by the contracting parties. When a treaty is published in more than one language, the treaty itself should clarify which text is to be the authentic and authoritative one.* 5) When did the Vienna Convention on the Law of Treaties enter into force? *The 1969 Vienna Convention on the Law of Treaties, entered into force on 27 January 1980.* 6) Has the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations entered into force? *The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, has still not entered into force.* 7) Does the Vienna Convention on the Law of Treaties set forth a basic definition for a treaty? *Yes, the Vienna Convention on the Law of Treaties sets forth a basic definition for a treaty.* 8) Give the definition of "treaty". *Treaty is an international agreement concluded between States in written form and governed by international law,*

whether embodied in a single instrument, or in two or more related instruments and whatever its particular designation.

8. 1) convention, act, general act, protocol, agreement, modus vivendi, concordance, charter, declaration, and compromise. 2) usually have titles. 3) be utilized for the text of the treaty. 4) basically the same rules to all of these instruments. 5) treaties with international organizations as parties. 6) the rights and obligations of the parties. 7) with which the representative is cloaked. 8) which text is to be the authentic and authoritative one. 9) rules for treaties concluded between States. 10) between the different designations of these instruments.

9. 1) extradition – the surrender of an alleged offender or fugitive to the state in whose territory the alleged offence was committed; 2) tariff – a tax levied by a government on imports or occasionally exports for purposes of protection, support of the balance of payments, or the raising of revenue. 3) navigation – the skill or process of plotting a route and directing a ship, aircraft, etc., along it; 4) trademark – a name or a symbol which is put on a product to show that it is made by a particular producer. The product cannot be legally made by any other producer, and the name or symbol cannot be legally used by any other producer; 5) to implement – to carry out; put into action; perform;

10. 1) conduct of war; 2) political treaty; 3) commercial treaty; 4) disarmament agreement; 4) tariff; 5) fishing right; 6) specialized agencies; 7) criminal justice; 8) international crime; 9) provide for; 10) surrender; 11) trademark; 12) copyright law; 13) *содержать* to embrace; 14) civil law; 15) navigation; 16) treaty in force; 17) *pacta sunt servanda*; 18) to carry out in good faith; 19) to prohibit abuses of treaty rights; 20) on the basis of international law.

13. A. *Stages in the Conclusion of Treaties*; B. Adoption; C. Signature; D. Ratification; E. Accession; F. Acceptance; G. Approval; H. Entry into force

низация принимать меры с целью положить конец тому или ино-
му конфликту, а также когда и как она будет это делать.

• What is the UN doing to protect the environment?

• Организация Объединенных Наций содействует заклю-
чению договоров по охране окружающей среды, которые, напри-
мер, позволили в 80-е годы на 60 процентов уменьшить загрязне-
ние нефтью с судов; уменьшить трансграничное загрязнение ок-
ружающей среды в Северной Америке и Европе; и прекратить
производство как в промышленно развитых, так и развивающих-
ся странах многих газов, разрушающих озоновый слой. Со вре-
мени проведения первой конференции Организации Объединен-
ных Наций по окружающей среде в 1972 году при содействии
учреждений и программ Организации Объединенных Наций бы-
ло заключено более 300 международных договоров и соглаше-
ний, касающихся видов животных и растений, находящихся под
угрозой исчезновения, загрязнения морской среды, истощения
озонового слоя, опасных отходов, биологического разнообразия,
изменения климата, опустынивания, рыболовного промысла и
промышленных химикатов и пестицидов.

TEST

I. 1) Franklin D. Roosevelt; 2) was signed; 3) Chapters; Articles;
4) six; 5) annual; 6) two-thirds majority; 7) settlement; 8) recommen-
dations; 9) Security Council; 10) Chapter; 11) session; 12) General
Assembly; Security Council; 13) judicial; 14) Secretary-General; 15)
decisions

II. 1) for; 2) on; 3) within; 4) to; 5) on; in; of; 6) for; of; 7) – 8)
into; 9) among; 10) in; 11) to; 12) from; of; 13) out; 14) – ; 15) in

III. 1) Если против какого-либо Члена Организации были
предприняты Советом Безопасности действия превентивного или
принудительного характера, Генеральная Ассамблея имеет право,
340

по рекомендации Совета Безопасности, приостанавливать осуще-
ствление прав и привилегий, принадлежащих ему как Члену Ор-
ганизации. Осуществление этих прав и привилегий может быть
восстановлено Советом Безопасности.

2) В целях содействия установлению и поддержанию между-
народного мира и безопасности с наименьшим отвлечением ми-
ровых людских и экономических ресурсов для дела вооружения,
Совет Безопасности несет ответственность за формулирование,
при помощи Военно-Штабного Комитета, указанного в статье 47,
планов создания системы регулирования вооружений для пред-
ставления их Членам Организации.

3) Любой член Организации, который не состоит членом Со-
вета Безопасности, или любое государство, не состоящее Членом
Организации, если они являются сторонами в споре, рассматри-
ваемом Советом Безопасности, приглашаются принять участие,
без права голоса, в обсуждении, относящемся к этому спору Со-
вет Безопасности ставит такие условия для участия государства,
не состоящего Членом Организации, какие он найдет справедли-
выми.

IV. 1) All Members shall settle their international disputes by
peaceful means in such a manner that international peace and security,
and justice, are not endangered.

2) All Members shall refrain in their international relations from
the threat or use of force against the territorial integrity or political
independence of any state, or in any other manner inconsistent with
the Purposes of the United Nations.

3) The United Nations shall place no restrictions on the eligibility
of men and women to participate in any capacity and under conditions
of equality in its principal and subsidiary organs.

работки все большего числа документов в области международного права, а также путем оказания помощи в целях развития.

- What is the UN doing to prevent conflict?

- Предотвращение конфликтов является для Организации Объединенных Наций важным элементом в контексте ее усилий по поддержанию мира. Такая деятельность является многоаспектной: она охватывает раннее предупреждение, дипломатию, разоружение, превентивное развертывание и, когда это необходимо, использование санкций. Однако прежде всего эффективная деятельность по предотвращению конфликтов предполагает устранение факторов структурного характера, в силу которых общество в той или иной стране оказывается предрасположенным к конфликту. □ What is the UN doing to fight terrorism?

- What is the UN doing to fight terrorism?

- После нападений, которые были совершены в Соединенных Штатах 11 сентября 2001 года, Сове Безопасности сыграл свою роль в рамках этой новой глобальной коалиции. 28 сентября, согласно соответствующим положениям Устава Организации Объединенных Наций, он принял резолюцию, предусматривающую широкий круг мер, нацеленных на предотвращение финансирования терроризма, квалификация сбора средств для этих целей в качестве уголовных преступлений и незамедлительное замораживание финансовых активов террористов. Под эгидой Организации Объединенных Наций проводились переговоры в контексте разработки 12 международных конвенций по данной проблеме, включая Конвенцию о борьбе с захватом заложников 1979 года, Конвенцию о борьбе с бомбовым терроризмом 1997 года и Конвенцию о борьбе с финансированием терроризма 1999 года, и в настоящее время проводится работа по подготовке всеобъемлющего договора о борьбе с терроризмом, который позволит устранить все пробелы, имеющиеся в текстах предыдущих документов. Организация Объединенных Наций также принимает меры в целях укрепления международного режима, связанного с оружием массового уничтожения, прекращения продажи стрел-

кового оружия негосударственным образованиям, ликвидации противопехотных наземных мин, улучшения охраны ядерных и химических объектов и усиления контроля в связи с угрозами со стороны кибертеррористов.

- What is the UN doing to stop the spread of arms?

- Проводимые при поддержке Организации Объединенных Наций многосторонние переговоры, такие, как переговоры в рамках Конференции по разоружению, привели к заключению широкого круга соглашений, включая Договор о нераспространении ядерного оружия, Договор о всеобъемлющем запрещении ядерных испытаний и договоры о создании зон, свободных от ядерного оружия. За последнее десятилетие примерно 2 миллиона детей было убито, а 5 миллионов ранено в ходе конфликтов с применением стрелкового оружия и легких вооружений, включая револьверы, автоматы, минометы, ручные гранаты и портативные ракетные пусковые установки. В результате деятельности не гнушающихся ничем торговцев оружием, коррумпированных должностных лиц, синдикатов по торговле наркотиками, террористов и других субъектов такое оружие во всем мире несет людям смерть и увечья повсюду – на улицах, в школах и в больших и малых городах. Организация Объединенных Наций проводит работу в целях пресечения незаконной торговли этими видами оружия, которыми предпочитают пользоваться террористы, преступники и члены нерегулярных формирований.

- Why can't the United Nations impose peace?

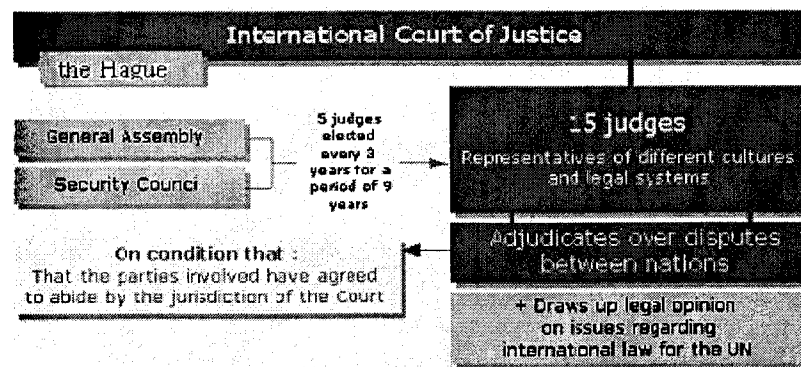
- Организация Объединенных Наций не располагает возможностями для того, чтобы обеспечить мир с помощью силы. Она не представляет собой некоего «мирового правительства», у нее нет регулярной армии, равно как и военной техники и имущества. Она не является международной полицией. Эффективность Организации Объединенных Наций зависит от политической воли ее государств-членов, которые решают, будет ли орга-

his staff, and constitutes virtually an international civil service. 5) provisions of the Charter. 6) offices in order to resolve or contain international crises. 7) have enabled him to increase the influence of the organisation. 8) bring to the attention of the Security Council any matter which he feels may strengthen the maintenance of international peace and security, although this power has not often been used.

23. 1) Экономический и социальный совет – Economic and Social Council; 2) специализированные учреждения – specialized agencies; 3) консультироваться с неправительственными организациями – to consult with non-governmental organizations; 4) готовить проекты конвенций – to prepare draft conventions; 5) созывать международные конференции – to call international conferences; 6) координировать экономическую и социальную деятельность – to coordinate the economic and social work; 7) служить центральным форумом для обсуждения международных экономических и социальных проблем – to serve as the central forum for discussing international economic and social issues; 8) выработать рекомендации – to make recommendations; 9) поощрять уважение и соблюдение прав человека – to promote respect for, and observance of, human rights; 10) неправительственные организации – non-governmental organizations.

25. 1) судебный – judicial 2) урегулирует – settles 3) консультативные заключения – advisory opinions 4) частным лицам – private individuals 5) консультативное заключение – advisory opinion 6) консультативные заключения – advisory opinions 7) юрисдикция – jurisdiction 8) договор – treaty 9) избираются – elected 10) пленарное заседание – plenary session 11) ежегодно – annually 12) урегулирование в судебном порядке – judicial settlement.

26.



29. 1) r; 2) k; 3) h; 4) o; 5) l; 6) i; 7) f; 8) s; 9) q; 10) t; 11) a; 12) g; 13) d; 14) m; 15) j; 16) n; 17) e; 18) c; 19) b; 20) p

30.

- How does the UN work for peace?
- Организация Объединенных Наций содействует обеспечению мира, как прямо, так и косвенно, используя самые разнообразные пути. В тех случаях, когда речь идет о явном или назревающем конфликте, Организация Объединенных Наций использует самые разнообразные средства: от посредничества до развертывания сил по поддержанию мира. Деятельность Организации Объединенных Наций по предотвращению конфликтов нацелена на устранение тех причин социально-экономического характера, которые ведут к войне. Будучи центральным форумом, в рамках которого предпринимаются дипломатические усилия и проводятся обсуждения, Организация Объединенных Наций закладывает основы для мирного урегулирования споров, что позволяет ликвидировать конфликты в зародыше. Когда речь идет о международном кризисе, она играет роль координационного центра, который проводит работу в целях смягчения напряженности и обеспечения начала переговоров. Кроме этого, Организация Объединенных Наций содействует обеспечению мира путем раз-

11.

noun	verb	adjective
possession	possess	possessed
alternate	alternate	alternate
election	elect	elect
disarmament	disarm	disarming
restructuring	restructure	restructuring
budget	budget	budgetary
organization	organize	organized

12. 1) b; 2) d; 3) h; 4) a; 5) g; 6) i; 7) c; 8) e; 9) j; 10) f

13. 1) g; 2) a 3) j; 4) i; 5) b; 6) d; 7) c; 8) f; 9) e; 10) h

15. 1) responsibility; 2) member; 3) accept; 4) headed; 5) permanent; 6) elected; 7) vote; 8) affirmative; 9) substantive; 10) cast; 11) power; 12) right; 13) abstain; 14) decisions; 15) obligated; 16) state; 17) peaceful; 18) threat; 19) break off; 20) military

16.

• maintaining international peace and security – поддержание международного мира;

- to exert pressure on – оказывать давление на;
- parties to a conflict – стороны в конфликте;
- mediation missions – посреднические миссии
- warring parties – противоборствующие стороны;
- world opinion – мировое общественное мнение;
- diplomatic efforts and initiatives – дипломатические усилия и инициативы;

- an end to fighting – прекращение боевых действий;
- a truce is in place – заключать перемирие;
- peacekeeping operations – операции по поддержанию мира;

- to carry out agreements – выполнять достигнутые соглашения;
- to impose economic sanctions – введение экономических санкций;
- to declare a trade embargo – объявление торгового эмбарго;
- to establish international tribunals – учреждать международные трибуналы;
- persons accused of war crimes – лица, обвиняемые в военных преступлениях;
- use all necessary means – применять все необходимые средства;
- enforcement actions – принудительные меры;
- to restore the sovereignty – восстанавливать суверенитет;
- referendum on self-determination – референдума по вопросу самоопределения

20. Down: 1) staff; 2) integrity; 3) untimely; 4) office; 5) occupant; 6) contain; 7) provoke

Across: 8) virtually; 9) personage; 10) empower; 11) evolution; 12) subsequent.

12s	3u	b	s	e	q	u	e	n	t	6c								
	n							ll	e	v	o	l	u	t	2.i	5o	n	
	t								7p	n					n	c		
8v	i	r	t	u	a	l	l	y	r	t					t	c		4o
	m								o	a		l.s		e	u		f	
9p	e	r	s	o	n	a	g	e	v	i		t		g	p		f	
	l								o	n		a		r	a		i	
	y								k			f		i	n		c	
									e			f		t	t		e	
10e	m	p	o	w	e	r								y				

22. 1) possibly to influence developments. 2) the UN peacekeeping force in the Middle East, thus removing an important psychological barrier to war, and provoking a certain amount of criticism. 3) efficiency, competence and integrity. 4) the Secretary-General and

treaty or contract or an organization, state, etc., on whose behalf such a document has been signed; **treaty** – a formal agreement or contract between two or more states, such as an alliance or trade arrangement; **set forth** – to state, express, or utter; **self-determination** – the power or ability to make a decision for oneself without influence from outside; **freedom** – personal liberty, as from slavery, bondage, serfdom, etc; **refrain** – to abstain (from action); forbear

intervene – to take a decisive or intrusive role (in) in order to modify or determine events or their outcome.

4.

noun	verb
achievement	achieve
development	develop
maintenance	maintain
assistance	assist

noun	verb
intervention	intervene
authorization	authorize
determination	determine
ratification	ratify

5. 1. to fulfill **in** good faith; 2. cooperation **in** solving international problems; 3. to intervene **in** matters; 4. to set **out** the purposes; 5. to be deposited **with** the United States National Archives; 6. to become a party **to** the Statute; 7. to come **into** existence; 8. to set forth **in** the Charter, 9. principle **of** equal rights; 10. **on** the basis of proposals; 11. to be a centre **for** harmonizing; 12. to be based **on** the sovereign equality; 13. to be drawn **up** by the representatives; 14. to refrain **from** the threat; 15. assistance **in** any action.

6. 1) to develop friendly relations among nations; 2) a member of the United Nations; 3) preventive or enforcement action; 4) to maintain international peace and security; 5) to settle international disputes by peaceful means; 6) sovereign equality; 7) to fulfill in good faith Charter obligations; 8) to endanger international peace and security; 9) to be a centre for harmonizing the actions; 10) the Statute of the International Court of Justice; 11) domestic jurisdiction of a State; 12) to refrain from the threat of force; 13) the principle of equal rights and self-determination of peoples; 14) to solve international economic problems; 15) attainment of the common ends.

7. 1) The name "United Nations" was coined by United States President Franklin D. Roosevelt. 2) The United Nations Charter was drawn up by the representatives of 50 countries at the United Nations Conference on International Organization, which met in San Francisco. 3) The Charter was signed on 26 June 1945 by the representatives of the 50 countries. 4) Poland, which was not represented at the Conference, signed it later and became one of the original 51 Member States. 5) United Nations Day is celebrated on 24 October each year. 6) The Charter is a constitution that sets out the purposes and principles upon which the Organization of the United Nations is based, it is also a treaty that a country signs and agrees to respect when it becomes a Member of the Organization. 7) Yes, any country that becomes a Member of the United Nations automatically becomes a party to the Statute of the Court. 8) The Purposes of the United Nations, as set forth in the Charter, are: a) to maintain international peace and security; b) to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; c) to achieve international cooperation in solving international economic, social, cultural, or humanitarian problems, and in promoting and encouraging respect for human rights and for fundamental freedoms; d) to be a centre for harmonizing the actions of nations in the attainment of these common ends. 9) a. It is based on the sovereign equality of all its Members; b. All Members are to fulfill in good faith their Charter obligations; c. They are to settle their international disputes by peaceful means and without endangering international peace and security, and justice; d. They are to refrain from the threat or use of force against any other State; e. They are to give the United Nations every assistance in any action it takes in accordance with the Charter, and shall not assist States against which the United Nations is taking preventive or enforcement action; f. Nothing in the Charter is to authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State. 10) Yes, the Charter contains 19 Chapters comprising 111 Articles.

9. 1 – B; 2 – D; 3 – C; 4 – A

роне американских государств, а в 1948 году в Боготе принят Устав этой Организации. В 1967 году в него был внесен ряд изменений. Организация американских государств создавалась как региональная. Устав содержит положения о коллективной безопасности государств-членов. Акт агрессии какого-либо государства против целостности территории или политической независимости одного из членов. ОАГ рассматривается как акт агрессии против всех остальных членов и дает основание для применения вооруженной силы.

ОАГ имеет следующую организационную структуру.

Генеральная ассамблея – высший орган, в котором представлены все государства-члены. Созывается ежегодно. Генеральная ассамблея определяет политику, деятельность и бюджет Организации, структуру и функции ее органов.

Консультативное совещание министров иностранных дел создано для рассмотрения проблем срочного характера, интересующих все государства, например для рассмотрения акта вооруженного нападения на государство – члена ОАГ, поэтому при данном органе учрежден Консультативный комитет обороны.

Исполнительным органом является Постоянный совет, состоящий из представителей всех государств-членов, при котором, создан ряд вспомогательных советов и комитетов.

Генеральный секретариат ОАГ возглавляется генеральным секретарем, избираемым на пять лет.

В рамках ОАГ действует целый ряд различного рода специализированных учреждений регионального характера.

Штаб-квартира ОАГ – Вашингтон.

TEST

I. 1) constituent; 2) system; 3) organization; 4) military; 5) universal political; 6) was signed; 7) the League of Nations; 8) administrative unions; 9) Charter; 10) regional; 11) Secretary-General; 12) Conference; 13) dispute; 14) accordance; 15) control

II. 1) on; of; 2) within; of; 3) down; of; 4) in; 5) in; 6) on; 7) out of; at; 8) into; 9) under; of; 10) in

III. 1) Решения международных организаций являются рекомендациями, за исключением решений по внутренним вопросам их деятельности, которые в соответствии с уставами обычно имеют обязательный характер.

2) Бюджет международных организаций пополняется за счет взносов государств-членов. Каждая организация устанавливает свой порядок распределения взносов в бюджет.

3) Государства-члены вносят свои взносы как в регулярный бюджет, так и в добровольные фонды, существующие для финансирования отдельных видов деятельности организаций. За счет взносов в регулярный бюджет финансируется вся административная деятельность организаций.

IV. 1) Universal international intergovernmental organizations are agencies whose purposes and the object of whose activities are of interest to all States.

2) Regional agencies, whose aim is to maintain international peace and security and whose creation is provided for by Chapter VIII of the United Nations Charter, are of particular significance among other regional organizations.

3) One of the major principles of international organizations is that of the sovereign equality of the member-states.

UNIT 3. THE UNITED NATIONS

1. 1. a. 2. b 3. c 4. c 5. a

3. mandate – an official or authoritative instruction or command; **agenda** – a schedule or list of items to be attended to; **representative** – a person representing a constituency in a deliberative, legislative, or executive body, **drawn up** – to prepare a draft of (a legal document); **deliberate** – carefully thought out in advance; planned; studied; intentional; **signatory** – person who has signed a document such as a

23. 1) b; 2) i; 3) a; 4) j; 5) c; 6) g; 7) d; 8) e; 9) h; 10) f

24.

noun	verb
assignment	to assign
dispute	dispute
security	secure
provision	provide
strength	strengthen

noun	verb
safety	save
consultation	consult
convocation	convene
measure	measure
supplement	supplement

25. 1) Организация по безопасности и сотрудничеству в Европе – Organization for Security and Cooperation in Europe ОБСЕ, 2) демократические учреждения/институты – democratic institutions; 3) соблюдение прав человека – respect for human rights; 4) встреча в верхах [на высшем уровне] – summit meeting; 5) министр иностранных дел – foreign Minister; 6) верховный комиссар – High Commissioner; 7) соглашение о сотрудничестве – cooperation agreements; 8) невмешательство – non-intervention; 9) внутренние дела (страны) – internal affairs; 10) территориальная неприкосновенность – территориальная целостность; territorial integrity; 11) нерушимость границ – inviolability of frontiers; 12) суверенное равенство – sovereign equality; 13) ряд основных принципов – a series of basic principles; 14) Заключительный акт Хельсинки; the Helsinki Final Act; 15) Европейские державы – European powers; 16) когерентная структура – coherent structure; 17) глава государства – head of state; 18) governing body – руководящий орган; 19) executive action – акт исполнительной власти; 20) триумвират – triumvirate.

27. 1) c; 2) y; 3) a; 4) g; 5) p; 6) n; 7) u; 8) b; 9) x; 10) m; 11) w; 12) d; 13) i; 14) e; 15) s; 16) q; 17) f; 18) v; 19) r; 20) j; 21) h; 22) t; 23) k; 24) l; 25) o

1) regulations of the organization – правила организации; 2) running of the organization – функционирование организации; руководство

организацией; 3) sovereign equality of all the members of the organization – суверенное равенство всех членов организации; 4) permanent head of an organization – постоянный глава организации; 5) Organization for Economic Cooperation and Development, OECD – Организация экономического сотрудничества и развития, ОЭСР; 6) to join an organization – вступить в организацию, присоединиться к организации; 7) to disband an organization; to walk out of an organization – выйти из (состава) организации; 8) Organization of Petroleum Exporting Countries, ОПЕК – Организация стран-экспортёров нефти, ОПЕК; 9) to walk out of an organization – выйти из (состава) организации; 10) consultative organizations – консультативные организации; 11) foreign trade organizations – внешнеторговые организации; 12) intergovernmental organizations – межправительственные организации; 13) intergovernmental administrative organizations – межправительственные административные организации; 14) intergovernmental military organizations – межправительственные военные организации; 15) intergovernmental political organizations – межправительственные политические организации; 16) general international organization – всеобщая международная организация; 17) creation of international organizations – создание международных организаций; 18) office of an international organization – отделение международной организации; 19) legal organization of the international community – правовая организация международного сообщества; 20) member organizations – участвующие организации, организации-члены; 21) international non-governmental organizations – международные неправительственные организации; 22) political organization – политическая организация; 23) public organizations – общественные организации; 24) regional organizations – региональные организации; 25) socio-political organization – общественно-политическая организация.

28. Организация американских государств (ОАГ)

ОАГ была создана на базе Панамериканского союза. В 1947 году, в Рио-де-Жанейро был подписан Договор о взаимной обо-

9) The information function is one of the oldest functions of international organizations, isn't it? *Yes, the information function is one of the oldest functions of international organizations.*

10) How many aspects does the information function have? *The information function has two aspects.*

11) What is the norm-creating function? *The norm-creating function has two meanings: 1) the direct participation by an international organization in the creation of norms of international law, 2) the participation by an international organization in the norm-creation process of States.*

12) Many intergovernmental organizations of the United Nations system are engaged in the type of norm creation, aren't they? *Yes, many intergovernmental organizations of the United Nations system are engaged in the type of norm creation.*

13) When did the control function begin to develop? *The control function began to develop after the Second World War.*

14) Is the operational function a new function of international organizations? *The operational function is a new function of international organizations, and one that is a particular characteristic of the United Nations and specialized agencies.*

15) Must all functions of international organizations be performed in accordance with their charters? *Yes, all functions of international organizations must be performed in accordance with their charters.*

18. 1) c; 2) j; 3) a; 4) i; 5) b; 6) g; 7) d/ e; 8) e/d; 9) f; 10) h

19. 1) to arise **out of** the situation; 2) to come **into** being; 3) **on** the basis of smth; 4) trade negotiations coupled **with** unconditional acceptance; 5) benefits obtained **by** one state are passed **on to** other states; 6) **in** this respect; 7) to be held **under** the auspices of the GATT; 8) the round commenced **in** 1986; 9) the round concluded **with** the signing at Marrakesh **on** 15 April 1994 of an agreement; 10) General Council composed of representatives of all members;

20. 1) False. The GATT arose out of an international conference held at Havana in 1947 at which it was decided to establish an International Trade Organisation. 2) True. A series of tariff and trade negotiating rounds were held under the auspices of the GATT. 3) False. The agreement provided for the establishment of the World Trade Organisation on 1 January 1995 as a permanent institution with its own secretariat. 4) False. The World Trade Organisation consists of a Ministerial Conference, consisting of representatives of all members meeting at least once every two years. 5) False. The GATT of 1947 continued until the end of 1995.

21. 1 - F; 2 - G; 3 - A; 4 - E; 5 - B; 6 - D

22. 1) power; 2) frontier; 3) integrity; 4) summit; 5) troika; 6) discuss; 7) cooperate; 8) conciliation; 9) tension; 10) consult.

c	o	n	c	i	l	i	a	t	i	o	n
o						r					
o	c		t	e	n	s	i	o	n		
p	o	w	e	r			i				
e	n						k				
r	s						a				
a	u			d	i	s	c	u	s	s	
t	l				n						
e	t				t					s	
					e					u	
					g					m	
					r					m	
					i					i	
	f	r	o	n	t	i	e	r		t	
					y						

на представительство – the right to representation; 8) правомерный характер международной организации – the legitimate character of the international organization; 9) международная правосубъектность – international legal personality; 10) учреждение в соответствии с международным правом – creation in accordance with international law; 11) учредительный акт (документ) – constituent instrument; 12) Организация Объединенных Наций по промышленному развитию (ЮНИДО) – the United Nations Industrial Development Organization (UNIDO); 13) создавать вспомогательные органы – to establish subsidiary organs; 14) право на заключение международных договоров – the right to conclude international agreements; 15) в рамках международной организации – within the framework of the international organization.

11. 1) обычно состоит из следующих звеньев – usually consists of the following components; 2) создание юридических органов – the creation of legal organs; 3) общих международных организациях – universal international organizations; 4) имеет один голос – has one vote; 5) выборы исполнительных органов, генерального секретаря, утверждение бюджета организации – elections to executive bodies, the election of a general secretary, and approval of the organization's budget; 6) осуществляются в соответствии – are usually held in accordance with; 7) критерий справедливого географического распределения и критерий специфических интересов – equitable geographical distribution, and specific interests; 8) возглавляется генеральным секретарем (директором) – are headed by a Secretary-General (Director); 9) должен производиться на широкой географической основе с учетом их квалификации – must be carried out on a wide geographical basis, with due consideration for skills; 10) вспомогательные органы – subsidiary organs.

13. 1) f; 2) j; 3) a; 4) i; 5) b; 6) e; 7) c; 8) d; 9) g; 10) h.

14.

competence(n) – competent (adj)	mandate (n) – mandatory (adj) – mandatory (n)
jurisdiction (n) – jurisdictional (adj)	distribute (v) – distributor (n) – distribution (n) – distributive (adj)
aggregate (v) – aggregate (n) – aggregate (adj) – aggregation (n)	expend (v) – expendable (adj) – expenditure (n)
elaborate (adj) – elaborately (adv) – elaborateness (n) – elaboration (n)	disposal (n) – dispose (v) – disposable (adj)

15. 1) Why do States create international organizations? *International organizations are created by States to serve concrete purposes and tasks.*

2) The resolutions of organs of international organizations usually fall into three types, don't they? *No, the resolutions of organs of international organizations usually fall into two types.*

3) What does object competence mean? *Object competence determines the range of issues falling within IO competence.*

4) What does jurisdictional competence mean? *Jurisdictional competence determines the legal force of their acts with respect to individual issues within its object competence.*

5) Are in all international organizations decisions on organizational issues binding on all member-states? *Yes, in all international organizations decisions on organizational issues are binding on all member-states.*

6) What was the United Nations created for? *The United Nations was created to maintain international peace and security.*

7) What are the tasks of the International Civil Aviation Organization? *The tasks are: to study problems of international civil aviation, elaborate international norms and rules for civil aviation, and contribute to the safety of flights on international airlines.*

8) What was the World Intellectual Property Organization created for? *The World Intellectual Property Organization (WIPO) was created to provide international protection of copyright.*

4. 1) h; 2) d; 3) a; 4) g; 5) b; 6) c; 7) e; 8) f

1) growth – development; 2) permanent – constant; 3) establish – set up; 4) maintain – keep up; 5) cease – stop; 6) enhance – intensify; 7) abolition – nullification; 8) in accordance with – in concordance with.

5. 1. World Health Organization (WHO) – Всемирная организация здравоохранения (ВОЗ); 2. International Civil Aviation Organization (ICAO) – Международная организация гражданской авиации (ИКАО); 3. North Atlantic Treaty Organization (NATO) – Организация Североатлантического договора (НАТО); 4. South-East Asia Treaty Organization (SEATO) – Организация договора Юго-Восточной Азии (СЕАТО); 5. Central Treaty Organization (CENTO) – Организация центрального договора (СЕНТО); 6. Australia-New Zealand-US Defence Pact (ANZUS) – Тихоокеанский пакт безопасности (АНЗЮС); 7. Organization of African Unity (OAU) – Организация Африканского Единства (ОАЭ).

6. 1) In the mid-19th century, economic development gave rise to a need to rely on international law in regulating a wide range of new spheres of intergovernmental relations.

2) The earliest major international administrative unions include the International Telecommunication Union (1865), the Universal Postal Union (1874), the International Bureau of Weights and Measures (1875), the International Union for the Protection of Industrial Property (1883).

3) International administrative unions were actually the first permanent international organizations.

4) The first permanent political international organization, the League of Nations, was established in 1919.

5) In 1940, the League of Nations actually ceased to exist, which was formalized in 1946.

6) The UN Charter was signed in June 1945 at a conference held in San Francisco.

7) The United Nations is a universal political organization for maintaining international peace and security.

8) Simultaneously with the creation of the United Nations, a number of intergovernmental organizations appeared that were called specialized agencies.

9) The “cold war” led to the formation of a number of closed military groupings.

10) The abolition of colonial system has greatly increased the membership of the world's major organizations

8.

Down: 1. system, 2. privilege 3. achieve,

Across: 4. subsidiary, 5. legitimate; 6. purpose; 7. organization; 8. association; 9. charter; 10. competence

				3 a																
8 a	s	s	o	c	i	a	t	i	o	n										
				h																
4 s	u	b	s	i	d	i	a	r	y											
2 p				e															1 s	
r				v															y	
i				e	6 p	u	r	p	o	s	e	s								
v																			t	
i				10 c	o	m	p	e	t	e	n	c	e							
l																			m	
e	9 c	h	a	r	t	e	r													
g																				
e	7 o	r	g	a	n	i	z	a	t	i	o	n								
5 l	e	g	i	t	i	m	a	t	e											

9. 1) Конференция ООН по торговле и развитию (ЮНКТАД) – United Nations Conference on Trade and Development (UNCTAD); 2) международная межправительственная организация – international intergovernmental organization; 3) право на привилегии и иммунитеты – the right to privileges and immunities; 4) договорная основа – treaty-based character; 5) система постоянных органов – a system of standing organs; 6) права и обязанности государств-членов – the rights and duties of member-states; 7) право

играют существенную роль в создании новых норм международного права, но и еще больше признаются в качестве средства установления или толкования действующих международно-правовых норм.

Национальное законодательство и решения национальных судов

Законодательство конкретных государств и решения их судов, разумеется, не являются источниками международного права, т. е. не создают норм, обязательных для межгосударственных отношений.

Законодательство и судебная практика государств могут и должны приниматься во внимание при характеристике их международно-правовой позиции по тем или иным вопросам. Совпадающие законодательство и судебная практика многих государств могут служить наряду с другими доказательствами вспомогательным средством для установления существования тех или иных обычных норм международного права.

TEST

I. 1) conflict; 2) private; 3) public; 4) prohibits; 5) peaceful; 6) self-determination; 7) sovereign; 8) non-sovereign; 9) legal; 10) international; 11) obligations; 12) sovereignty; 13) treaties; 14) binding; 15) legislation.

II. 1) from; 2) for; 3) of; for; 4) from; 5) out; 6) by; 7) over; 8) in; 9) into; with; 10) to; of; 11) in; 12) for; from; 13) against; 14) in; of; 15) in; with.

III. 1) Процесс создания норм международного права есть процесс согласования воли государств, результатом которого яв-

ляется соглашение относительно правила поведения и признания его в качестве юридически обязательного.

2) Основная задача международного права состоит в том, чтобы правовыми средствами путем соглашения между суверенными государствами содействовать нормальному функционированию международной системы, обеспечению мира и решению международных проблем.

3) Международное право не регулирует отношения, возникающие внутри государства, хотя во многих случаях оказывает определенное воздействие через национальное право этих государств.

IV. 1) States possess power, including military power, create norms of international law through agreements, and the functioning of the international system and of international law depends on their activities.

2) The subjects of international law are primarily sovereign States over which there is no power, and also nations and peoples struggling to create independent States, interstate organizations and certain state-like formations.

3) In the formation of international legal norms States appear as sovereign and equal subjects.

UNIT 2. INTERNATIONAL ORGANIZATIONS

1. 1) a; 2) b; 3) b; 4) c; 5) a

3.

noun	verb
union	unite
organization	organize
establishment	establish
cease	cease
enhancement	enhance

noun	verb
defense	defend
existence	exist
abolishment	abolish
increase	increase
internationalization	internationalize

24. 1) subsidiary means; 2) norm-creating process; 3) *lex specialis derogat generali* (a special law nullifies a general law); 4) international legal norms; 5) international conventions; 6) international custom; 7) *lex posteriori derogat priori* (a later law nullifies an earlier one); 8) contesting States; 9) the general principles of law; 10) civilized nations; 11) judicial decisions and the teachings of the most highly qualified publicists of the various nations; 12) *nemo plus juris transferre potest quam ipse habet* (no man can transfer to another more rights than he himself possesses); 13) overwhelming majority; 14) multilateral treaties; 15) to recognize the custom as legally binding, *opinio juris*; 16) to play the leading role; 17) a concordance of wills of subjects of international law; 18) to sign a treaty; 19) ratification 20) to deposit instruments of ratification; 21) the United Nations Charter; 22) Members of the United Nations; 23) under the present Charter; 24) maritime communications; 25) a representative of the Ministry of Foreign Affairs.

25. 1. international conventions, international custom, the general principles of law recognized by civilized nations; judicial decisions and the teachings of the most highly qualified publicists of the various nations.

2. national legal systems and international law.

3. mandatory for all member-states.

4. rights and obligations they accept as legally binding.

5. over other international treaties.

6. means for the determination of rules of law.

7. the practice of international relations.

8. treaties among States.

9. on the one hand, there is an increasing recognition that the custom is legally binding (*opinio juris*); and on the other hand, a growing number of States recognize the custom as a norm of international law.

10. the norm-creating process.

26. *Вспомогательные средства для определения норм международного права*

Решения Международного Суда ООН

Значение различных решений Международного Суда не одинаково. Решения, которые соответствуют международному праву, приобрели значительный вес, и на них нередко ссылаются; решения же, которые отражают односторонние взгляды юристов, не повлияли на развитие международного права и международной практики.

Доктрина международного права

Статья 38 Статута Международного Суда предусматривает, что Суд при решении дел может применять также «доктрины наиболее квалифицированных специалистов по публичному праву различных наций в качестве вспомогательного средства для определения правовых норм». Следовательно, доктрина международного права официально признана как вспомогательный источник международного права.

Однако по мере того как практика государств становится все более доступной в результате опубликования различного рода дипломатических и других государственных документов, а также решений международных организаций и международных судов, роль доктрины в качестве средства установления норм международного права и их толкования значительно уменьшилась

Резолюции-рекомендации международных организаций

В международной практике при установлении или толковании норм международного права государства все чаще ссылаются на резолюции Генеральной Ассамблеи ООН, а иногда и на резолюции других международных организаций. Поэтому есть все основания утверждать, что в настоящее время резолюции-рекомендации Генеральной Ассамблеи ООН (и в меньшей степени резолюции других международных организаций) не только

sovereign subjects. 7) ... economic, social, political or other differences. 8) ... will and not predetermined by any international act or recognition. 9) ... agreements by sovereign States. 10) ... sovereignty.

17.

noun	verb	noun	verb
<i>difference</i>	<i>differ</i>	possession	possess
existence	exist	enjoyment	enjoy
issue	issue	manifestation	manifest
breach	break	subject	subject
condition	condition	implementation	implement

18. 1) e; 2) f; 3) a/h; 4) b; 5) j; 6) h/a; 7) c; 8) d; 9) i; 10) g

19. 1) independent; 2) relations; 3) possess; 4) status; 5) established; 6) attaches; 7) derives; 8) supreme; 9) maintains; 10) is; 11) agreements; 12) status; 13) participant; 14) member; 15) permanent.

20. 1) Subjects of international law may be defined as independent entities that are not subordinated in their international relations to any political power, and that possess a legal capacity to carry out independently the rights and obligations defined by international law.

2) No, the classification of subjects of international law divides them into two categories, namely, sovereign subjects (primary) and non-sovereign (secondary, derivative).

3) Yes, sovereign subjects are States and also nations and peoples struggling for independence.

4) Yes, they belong to the category of non-sovereign subjects.

5) Yes, State sovereignty refers to the supremacy of a State over its territory.

6) They are: a) the right to enter into relations with other States and other subjects of international law; b) the right to engage in diplomatic and consular relations with other States and to have representatives at international organizations in which they participate; c) the right to conclude international treaties or participate in other ways in

the creation of international legal norms; d) the right to be members of international intergovernmental organizations and to participate in international conferences; e) the right to protect their legal personality as well as to apply sanctions to violators of international legal norms.

7) All States possess identical legal personalities.

8) An objective prerequisite for an independent international status of nations and peoples is their struggle against colonial regimes in asserting independence.

9) The Declaration on the Granting of Independence to Colonial Countries and Peoples was adopted by the United Nations General Assembly on 14 December 1960.

10) Yes, international organizations possess sovereignty.

11) No, they don't possess territory and a population and, hence, exercise territorial supremacy.

12) An international organization cannot be a party to an issue laid before the UN International Court of Justice.

13) They have the right to conclude treaties.

14) Yes, it maintains diplomatic relations with many States, primarily those in which the influence of Catholicism is substantial.

15) The Vatican maintains diplomatic relations with States, it has right to conclude treaties, it is a member of several international intergovernmental organizations and has a permanent observer at the United Nations and so on.

23. 1) convention; 2) custom; 3) concordance; 4) consent; 5) instrument; 6) sign; 7) bind; 8) obligation; 9) nullify; 10) interpret

d	a	b	t	c	o	n	c	o	r	d	a	n	c	e	c	o	n
a	s	i	g	n	i	k	e	s	d	a	s	d	o	b	m	n	u
d	o	n	d	o	b	l	i	g	a	t	i	o	n	e	a	s	i
c	n	d	d	m	g	o	h	a	h	c	g	a	s	k	n	o	i
o	e	n	y	i	p	i	n	t	e	r	p	r	e	t	y	k	i
m	g	c	j	c	o	n	v	e	n	t	i	o	n	i	p	a	f
a	k	o	m	c	v	c	z	i	c	u	s	t	a	m	c	y	
i	n	s	t	r	u	m	e	n	t	i	p	a	i	y	y	a	s

KEYS

UNIT 1. THE CONCEPT OF INTERNATIONAL LAW

1. 1) a; 2) c; 3) b; 4) a; 5) b

4.

noun	verb	adjective
a) coercion	coerce	coercive
b) validity	validate	valid
c) adherence	adhere	adhesive
d) punishment	punish	punishable
e) obtrusion	obtrude	obtrusive
f) application	apply	applicable
g) regulation	regulate	regulative
h) binding	bind	binding
i) development	develop	developable
j) legalization	legalize	legal

5. 1) d; 2) o; 3) m; 4) n; 5) h; 6) k; 7) e; 8) c; 9) f; 10) g/a; 11) j; 12) l; 13) b; 14) i; 15) a/g;

6.

g	m	a	g	c	g	l	h
d	u	l	y	g	d	a	t
m	n	g	d	g	o	w	m
b	l	n	d	l	n	g	a
a	c	o	e	r	c	e	v
r	i	g	h	t	e	j	a
d	p	o	d	v	o	l	i
h	a	h	e	v	b	m	i
a	l	d	g	h	i	e	d

- 1) coerce
- 2) law
- 3) right
- 4) duty
- 5) valid
- 6) municipal
- 7) binding

7. 1) T; 2) F (Law is that element...); 3) T.; 4) T; 5) F (Public international law covers...); 6) T; 7) F (Private international law deals...).

9. 1) to outlaw colonialism; 2) to unleash and conduct aggressive wars; 3) the peaceful coexistence of States; 4) the right of a State to wage war; 5) the rights of victors; 6) criminally responsible; 7) the principle of the non-use of force or threat of force in international relations; 8) the institutions of conquest and war indemnities; 9) to resolve disputes only through peaceful means; 10) historical types of law; 11) to be imposed on a State without its consent; 12) the occupation of the aggressor State; 13) the equality and self-determination of nations and peoples; 14) respect for human rights; 15) the responsibility of States for aggression; 16) the principle of the sovereign equality of States; 17) international criminal responsibility of states; 18) crimes against humanity; 19) the principle of non-interference into domestic affairs; 20) to comply with international obligations in good faith.

11. Suggested answers:

1. The Concept of a Subject; 2. Types of Subjects; 3. States as the Basic Subjects of International Law; 4. The Legal Personality of States; 5. The International Legal Personality of Nations and Peoples Struggling for Independence.

12. 1) j; 2) e; 3) i; 4) g; 5) b; 6) h; 7) d; 8) f; 9) c; 10) a;

13. 1) into; 2) to, of; 3) of, over; 4) in; 5) into, with; 6) in; 7) to, of; 8) in, of; 9) in, with.

14. 1) d; 2) g; 3) a; 4) b; 5) f; 6) c; 7) e

15. 1) ... independent entities that are not subordinated in their international relations to any political power, and that possess a legal capacity to carry out independently the rights and obligations defined by international law. 2) ... international relations. 3) ... the basic principles of international law. 4) ... States and also nations and peoples struggling for independence. 5) ... self-determination. 6) ... non-

патников, немалую роль "почетные" играют и в продвижении деловых интересов России в представляемых ими странах.

По словам Виктора Лопатникова, в начале 90-х годов почетные консулы занимались не столько продвижением интересов иностранных государств в России, сколько формированием позитивного имиджа представляемой ими страны.

ПИРАТСТВО

.....

Пиратство – неправомерный акт насилия, задержания или грабежа в открытом море или в месте, находящемся вне юрисдикции какого-либо государства, совершаемый с личными целями экипажем или пассажирами частновладельческого судна или летательного аппарата и направленный против др. судна или летательного аппарата, против лиц или имущества, находящихся на их борту. Пиратство является преступлением международного характера (ст. 100 – 103 Конвенции ООН по морскому праву). Пиратские действия военного корабля, государственного судна или летательного аппарата, экипаж которых поднял мятеж, приравниваются к действиям, совершенным частновладельческим судном или летательным аппаратом. Судно или летательный аппарат могут сохранять свою национальность, несмотря на то что они стали пиратскими. Сохранение или утрата национальности в таких случаях определяется законодательством государства, представившего национальность. В открытом море или в любом др. месте вне юрисдикции какого бы то ни было государства любое государство может захватить пиратское судно или летательный аппарат, а также судно или летательный аппарат, захваченные посредством пиратских действий, и находящихся на таких судах или летательных аппаратах лиц и имущество. Судебные учреждения государства, совершившего захват, могут накладывать наказания и определять, какие меры должны быть приняты в отношении захваченных данным государством судов, летательных аппаратов, не нарушая прав добросовестных третьих лиц. Если

захват судна или летательного аппарата по подозрению в пиратстве осуществлен без достаточных на то оснований, совершившее захват государство несет ответственность перед государством флага захваченного объекта за причиненные ущерб или убытки. Захват пиратского судна или летательного аппарата может осуществляться только военными кораблями или летательными аппаратами или др. судами или летательными аппаратами, которые имеют внешние знаки, позволяющие опознать их как состоящие на правительственной службе и уполномоченные для этой цели. Современному международно-правовому определению пиратства не будет противоречить квалификация в качестве такового совершаемых на море преступных действий государств против иностранных судов. Согласно Нионскому соглашению 1937 г., в качестве пиратских действий рассматривались нападения на торговые суда, совершаемые военными государственными кораблями.

Пиратство следует отличать от т. наз. "интеллектуального пиратства", состоящего в контрафакции чужих авторских произведений или объектов промышленной собственности с целью получения прибыли.

ОБЯЗАННОСТИ ПОЧЕТНЫХ КОНСУЛОВ

Так уж сложилось, что абсолютное большинство государств предпочитает иметь в различных экономически привлекательных зарубежных городах почетных консулов, а не открывать там резиденции консульств штатных. Причем власти не менее охотно позволяют и своим гражданам защищать интересы иностранных государств в собственном отечестве.

Будучи, как правило, гражданином страны пребывания, "почетный" имеет богатые личные контакты в кругах политической и деловой элиты. А хорошие человеческие отношения, как любят повторять в дипломатических кулуарах, помогают решить многие вопросы лучше любых международных соглашений.

Круг полномочий и обязанностей почетных консулов мало отличается от прерогатив их штатных коллег. Возникают какие-то коллизии — заключен контракт, не выполнен, дело рассматривается в местном суде, — консул на страже интересов инофирмы. По всем этим вопросам он наделен правом соответствующим образом взаимодействовать с властями страны пребывания. Почетный консул способен помочь в решении имущественных вопросов, связанных с опекой и попечительством.

Вознаграждения за свою работу внештатные консулы не получают. В отличие от штатных "почетные" имеют право заниматься коммерческой деятельностью.

Собственно, зачем нужна вся эта морока видным гражданам различных стран? Почетные консулы получают реальную возможность активно участвовать в общественно-политической жизни своей страны. Они получают право на консульский щит с гербом, на флаг. То есть обретают весьма солидный статус.

Кроме того, "почетные" получают фактически те же привилегии и иммунитеты, что и карьерные консульские лица (их "охраняемые грамоты" — Венская конвенция консульских сношениях от 1963 года и двусторонние консульские соглашения). Разница, как правило, состоит лишь в том, что "почетный" имеет эти при-

вилегии и иммунитеты лишь в рамках исполнения им консульских функций. Кроме того, его нередко частично освобождают от налогов и сборов. Почта и багаж "почетных", как правило, не подлежат досмотру, транспортные средства — реквизиции.

ИНСТИТУТ ПОЧЕТНЫХ КОНСУЛОВ

Назначение почетных консулов производится главой государства по рекомендации внешнеполитического ведомства.

Страна, которая хочет иметь своего "почетного" в том или ином государстве, обращается с соответствующим запросом к его правительству, при этом непременно указывается конкретная кандидатура. Почетному консулу выдается патент, определяющий его функции и округ (он может быть самостоятельным или входить в состав консульского округа штатного консульства), привилегии и иммунитеты. На основании этого патента МИД страны дает разрешение "на отправление деятельности", называемое экзекватурой.

Институт почетного консульства всегда замыкается на конкретной личности. Если этот человек по какой-то причине перестает исполнять свои обязанности, исчезает и почетное консульство, и реанимировать его можно, лишь повторив всю процедуру назначения сначала. Во многих странах эта должность становится семейной, переходя от отца к сыну. Но даже в этих случаях процедура назначений идет без купюр. Покинуть свой пост почетный консул может, лишь если его отзовет направившее государство или же власти страны пребывания отзовут свое согласие на его работу.

Как и штатные, почетные консулы могут быть генеральными, просто почетными консулами, а также вице-консулами и почетными консульскими агентами. Тут все зависит от объема экономических связей представляемой им страны с консульским округом "почетного".

Как отметил глава представительства МИД РФ в Санкт-Петербурге Чрезвычайный и Полномочный Посол Виктор Ло-

уравнивают игнорирование прав человека с невосприятием демократических ценностей мира. Важная особенность этого подхода заключается в том, что современный демократический мир отождествляется с понятием глобальной справедливости. Другая сторона проблемы состоит в том, что осознание личностью своих прав может принести ей не психологический мир, а дать ощущение напряжения и крушения надежд в борьбе за реальные права человека.

Возможно, более убедительным является тот аргумент, что ранее Советский Союз, который реально не гарантировал международные права человека дома, прилагал усилия по искоренению нарушений прав личности за границей. Он всегда поддерживал акции своих политических союзников, когда они были направлены против американских позиций, и всячески блокировал международные усилия, направленные против своих стратегических партнеров в Европе, Азии, Африке и Америке. Абсолютно аналогичную позицию долгие годы занимали США. Существует большое количество публикаций по вопросу о том, была ли необходима вооруженная интервенция США в Гренаде, где, по оценкам мировой общественности, имелись значительные нарушения прав человека. Некоторые исследователи утверждают, что подобная принудительная интервенция была необходима Соединенным Штатам для демонстрации силы "американской традиции" прав человека и порядка принятия международных политических решений, установленного в парламенте США Дж. Картером. Существует аргументация, согласно которой часть Устава ООН гарантирует неприкосновенность местной юрисдикции государств лишь вместе с международными обязательствами, получившими признание. Известно, что решение проблемы предотвращения или легализации подобных вооруженных конфликтов возможно лишь в рамках Совета Безопасности ООН.

КАК СОЗДАВАЛСЯ ЕВРОСОЮЗ

Европейский союз начал создаваться в конце 1940-х – начале 1950-х годов. 9 мая 1950 министр иностранных дел Франции Роберт Шуман предложил объединить угольную и сталелитейную промышленность Франции и ФРГ. В 1951 году Договор о создании Европейского сообщества угля и стали подписали шесть стран: Бельгия, Франция, ФРГ, Италия, Люксембург и Нидерланды. В 1957 году в Риме был подписан договор о создании Европейского экономического сообщества и Европейского сообщества по атомной энергии.

Первое расширение будущего Евросоюза произошло в 1973 году: к "единой Европе" присоединились Великобритания, Дания и Ирландия. В 1981 году – Греция, в 1986-м – Испания и Португалия.

7 февраля 1992 года был подписан Маастрихтский договор о Европейском союзе (вступил в силу 1 ноября 1993 года): был учрежден экономический и монетарный союз (EMU), введена единая европейская денежная единица – ЭКЮ (ECU), переименованная в декабре 1995-го в евро.

В 1995 году к ЕС присоединились Австрия, Швеция и Финляндия. 13 декабря 2002 года в Копенгагене на очередной сессии Европейского совета на уровне глав государств и правительств был дан "зеленый свет" пятому, самому крупному расширению ЕС – 1 мая 2004 года его членами официально станут Венгрия, Польша, Чехия, Словакия, Словения, Латвия, Литва, Эстония, Кипр и Мальта.

В Афинах было объявлено, что проект Конституции "единой Европы" будет представлен на следующем саммите Евросоюза – 20 июня в Салониках. Главный разработчик основного закона – президент Европейского Конвента Валери Жискар д'Эстен. Как заявил глава Еврокомиссии Романо Проди, не все члены ЕС согласны с предложениями Жискар д'Эстена, однако "наметилась тенденция к сближению позиций".

правовое запрещение войны в качестве средства решения международных споров после первой мировой войны.

Принятый в 1945 г. Устав ООН запретил угрозу силой или ее применение против территориальной неприкосновенности и тем самым окончательно установил Принцип территориальной целостности государств, хотя и в сжатой формулировке. В последующем ООН приняла ряд решений, которые развили это положение Устава ООН, дополняя его новым содержанием. Положения о территориальной целостности и неприкосновенности были закреплены в Декларации о принципах международного права, касающихся дружественных отношений и сотрудничества между государствами в соответствии с Уставом ООН, которая была принята Генеральной Ассамблеей ООН в 1970 г.

Важным этапом в становлении и развитии этого принципа явился Заключительный акт Совещания по безопасности и сотрудничеству в Европе 1975 г., в котором содержится обязательство государств-участников уважать территориальную целостность друг друга, воздерживаться от любых действий, несовместимых с Уставом ООН, против территориальной целостности, политической независимости или единства любого государства — участника совещания, в особенности путем применения силы или угрозы силой, а также воздерживаться от того, чтобы превращать территорию друг друга в объект военной оккупации. Данный принцип запрещает территориальные захваты в любой форме, и это определяет его важное значение в современных международных отношениях.

МИРОВОЕ ПРАВИТЕЛЬСТВО

Так сложилось, что теперь главные вопросы глобального характера решаются самыми мощными державами мира, прежде всего США. Кроме традиционных двусторонних альянсов, встреч, контактов, активно влияют на международный климат такие мощные организации, как НАТО, Евросоюз, "восьмерка",

ОПЕК, АСЕАН и другие. Значит, пора привести ООН и его институты в соответствие с новыми реалиями. И сделать ее решения эффективными средствами сохранения мира и безопасности на планете.

Россия могла бы выступить и с инициативой созыва Конгресса народов для реконструкции ООН на основе тех гигантских геополитических перемен, которые произошли с момента ее создания. Нужны и новые международно-правовые нормы, которые включают право на ведение военных операций против террористических режимов под контролем Совета Безопасности ООН. Нужны и новые правила экономического сотрудничества, исключая попытки обвала валют, односторонних санкций, насильственной эксплуатации национальных ресурсов менее развитых государств. Нужен и Международный трибунал для наказания уличенных государственных покровителей терроризма.

Необходимо выработать эффективный механизм контроля за недопущением дальнейшего распространения ядерного, химического и бактериологического оружия и недопущения его использования теми государствами, которые им располагают. Возможно, у некоторых из них следовало бы отнять такое оружие объединенным давлением, если имеется реальная угроза, что они могут использовать такое оружие.

Тогда США не придется в одиночку (или с двумя-тремя союзниками) играть роль "мирового правительства" и устанавливать свои собственные законы и правила игры. Обновленное международное право и новая роль ООН смогут на деле стать инструментами не только гуманитарной поддержки, но и решения проблем международной безопасности в условиях глобализации террора и других планетарных угроз.

ПРАВА ЧЕЛОВЕКА И МЕЖДУНАРОДНАЯ ПОЛИТИКА

В настоящее время международная политика ЕС и его института ОБСЕ полностью ориентирована на тот факт, что страны ЕС

кратичного общества предполагает включение гендерного равенства в политическую повестку дня.

Изменение отношения к правам женщин стало возможным вследствие распространения теории и практики феминизма, получившего в XX веке особенное влияние. Одно из наиболее общих определений феминизма – это теория и социальное движение в защиту прав женщин. Феминистская теория междисциплинарна, она включает социально-философские, политические, экономические, психологические, исторические, культурологические подходы. Однако конкретные способы улучшения положения женщин понимаются в феминизме по-разному. Причина этого заключается в том, что феминизм – это концепция, которая в буквальном смысле слова выросла и развивается как ответ на социальные запросы женщин. И поскольку реальные проблемы, которые встают перед женщинами разных эпох и разных культур, весьма различны, постольку различны решения, которые предлагает феминизм.

Несмотря на различия в философских взглядах или политических позициях, феминисток объединяет принятие нескольких тезисов. Это, прежде всего, признание дискриминации женщин в обществе и убежденность в том, что вторичность социального статуса женщин не детерминирована биологическими различиями полов.

ЖЕСТОКОЕ ОБРАЩЕНИЕ С ДЕТЬМИ КАК ПРОБЛЕМА СОВРЕМЕННОГО ОБЩЕСТВА

Все чаще на страницах газет, экранах телевизоров и в повседневной жизни мы встречаемся с фактами насилия и жестокого обращения к детям. Разнообразные проявления жестокого обращения к детям имелись и имеются во всех странах, независимо от политического, идеологического и экономического устройства. Далеко неполные статистические данные свидетельствуют о том,

что только в 1992 году органами внутренних дел в России зарегистрировано более 155 тыс. детей, которые убежали из семей, спасаясь от издевательств. Ежегодно около 9 тыс. родителей лишаются родительских прав, поскольку дальнейшее нахождение ребенка в родной семье представляет угрозу его жизни и здоровья. По данным органов прокуратуры, в 1991 году было совершено 3148 половых преступлений против несовершеннолетних.

Ребенку легко причинить вред. Уязвимость детей к насилию объясняется их физической, психической и социальной незрелостью, а также зависимым, подчиненным положением по отношению к взрослым, будь то родители, опекуны, воспитатели, учителя. Большую роль в распространении жесткости к детям играет неосведомленность родителей или лиц их заменяющих, о том, какие меры воздействия недопустимы по отношению к ребенку, непонимание, что не каждое наказание идет ему на пользу. Немаловажное значение имеет и низкая правовая культура населения, недостаточные знания законодательных норм, охраняющих права ребенка и гарантирующих наказание насильников. В том числе нарушение основных прав человека и ребенка.

Жесткое обращение с детьми и пренебрежение их интересами могут иметь различные виды и формы, но их следствием всегда является: серьезный ущерб для здоровья, развития и социализации ребенка, нередко – угроза для жизни.

ПРИНЦИП ТЕРРИТОРИАЛЬНОЙ ЦЕЛОСТНОСТИ ГОСУДАРСТВ

Принцип территориальной целостности государств – общепризнанный принцип современного международного права. Суть данного принципа состоит в запрещении насильственного захвата, присоединения или расчленения территории иностранного государства. Поворотным пунктом в становлении Принципа территориальной целостности государств явилось международно-

Однако даже в тех случаях, когда имеются другие благоприятные возможности, родителям и детям часто приходится делать печальный выбор работать, а не учиться, поскольку потеря вклада детей в домохозяйство еще больше усугубляет бедственное положение семьи.

Подтверждение важной роли, которую играют дети в оказании помощи своим семьям и преодолении крайней бедности, можно найти, изучая отдельные страны или сравнивая страны друг с другом. Некоторые из самых убедительных свидетельств дает Вьетнам, которому удалось сократить масштабы детского труда почти вдвое за пять лет экономического подъема в девяностых годах прошлого века. По отношению ко всему населению Вьетнама масштабы детского труда значительно сокращались в период с 1993 по 1998 годы. Это в первую очередь касалось домохозяйств, где на каждого их члена приходилось менее 400 долларов в год, но не ограничивались бедными или почти бедными домохозяйствами. Более того, темпы сокращения масштабов детского труда были самыми высокими в семьях, доход которых был близок к доходу на уровне бедности.

ГЛОБАЛЬНЫЕ ПРОБЛЕМЫ СОВРЕМЕННОСТИ И ПУТИ ИХ РЕШЕНИЯ

Глобальными проблемами называются проблемы, вставшие во второй половине XX в. перед всем человечеством, от решения которых зависит существование последнего.

1. Проблема предотвращения новой мировой войны. Поиски путей предотвращения мировых конфликтов начались практически сразу после окончания Второй мировой войны и победы над нацизмом.

Тогда же было принято решение и о создании ООН – универсальной международной организации, главной целью которой было развитие межгосударственного сотрудничества и в случае конфликта между странами оказание помощи противостоящим сторонам в урегулировании спорных вопросов мирным путем.

Однако произошедший вскоре раздел мира на две системы – капиталистическую и социалистическую, а также начало «холодной» войны и гонки вооружений не раз приводили мир на грань ядерной катастрофы. Особенно реальной угрозой начала третьей мировой войны была в период так называемого Карибского кризиса 1962 г., вызванного размещением советских ядерных ракет на Кубе. Но благодаря разумной позиции руководителей СССР и США кризис был разрешен мирным путем. В последующие десятилетия ведущими ядерными державами мира был подписан ряд соглашений об ограничении ядерных вооружений, а некоторые из ядерных держав взяли на себя обязательства прекратить ядерные испытания. На решения правительств повлияли общественное движение борьбы за мир, а также выступления такого авторитетного межгосударственного объединения ученых за всеобщее и полное разоружение, как Пагуошское движение. Именно ученые при помощи научных моделей убедительно доказали, что главным последствием ядерной войны будет экологическая катастрофа, в результате которой произойдет изменение климата на Земле. Последнее может привести к генетическим изменениям в человеческой природе и, возможно, к полному вымиранию человечества.

ГЕНДЕРНОЕ РАВЕНСТВО, ПРАВА ЖЕНЩИН И ФЕМИНИЗМ

Постановка вопроса о равноправии женщин и мужчин отражает высокую степень развития социально-философской мысли. Сегодня мировое сообщество в лице ООН оценивает гендерное равенство как неотъемлемую составную часть общей концепции равенства.

На национальном уровне современные демократические государства считают равенство и свободу базовыми социальными ценностями и гарантируют их соблюдение конституциями и другими правовыми документами. Изменение политического курса постсоветского государства и ориентация на построение демо-

Особый интерес для юриста представляет работа Комиссии международного права – вспомогательного органа Генеральной Ассамблеи ООН, одной из задач которой является, как известно, содействие прогрессивному развитию международного права и его кодификации (ст. 13 Устава ООН). Экологическая проблематика получила отражение в большинстве тем, находящихся в настоящее время на рассмотрении Комиссии. К ним относятся:

1) проект статей об ответственности государств (ст. 19 предусматривает намеренное и серьезное загрязнение окружающей среды в качестве наиболее тяжкого международного правонарушения – международного преступления);

2) проект кодекса преступлений против мира и безопасности человечества (к числу военных преступлений ст. 20 проекта относится не оправданное военной необходимостью причинение обширного и серьезного ущерба окружающей среде);

3) проект статей о международной ответственности за вредные последствия действий, не запрещенных международным правом.

ТОРГОВЛЯ ЛЮДЬМИ

Поскольку рабство запрещено во всех странах, многие полагают, что практика торговли людьми является достоянием прошлого. К сожалению, такой вид преступлений, как торговля людьми или современное рабство, процветает и в 2006 году, оказывая на детей во всем мире значительное воздействие.

Когда мы говорим о торговле людьми, то говорим о жертвах, которых силой, путем обмана или угрозами заставляют заниматься принудительным трудом или втягивают в сексуальную индустрию. По оценкам правительства США, в рамках международной торговли людьми ежегодно продаются или покупаются от 600 000 до 800 000 мужчин, женщин и детей. Производит ужасающее впечатление тот факт, что до половины всех жертв торговли людьми могут составлять дети, используемые в качестве солдат, погонщиков верблюдов или наездников на верблюдах,

подневольных неквалифицированных рабочих или проституток. Упомянутый подневольный труд принимает самые разные формы – от непосильной работы в каменоломнях и кабальной домашней работы до изнурительного труда на заводах, фабриках и полях.

В ответ на это вопиющее правонарушение, в 2000 году Конгресс США принял Закон о защите жертв торговли людьми. Данный закон обязывает Государственный департамент США составлять ежегодный доклад, в котором анализируются действия правительств зарубежных стран по пресечению торговли людьми, защите ее жертв, включая детей, и судебному преследованию работорговцев. В упомянутом докладе должны также содержаться сведения об усилиях США в этой области. В 2004 году правительство США предоставило более 96 миллионов долларов США на финансирование программ в других странах по борьбе с торговлей людьми, и мы активно работаем, стремясь довести до сознания широкой общественности тяжелое положение детей, влачащих рабское существование.

ДЕТСКИЙ ТРУД: АСПЕКТ БЕДНОСТИ

Бедные родители в той или иной развивающейся стране сталкиваются с трудным решением. Дети могут вносить эффективный экономический вклад в семью, помогая на семейной ферме или семейном деловом предприятии, будучи занятыми на рынке труда или выполняя работу по дому. Дети помогают себе прокормиться, обеспечивать себе кров, одеваться, поддерживая существование самих себя, своих братьев и сестер и других членов семьи. Потребность семьи во внесении ребенком экономического вклада должна быть тщательно взвешена относительно ее желания вкладывать деньги в будущее этого ребенка в надежде на то, что таким образом семье удастся вырваться из тисков одолевающей ее бедности. Часто в том месте, где проживает семья, нет школ, или же они такого низкого качества, что почти не остается других вариантов выбора, кроме поступления ребенка на работу.

ги, живущие в одной большой квартире, разведясь, будут вынуждены делить жилплощадь. Это не столько напряжение, сколько долгая волокита и ощущение, что этот кошмар уже никогда не кончится. Но стоит ли бояться материальных трудностей, если они на самом деле неизмеримо меньше, чем моральные трудности при совместном существовании с чужим человеком?

Вообще в нашем обществе развод имеет жестко негативную окраску. Иными словами, социальное мнение не дает людям права на ошибку. Да и вообще о разведенных людях многие сразу думают: «Что же это за человек, если собственная жена (муж) не смогли с ним жить?» Разумеется, такая точка зрения не имеет под собой никакой почвы. Однако – первое впечатление, как говорится, самое сильное. Поэтому многие и не разводятся – чтобы не портить мнение окружающих о себе. Но как бы то ни было, часто развод становится единственным способом освободить от друг от друга двух чужих, а зачастую и враждующих людей, и дать каждому из них возможность обрести свое отдельное счастье.

ЖЕНЕВСКИЕ КОНВЕНЦИИ: ОСНОВА МЕЖДУНАРОДНОГО ГУМАНИТАРНОГО ПРАВА

Женевские конвенции и Дополнительные протоколы к ним являются международными соглашениями, которые включают в себя наиболее важные правовые нормы, ограничивающие проявления жестокости на войне. Они обеспечивают защиту тех, кто не принимает участия в боевых действиях (гражданских лиц, медицинского персонала и сотрудников гуманитарных организаций), а также тех, кто прекратил принимать в них участие (раненых, больных, потерпевших кораблекрушение и военнопленных).

Женевские конвенции и Дополнительные протоколы к ним являются частью международного гуманитарного права – целой системы правовых положений, которые регламентируют средства и методы ведения военных действий и обеспечивает защиту физических лиц. Особая защита предоставляется тем, кто не принимает участия в боевых действиях (гражданским лицам, меди-

цинскому персоналу, служителям культа и сотрудникам гуманитарных организаций), а также тем, кто прекратил принимать в них участие (раненым, больным, потерпевшим кораблекрушение и военнопленным).

Стороны, участвующие в конфликте, должны при всех обстоятельствах проводить различие между гражданским населением и непосредственными участниками военных действий (комбатантами) с целью обеспечения защиты гражданского населения и гражданских объектов. Запрещены нападения как на гражданское население в целом, так и на отдельных мирных граждан. Стороны, участвующие в конфликте, и лица из состава вооруженных сил ограничены в своем праве выбора методов и средств ведения боевых действий. Запрещается применять оружие или методы ведения боевых действий, способные вызвать ненужные потери или излишние страдания.

ООН И РАЗВИТИЕ МЕЖДУНАРОДНОГО ПРАВА ОКРУЖАЮЩЕЙ СРЕДЫ

Органы и учреждения системы ООН внесли значительный вклад в формирование и динамичное развитие международного права окружающей среды. Особая заслуга в этом отношении принадлежит Программе ООН по окружающей среде, при непосредственном участии которой были разработаны и заключены многие важнейшие международные конвенции. Определенный вклад в развитие механизма международно-правового регулирования охраны окружающей среды внесли также некоторые специализированные учреждения ООН и Международное агентство по атомной энергии.

На региональном уровне заслуживает внимания деятельность Европейской экономической комиссии ООН, которая первой в системе ООН занялась рассмотрением экологических проблем (первое природоохранное соглашение под эгидой ЕЭК было заключено еще в 1958 г.).

равны; 2) каждое государство пользуется правами, присущими полному суверенитету; 3) каждое государство обязано уважать правосубъектность других государств; 4) территориальная целостность и политическая независимость государства неприкосновенны; 5) каждое государство имеет право свободно выбирать и развивать свои политические, социальные, экономические и культурные системы; 6) каждое государство должно выполнять полностью и добросовестно свои международные обязательства и жить в мире с другими государствами”.

Формально-юридическое равенство государств не означает их фактического равенства в отношении, в частности, их территории, численности населения, экономической и военной мощи, политического влияния в системе международных отношений и т. д.

ПРИНЦИП ГОСУДАРСТВЕННОГО СУВЕРЕНИТЕТА

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Принцип государственного суверенитета – один из основных принципов современного международного права. В соответствии с ним государства определяют свой путь развития, политическую и экономическую структуру, стратегию внешней политики и взаимоотношений с каждым конкретным государством и с международным сообществом в целом.

В то же время указанный принцип не является признаком отсутствия взаимодействия и взаимозависимости государств, поскольку ни одно государство не может существовать и развиваться в изоляции от всего мирового сообщества. Данный принцип позволяет государству осуществлять любые действия, не противоречащие установленным принципам и нормам международного права. В случае же нарушения или невыполнения государством своих обязательств, вытекающих из норм международного права, вполне закономерно встает вопрос о его ответственности перед отдельным государством или мировым сообществом в целом.

В настоящее время в международном праве определен достаточно широкий круг транснациональных преступлений, то есть деяний, в той или иной степени посягающих на международный правопорядок. За совершением преступлений должны следовать ответственность, наказание. Однако в этих, вопросах в международном праве еще много неопределенного и спорного.

Прежде всего, необходимо отметить, что в рамках ООН отсутствует какой-либо постоянный надгосударственный аппарат, имеющий полномочия принуждать государства или иных субъектов международного права преодолевать определенные неблагоприятные последствия, связанные с совершением деяний, признанных мировым сообществом как преступления. Вместе с тем это не означает, что государства-нарушители остаются безнаказанными. Более того, в последние годы имеются прецеденты, позволяющие говорить о качественном изменении международно-правовой ответственности.

РАЗВОД

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Не секрет, что в жизни иных супружеских пар однажды наступает момент, когда вдруг становится ясно: что ни делай, развод неминуем. К тому же супруги уже, вроде бы, намучились друг с другом настолько, что расставание кажется лучшим выходом.

Отправляясь на развод, супругам следует подготовиться к серьезным испытаниям нервов, даже если разведятся они мирному. Ведь первое испытание – это сам процесс. До сих пор некоторые судьи считают, что их задача – любыми способами примирить супругов и сохранить семью. Да эти супруги в суд не мириться, а делиться пришли! Задача суда в этом случае – помочь супругам разделить имущество (и защитить интересы детей, если таковые имеются).

После развода неизбежно решение материальных и жилищных проблем. Скажем, женщина-домохозяйка после развода практически всегда будет вынуждена искать работу. Или супру-

Если 20-30 лет назад человеку, желающему иметь хорошую высокооплачиваемую работу, достаточно было получить высшее образование, то теперь необходимо закончить аспирантуру или получить магистерскую степень.

В настоящее время на смену принципу "образование на всю жизнь" приходит принцип "образование через всю жизнь". Задача учебного заведения – дать студенту сильное базовое, фундаментальное образование, которое в дальнейшем позволит ему самому совершенствовать свои знания, разовьет способности к самообразованию. Жизнь расставляет свои акценты. Сегодня конкурентоспособным при устройстве на работу может считаться специалист, отвечающий, по крайней мере, трем основным требованиям: высокий профессионализм, компьютерная грамотность, знание международного (английского) языка.

ВЕЛИКИЕ ДЕРЖАВЫ

Великие державы – государства, которые благодаря своему военно-политическому потенциалу оказывают определяющее влияние на систему международных и международно-правовых отношений. После второй мировой войны Великие державы формально считаются постоянные члены Совета Безопасности ООН: РФ (до 25 декабря 1991 г. – СССР), США, Великобритания, Франция и Китай. Современный статус Великих держав не противоречит принципу суверенного равенства государств, а представляет собой политико-правовое отражение их реальной роли в международной жизни.

Особое положение Великих держав, закрепленное в Уставе ООН, объясняется формально лежащей на них главной ответственностью за поддержание мира и всеобщей безопасности. Соответственно вытекающим из этой ответственности обязанностям. Они наделены особым правом, воплощенным в принципе единогласия Великих держав. Включение такого принципа в Устав

ООН объясняется тем, что без единства действий не могут быть обеспечены мир и безопасность народов. Возложив на Совет Безопасности главную ответственность за поддержание мира и безопасности и наделив его особыми полномочиями, правом принимать решения, обязательные для всех членов ООН, в т. ч. решения о применении коллективных принудительных мер к нарушителям международного мира и безопасности, государства – члены ООН признают тем самым особое значение постоянных членов Совета Безопасности в осуществлении целей и принципов ООН, в обеспечении международного мира.

В последнее время многие государства поднимают вопрос об увеличении числа постоянных членов Совета Безопасности ООН, в частности, за счет Германии, Индии, Бразилии и т. д.

ПРИНЦИП СУВЕРЕННОГО РАВЕНСТВА ГОСУДАРСТВ

Принцип суверенного равенства государств – общепризнанный принцип международного права, означающий, что все государства юридически равны между собой в качестве суверенных, независимых участников международного общения, в целом пользуются одинаковыми правами и несут равные обязанности, несмотря на различие их экономических, социальных и политических систем.

Принцип суверенного равенства государств сформировался в международном праве в период перехода от феодализма к капитализму. Однако окончательное его утверждение в современном виде произошло лишь к середине XX в. В ст. 2 Устава ООН закреплено положение, что ООН основана на принципе суверенного равенства всех ее членов. В Декларации о принципах международного права, касающихся дружественных отношений и сотрудничества между государствами в соответствии с Уставом ООН, 1970 г. определяется понятие суверенного равенства, которое включает следующие элементы: "1) государства юридически

сится пиратство, определялась исключительно национальными институтами, наделенными властными полномочиями.

Пиратство было причислено к разряду "международных преступлений" благодаря тому обстоятельству, что любое государство, задержавшее преступника, имеет право его судить, независимо от его национальности и от места совершения им преступления. Эта концепция, в настоящее время известная под названием универсальной юрисдикции, применялась как в случае с геноцидом, так и в отношении отдельных военных преступлений и преступлений против человечности.

Нюрнбергский процесс получил статус специального трибунала, созданного альянсом стран-победительниц во Второй Мировой войне. Со времени Нюрнбергского процесса ООН взяла на себя ведущую роль в создании международных институтов, призванных установить индивидуальную уголовную ответственность. Международные уголовные трибуналы по бывшей Югославии и Руанде были созданы Советом безопасности ООН для преследования нарушений международного права во время конфликта в Югославии и геноцида в Руанде в девяностых годах XX века.

МЕЖДУНАРОДНЫЕ ПЕРЕГОВОРЫ

Переговоры являются одним из наиболее древних средств международного общения. Современное международное право не содержит каких-либо правил ведения международных переговоров: цели, состав участников, уровень, формы и др. вопросы ведения переговоров определяются самими заинтересованными государствами, но обычно с учетом уже существующей сложившейся международной практики. Вместе с тем осуществление и результаты переговоров должны находиться в строгом соответствии с принципами суверенного равенства государств, неприменения силы или угрозы ею, невмешательства во внутренние дела и др. основополагающими нормами международного права, закрепленными, в частности, в Уставе ООН.

Международные переговоры осуществляются на двусторонней и многосторонней основе. Они ведутся на уровне глав государств, правительств, полномочных представителей государств и др. Решающая роль принадлежит переговорам на высшем уровне, в ходе которых обсуждаются ключевые вопросы взаимоотношений, крупные международные проблемы. В зависимости от целей в современном международном праве сложилось несколько типов международных переговоров для согласования позиций по важным вопросам международной жизни, устранения опасных международных ситуаций, обсуждения разнообразных проблем двусторонних отношений, выполнения обязательств по какому-либо соглашению и др. Особое место занимают переговоры в целях урегулирования споров. Они являются одним из наиболее эффективных и широко признанных средств мирного урегулирования споров, предусмотренных ст. 33 Устава ООН. В этом качестве они широко используются как по двусторонним, так и по многосторонним соглашениям.

КАКИМ БЫТЬ СПЕЦИАЛИСТУ В XXI ВЕКЕ?

Сейчас, на пороге нового тысячелетия, крайне актуально осветить концептуальные проблемы развития образования, его влияние на развитие общества, исследовать связи образовательных структур с проблемами функционирования других ячеек общества. Сегодня образование — ведущий социогенетический механизм развития всей цивилизации. Образование — важнейший фактор обеспечения конкурентоспособности экономики государства, капитал, который концентрируется развитыми государствами для удержания монополии в геополитическом пространстве.

"Золотым веком" в образовании, вероятно, следует считать времена Древней Греции, когда все знания были сосредоточены в нескольких курсах. Сегодня ситуация принципиально иная, и она год от года становится сложнее для обучающихся. Количество информации удваивается каждые 10 лет, а учебники не успевают переиздаваться.

ренных беспорядках. Принцип, которым руководствуется МККК, заключается в том, что даже война должна вестись в определённых рамках, накладывающих ограничения на методы и средства ведения военных действий и поведение воюющих сторон. Свод основанных на этом принципе правил составляет международное гуманитарное право, в основе которого лежат Женевские конвенции. Участниками Женевских конвенций являются 192 государства.

Международный комитет Красного Креста (МККК) – независимая и нейтральная организация. Согласно мандату, предоставленному Международному комитету Красного Креста мировым сообществом, и руководствуясь принципом беспристрастности, организация оказывает помощь лицам, содержащимся под стражей, больным, раненым и гражданским лицам, пострадавшим в результате вооружённых конфликтов. МККК не является международной или межправительственной организацией в юридическом смысле. Однако признание его в важнейших международных договорах, таких, как Женевские конвенции, определяет его международный статус и мандат, обеспечивает привилегии и иммунитеты, сравнимые с таковыми для ООН. Эти условия включают освобождение от налогов и таможенных сборов, неприкосновенность помещений и документов и иммунитет от судебного вмешательства.

ФУНКЦИИ КОНСУЛЬСКИХ ПРЕДСТАВИТЕЛЬСТВ

Функции консульских представительств весьма разнообразны. Согласно Конвенции о консульских сношениях 1963 года, отражающей в этом вопросе действующее международное право, к основным функциям консульских представительств относятся: 1) охрана и защита интересов своего государства, его граждан и юридических лиц; 2) поощрение торговли и содействие развитию экономических, культурных и научных связей между указанными

государствами; 3) выполнение административных и нотариальных функций в отношении граждан представляемого государства; 4) выполнение обязанностей в отношении судов морского и воздушного флотов своей страны, а также их экипажей; 5) наблюдение за экономической, правовой и политической жизнью своего округа и информация по этим вопросам ведомства иностранных дел своего государства и др.

При выполнении функций консульства руководствуются правом своего государства, а также международным правом, прежде всего международными договорами своего государства с государством пребывания консульства. При этом консульству приходится иметь дело не только с консульскими конвенциями, но и с договорами о правовой помощи, соглашениями о социальном обеспечении, о воздушных, морских и других сообщениях и т. д. Естественно, что консульства выполняют свои функции с учетом права государства пребывания.

Консульства непосредственно сносятся только с местными властями своего округа, а с центральными властями и властями других округов – через дипломатического представителя своей страны.

Обычно консульские представительства подчиняются ведомству иностранных дел, а также дипломатическому представительству.

МЕЖДУНАРОДНОЕ УГОЛОВНОЕ ПРАВОСУДИЕ

Международное право традиционно определялось как право, регулирующее взаимоотношения между государствами. Международные трибуналы долгое время существовали для урегулирования споров между государствами. Отдельная личность, стала рассматриваться как объект международного права и международного уголовного процесса лишь относительно недавно. До Нюрнбергского процесса индивидуальная ответственность за совершение международных преступлений, к числу которых отно-

against the Libyan regime outside the Libyan embassy in London, shots were fired from the building, killing an English policewoman and wounding ten demonstrators.

British authorities cordoned off the building but did not enter it. Great Britain broke diplomatic relations with Libya over the incident but allowed the embassy staff to leave the country. Those who fired the shots escaped because the British government insisted on complying with international law concerning diplomatic immunity. This incident, along with others, has led some governments to consider revising the whole concept.

THE WORLD OF MODERN DIPLOMACY

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The issues discussed by diplomats are far-reaching. Nations negotiate with one another on a wide array of issues, ranging from serious problems of war, peace, and disarmament to the more ordinary matters of boundary disputes, fishing rights, foreign aid, immigration quotas, and international trade. The issues themselves have remained fairly constant over the centuries, but the environment of diplomacy is quite different from what it was before World War II. Since 1945 six conditions emerged that bore heavily on the conduct of diplomacy:

1. Great improvements in communication and transportation have, in effect, shrunk the size of the world. Events almost anywhere are known almost everywhere else virtually immediately, and reaction time is therefore much shorter than it was formerly. An ambassador can convey news to a home government instantly and receive a policy directive without delay.

2. The Cold War polarized the whole international community between the United States and the Soviet Union. Diplomacy everywhere was executed under the shadow of this bipolarization. Even with the relaxation of this tension in the late 1980s and early 1990s and the collapse of the Soviet Union, the loyalties of the world's nations remained divided to an extent.

3. There are many more nations in the world now than there were in 1945. The colonial empires have disappeared, and dozens of new nation-states have emerged in Asia and Africa. Each wishes to make its voice heard in the international forum. Many of these countries are poor and underdeveloped, constituting what has been called the Third World. Their problems place a burden on the diplomacy of the industrialized nations; many of these countries have great natural resources, but many also have unstable governments.

4. During the Cold War the possession of vast arsenals of nuclear weapons by the United States and the Soviet Union created a balance of terror, a situation in which world war was supposedly unthinkable. Theoretically, then, every nation in the world had a vital stake in striving for peace.

5. Although nuclear war is unthinkable, conventional war is not. There have been more than 40 conventional wars since 1945. The contemporary world is saturated with hot spots, such as Central America, the Middle East and South Africa.

6. The sixth factor affecting diplomacy is the existence of the United Nations and other international organizations. These organizations have not replaced bilateral diplomacy, but they have created larger forums for the airing of national points of view.

МЕЖДУНАРОДНЫЙ КОМИТЕТ КРАСНОГО КРЕСТА

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Международный комитет Красного Креста – гуманитарная организация, осуществляющая свою деятельность во всём мире, исходя из принципа нейтральности и беспристрастности. Она предоставляет защиту и оказывает помощь пострадавшим в вооружённых конфликтах и внутренних беспорядках.

Организация основана в 1863 году швейцарцем Жан Анри Дюнаном. Международный комитет Красного Креста (МККК) видит свою задачу в том, чтобы предоставлять защиту и оказывать помощь пострадавшим в вооружённых конфликтах и внут-

serious violations of human rights in the contemporary world and must be combated by all available means.

Two World Conferences to Combat Racism and Racial Discrimination were held in Geneva in 1978 and 1983.

PROTOCOLS

The term "protocol" is used for agreements less formal than those entitled "treaty" or "convention". The term could be used to cover the following kinds of instruments:

(a) A Protocol of Signature is an instrument subsidiary to a treaty, and drawn up by the same parties. Such a Protocol deals with ancillary matters such as the interpretation of particular clauses of the treaty, those formal clauses not inserted in the treaty, or the regulation of technical matters. Ratification of the treaty will normally ipso facto involve ratification of such a Protocol.

(b) An Optional Protocol to a Treaty is an instrument that establishes additional rights and obligations to a treaty. It is usually adopted on the same day, but is of independent character and subject to independent ratification. Such protocols enable certain parties of the treaty to establish among themselves a framework of obligations which reach further than the general treaty and to which not all parties of the general treaty consent, creating a "two-tier system". The Optional Protocol to the International Covenant on Civil and Political Rights of 1966 is a well-known example.

(c) A Protocol based on a Framework Treaty is an instrument with specific substantive obligations that implements the general objectives of a previous framework or umbrella convention. Such protocols ensure a more simplified and accelerated treaty-making process and have been used particularly in the field of international environmental law. An example is the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer adopted on the basis of Arts.2 and 8 of the 1985 Vienna Convention for the Protection of the Ozone Layer.

(d) A Protocol to amend is an instrument that contains provisions that amend one or various former treaties, such as the Protocol of 1946 amending the Agreements, Conventions and Protocols on Narcotic Drugs.

(e) A Protocol as a supplementary treaty is an instrument which contains supplementary provisions to a previous treaty, e.g. the 1967 Protocol relating to the Status of Refugees to the 1951 Convention relating to the Status of Refugees.

(f) A Proces-Verbal is an instrument that contains a record of certain understandings arrived at by the contracting parties.

DIPLOMATIC IMMUNITY

According to the Vienna Convention on Diplomatic Relations of 1961, diplomats are immune from the jurisdiction of the nation in which they are living. This means that they and their families are not subject to the criminal laws of the host state, nor – with some exceptions – to the civil law. When traveling from place to place, their luggage may not be searched. Should they be guilty of flagrant violation of the law or other unseemly behavior, however, they may be expelled from the host country.

Foreign embassies are similarly protected. Under a principle called extraterritoriality, an embassy and its grounds are considered not to be within the territory of the host state but within the territory of the state represented by the embassy. The embassy may not be entered by anyone without the permission of the head of the mission. If, for instance, a Chinese citizen who wishes to leave his country takes refuge in the American embassy in Beijing, no officials of China are permitted to follow and apprehend him. Because diplomatic immunity is an arrangement between nations, most nations respect it. Some few countries, however, have openly violated this principle in recent years. American embassies in Iran, Pakistan, Kuwait, and other places have been sacked.

How fragile the concept of diplomatic immunity has become was demonstrated early in 1984. On April 17, during demonstrations

Interpol's chief initiatives in the area of financial and high-tech crime focus on:

- Payment cards
- Money laundering
- Intellectual property crime
- Currency counterfeiting
- New technologies

TREATIES

The status of treaties in national legal systems varies considerably. In the United Kingdom, for example, the power to make or ratify treaties belongs to the Queen on the advice of the Prime Minister, a Minister of the Crown, an Ambassador or other officials, though by the so-called Ponsonby Rule, as a matter of constitutional convention, the Executive will not normally ratify a treaty until twenty-one parliamentary days after the treaty has been laid before both Houses of Parliament.

Consequently, a treaty does not automatically become part of English law; otherwise the Queen could alter English law without the consent of Parliament, which would be contrary to the basic principle of English constitutional law that Parliament has a monopoly of legislative power. There is an exception concerning treaties regulating the conduct of warfare which is probably connected with the rule of English constitutional law which gives the Queen, acting on the advice of her ministers, the power to declare war without the consent of Parliament. If a treaty requires changes in English law, it is necessary to pass an Act of Parliament in order to bring English law into conformity with the treaty. If the Act is not passed, the treaty is still binding on the United Kingdom from the international point of view, and the United Kingdom will be responsible for not complying with the treaty...

An Act of Parliament giving effect to a treaty in English law can be repealed by a subsequent Act of Parliament; in these circumstances there is a conflict between international law and English law, since international law regards the United Kingdom as still bound by the treaty, but English courts cannot give effect to the treaty. However, English courts usually try to interpret Acts of Parliament so that they do not conflict with earlier treaties made by the United Kingdom.

ELIMINATING RACIAL DISCRIMINATION

In 1963, the GA adopted the United Nations Declaration on the Elimination of All forms of Racial Discrimination. The Declaration affirms the fundamental equality of all persons and confirms that discrimination on any grounds is an offence to human dignity, a denial of the principles of the UN Charter and a violation of the human rights proclaimed in the Universal Declaration.

Two years later, the GA adopted the International Convention on the Elimination of All forms of Racial Discrimination. The Convention entered into force on 1969 and by 1994, 142 States were party to it.

The Committee on the Elimination of Racial Discrimination, set up by the Convention, reviews reports submitted by States parties on the measures they have adopted to implement the Convention, discuss the reports with government representatives and makes general recommendations. It may also consider complaints submitted by individuals or groups alleging that the Convention has been violated.

The First Decade for Action to Combat Racism and Racial Discrimination was proclaimed in 1973, and the Second Decade in 1983.

In 1993 the GA proclaimed the Third Decade to Combat Racism and Racial Discrimination, and called on all States to take measures to combat all forms of racism. It declared that all forms of racism and racial discrimination, including those resulting from official doctrines of racial superiority, such as ethnic cleansing, are among the most

The preamble to the CPPCG not only states that "genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world", but that "at all periods of history genocide has inflicted great losses on humanity".

TRAFFICKING NETWORKS AND ORGANIZED CRIME

Law enforcement experience shows that, although there is small scale traffic involving few individuals, there are, more importantly, large enterprises and international networks creating a sophisticated and well organized "industry" with political support and economic resources in countries of origin, transit and destination. Cases of corruption of officials have also been reported. There seems also to be links with other forms of criminality. Trafficking in women is becoming a major source of income for some organized crime groups. High profits gained by these criminal organizations often imply the creation of front companies involved in legitimate activities. Profits are also laundered and fed into other illicit activities, including narcotics and arms trafficking.

Traffickers of women and children use a variety of methods to move their victims. They sometimes operate through nominally reputable employment agencies, travel agencies, entertainment companies or marriage agencies. In the cases of children the use of adoption procedures have also been noted. Legitimate travel documents are often obtained and used to cross international borders, after which the trafficking victims disappear or overstay their visas. Traffickers, however, also use fraudulent documents to obtain genuine travel documents or use altered or counterfeit papers.

Frequently the trafficked women are threatened with violence, beaten up and raped. In some cases women are physically restrained to prevent them from leaving. Traffickers also threaten to inform the family of the women that they are working abroad as prostitutes.

These women also feel trapped because of their situation as illegal immigrants. Finally, the influence over the victims is even stronger when the criminal organizations control the whole chain from recruitment, through transportation to the concrete sexual exploitation.

FINANCIAL AND HIGH-TECH CRIMES

Financial and high-tech crimes – currency counterfeiting, money laundering, intellectual property crime, payment card fraud, computer virus attacks and cyber-terrorism, for example – can affect all levels of society. Currency counterfeiting and money laundering have the potential to destabilize national economies and threaten global security.

Intellectual property crime is a serious financial concern for car manufacturers, luxury goods makers, media firms and drug companies. Most alarmingly, counterfeiting endangers public health, especially in developing countries, where the World Health Organization estimates more than 60 per cent of pharmaceuticals are fake.

'Spam' is becoming more than just a nuisance for Internet users, as criminals are using it in increasingly sophisticated ways to defraud consumers, cripple computer systems and release viruses. In 2000, the so-called 'Love Bug' virus, which affected millions of computers around the world within hours, exposed the vulnerability of corporate and government networks to such attacks.

New technologies open up many possibilities for criminals to carry out traditional financial crimes in new ways. One notable example is 'phishing', whereby a criminal attempts to acquire through e-mail or instant messaging sensitive information such as passwords or credit card details by pretending to be a legitimate business representative. With this information, the criminal can commit fraud and even money laundering. Interpol has stepped up its efforts in this area, working with stakeholders such as pharmaceutical makers, Internet service providers, software companies, central banks and other relevant bodies to devise solutions to thwart criminals and protect consumers.

in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court.

THE BIOTERRORISM THREAT: STRENGTHENING LAW ENFORCEMENT

The world is largely unaware of, and therefore largely unprepared for, bioterrorist attacks. Bio-weapons threaten thousands of casualties in addition to other disastrous long term consequences. Criminal networks can covertly transport lethal agents across borders and terrorists have already proven that anthrax can be fatally deployed. Biotechnology is undergoing rapid evolution. This process, and the wide dissemination of developments, is already proving difficult to manage. There is evidence that terrorist organizations have a heightened interest in the use of biological weapons, establishing terrorist support cells in different regions around the world with the ability and motivation to carry out attacks.

An effective biological weapon is potentially devastating and much easier to make and transport than a nuclear weapon. Bio-weapons are, however, relatively safe for the terrorist. Pathogens (biological agents or germs) are virtually undetectable and can be brought reasonably easily into a country by an individual and can then be propagated in large quantities. Recognising the imminent dangers represented by this lethal form of crime is the first step in countering the threat. Thereafter it is vital to put in place the tools which will enable society to take appropriate measures.

In many countries, criminal justice systems are constrained by inadequate legal frameworks governing the detection and repression of bio-weapons. Frequently, no law is violated until the disease or biological agent is actually deployed. Law enforcement officers are therefore unable to begin preliminary investigations into the develop-

ment of such weapons. Without laws which criminalize activity relating to bio-weapons, there is no basis for legal assistance or cooperation to prevent their production and transport. There is therefore an urgent need to ensure that countries are adequately prepared for, protected from, and able to respond to bioterrorism attacks.

GENOCIDE

Genocide is the deliberate and systematic destruction of an ethnic, religious or national group. While precise definition varies among genocide scholars, the legal definition is found in the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). Article 2 of the CPPCG defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group."

The International Criminal Tribunal for Rwanda (ICTR) is a court under the auspices of the United Nations for the prosecution of offenses committed in Rwanda during the genocide which occurred there during April, 1994, commencing on April 6. The ICTR was created on November 8, 1994 by the Security Council of the United Nations in order to judge those people responsible for the acts of genocide and other serious violations of the international law performed in the territory of Rwanda, or by Rwandan citizens in nearby states, between January 1 and December 31, 1994.

So far, the ICTR has finished nineteen trials and convicted twenty five accused persons. Another twenty five persons are still on trial. Nineteen are awaiting trial in detention. Ten are still at large. The first trial, of Jean-Paul Akayesu, began in 1997. Jean Kambanda, interim Prime Minister, pleaded guilty.

RESPONSIBILITY OF INDIVIDUALS UNDER CRIMINAL LAW

In recent years, international criminal law has been significantly strengthened through the establishment of ad hoc tribunals to prosecute persons responsible for crimes committed in the territory of the former Yugoslavia (1993) and in Rwanda (1994). Then came a milestone in the development of international law when on 17 July 1998 a diplomatic conference in Rome adopted the statute of an International Criminal Court (ICC) with universal jurisdiction, the treaty to come into force as soon as it has been ratified by 60 States.

These international criminal courts guarantee the independence and impartiality of the proceedings, a situation which may not, as a rule, be expected of a national judge confronted by the adherents of the "friendly" and "enemy" camps.

A new and particularly interesting development is that in all three cases – unlike the war crimes tribunals at Nuremberg and Tokyo after the Second World War – international jurisdiction has also been established for internal conflicts. The Rwanda Tribunal is expressly competent to judge serious offences against the minimum standards laid down for internal armed conflicts in the Article 3 common to the Geneva Conventions. The Rome Statute expressly provides for the prosecution of breaches of Article 3 common to the Geneva Conventions, with situations of "internal disturbances and tensions" being specifically excepted. Other serious breaches of the laws and customs of war applicable in internal armed conflicts are also designated as crimes subject to the jurisdiction of the ICC. With regard to violations of Article 3 common to the Geneva Conventions, it is stated that: "Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means."

CRIME AGAINST HUMANITY

In international law a crime against humanity is an act of persecution or any large scale atrocities against a body of people, and is the highest level of criminal offense.

The Rome Statute Explanatory Memorandum states that crimes against humanity "are particularly odious offences in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings. Murder, extermination, torture, rape, political, racial, or religious persecution and other inhumane acts reach the threshold of crimes against humanity only if they are part of a widespread or systematic practice. Isolated inhumane acts of this nature may constitute grave infringements of human rights, or depending on the circumstances, war crimes, but may fall short of meriting the stigma attaching to the category of crimes under discussion.

The United Nations has been primarily responsible for the prosecution of crimes against humanity since it was chartered in 1948. The International Criminal Court (ICC) was recently organized by the Rome Statute and the UN has delegated several crimes against humanity cases to the ICC. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined

FUNCTIONS OF A DIPLOMATIC AGENT

From the traditional point of view, the functions of an envoy or diplomatic agent consist in representing his home state by acting as the mouthpiece of his government and as the official channel of communication between the governments of the sending and receiving states.

The Vienna Convention on Diplomatic Relations in laying down the functions of a diplomatic mission has followed these broad heads whilst indicating certain other functions, such as, promoting friendly relations between the sending state and the receiving state, and developing their economic, cultural and scientific relations, which in consequence of the establishment of the United Nations and of present day developments have steadily acquired importance.

A diplomatic representative does also perform functions which were traditionally regarded as falling within the scope of consular functions. In fact, in the matter of protection of the nationals of the home state, the diplomatic and consular activities overlap to a large extent.

Whilst it is clear that protection of a country's trade relations would fall within the legitimate activities of a diplomatic mission, it is doubtful whether commercial dealings with the citizens of the receiving state even on behalf of the government could be regarded as included within the functions of a mission. By and large, the practice of states has been to treat the commercial counsellors or attaches, who are the advisers to the head of the mission on commercial matters, as part of the personnel of the mission, but trade representatives, who actively engage in commercial transactions, have not been so regarded.

It has often been said that in the present day context, the diplomatic missions have lost much of their significance. This is perhaps true to a point since negotiations on major issues now invariably take place at the level of heads of governments or foreign ministers.

UNITED NATIONS DEVELOPMENT OF INTERNATIONAL LAW

The United Nations has played a major role in defining, codifying and expanding the realm of international law. The International Law Commission, established by the General Assembly in 1947, is the primary institution responsible for developing and codifying international law. The Sixth Committee of the General Assembly receives the commission's reports and debates its recommendations; it may then either convene an international conference to draw up formal conventions based on the draft or merely commend it to states. The International Court of Justice reinforces legal norms through its judgments. The commission and assembly have influenced international law in several important domains, including laws of war, law of the sea, treaty law, and human rights law.

The work of the United Nations on developing and codifying laws of war has built on the previous accomplishments of the Hague Conferences, the League of Nations, and the Kellog-Briand Pact (Pact of Paris). The organization's first concern after World War II was the punishment of Nazi war criminals. As a result, the General Assembly directed the International Law Commission to formulate the principles of international law recognized at the Nurnberg trials and to prepare a draft code of offenses against the peace and security of mankind.

The United Nations also took up the problem of defining aggression, a task attempted unsuccessfully by the League of Nations. Both the International Law Commission and the General Assembly undertook prolonged efforts that eventually resulted in agreement in 1974. The definition of aggression, passed without dissent at that time, includes military attacks, sending armed mercenaries against another state, and allowing one's territory to be used for perpetrating an act of aggression against another state.

circulates internationally at the request of its member countries, electronic diffusions and notices containing identification details and judicial information about wanted criminals. Its red notices have been recognized in a number of countries as having a legal value to serve as a basis for provisional arrest. The General Secretariat of Interpol offers to its member countries direct automatic search facilities and responds to queries concerning wanted persons. While these are important tools in the hunt for fugitives, they are not sufficient. Interpol believes that its member countries need a pro-active approach in locating and hunting fugitives at the international level. That is why, in an effort to further assist its member countries to apprehend fugitives, the Secretary General has established a new investigative service at the General Secretariat, which deals exclusively with fugitive related matters.

The mission of this unit is to actively encourage the international search for and arrest of fugitive offenders wherever they may hide, to offer direct investigative support and specialized knowledge, to develop and promote best practice and training.

DRUGS AND CRIMINAL ORGANIZATIONS

Drug abuse and the problems associated with it continue to grow in most parts of the world. The global abuse of drugs and the drug trafficking situation is becoming more complex, in part due to political and economic changes around the world, which have led to increasingly open borders between many countries.

These include: the emergence of a more affluent class of drug abuser with higher disposable income to spend on so-called 'recreational' drugs; a rise in demand and availability for almost all types of controlled substances; cultural changes brought about by globalization and rapid communications.

The drug trade involves growers, producers, couriers, suppliers, dealers and users and affects people in almost all of Interpol's 186 member countries. Drug trafficking is frequently linked to other serious crimes such as people smuggling, organized prostitution and

travel-document counterfeiting. Interpol's primary drug-control role is to identify new drug trafficking trends and criminal organizations operating at the international level and to assist all national and international law enforcement bodies concerned with countering the illicit production, trafficking and abuse of cannabis, cocaine, heroin and synthetic drugs by: collecting and analysing data obtained from member countries for strategic and tactical intelligence reports and disseminating these reports to the concerned countries; responding to and supporting international drug investigations; helping to coordinate drug investigations involving at least two member countries; organizing operational working meetings between two or more member countries where Interpol has identified common links in cases being investigated in these countries;

WAR AND ENVIRONMENTAL LAW

War has enormous impacts on the environment. Protective measures during a time of war are dependent on the warring countries adhering to international laws relating to environmental protection, along with some more general legal obligations. The desire of the country to remain vigilant about environmental protection during a war is questionable in a time of complete destruction, with their often single-minded focus on certain ends that do not include environmental sanctity.

War and military activities have obvious detrimental impacts on the environment. Weaponry, troop movements, landmines, creation and destruction of buildings, destruction of forests by defoliation or general military usage, poisoning of water sources, target-shooting of animals for practice/boredom relief, consumption of endangered species out of desperation etc., are just some of the examples of how war and military activities impact negatively on the environment.

In recent decades, many armed conflicts have involved a wide range of threats to the environment. These have included long-lasting chemical pollution on land; maritime and atmospheric pollution; despoliation of land by mines and other dangerous objects; and threats

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with other states out of enlightened self-interest rather than adherence to a body of law that is higher than their own.

TWO MAIN CATEGORIES OF THE UDHR

The Universal Declaration of Human Rights is a resolution which was passed by the UN General Assembly on 10 December 1948, by forty-eight votes to nil, with eight abstentions (the communist countries, plus Saudi Arabia and South Africa). Its provisions fall into two main categories.

First, there are provisions enunciating what have subsequently come to be known as civil and political rights. They prohibit slavery, inhuman treatment, arbitrary arrest and arbitrary interference with privacy, together with discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. They also proclaim the right to a fair trial, freedom of movement and residence, the right to seek political asylum, the right to possess and change nationality, the right to marry, the right to own property, freedom of belief and worship, freedom of opinion and expression, freedom of peaceful assembly and association, free elections and equal opportunities for access to public positions.

The second group of provisions is concerned with what have subsequently come to be known as economic, social and cultural rights: the right to social security, to full employment and fair conditions of work, to an adequate standard of living, to education and to participation in the cultural life of the community.

Many laymen imagine that states are under a legal obligation to respect the rights listed in the Declaration. But most of the states which voted in favour of the Universal Declaration regarded it as a statement of a relatively distant ideal, which involved little or nothing in the way of legal obligations. The Declaration merely recommends states to keep it in mind and to 'strive by progressive [not immediate]

measures to secure universal and effective recognition and observance' of its provisions.

STATUS OF INTERNATIONAL ORGANIZATIONS

The status of any international organization as a person in international law is dependent upon the treaty constituting the organization. The usual theory accounting for the international legal personality of international organizations explains that states delegate some of their sovereign powers, thus some of their international personality, to international organizations so those organizations can fulfill their designated functions in international relations.

Although it is theoretically conceivable that such delegation could be tacitly concluded in customary international law, in fact, every international organization is the result of an explicit international agreement. It is to the treaty, effectively the constitution, of each international organization that one must first turn to define the organization's functions and powers. Of course, a treaty's provisions may be amplified, as necessary, by implications from custom and general principles of law.

Regardless of its status in international law, an international organization's legal personality may be separately defined by municipal law at least for domestic purposes.

Like a foreign state, an international organization may be entitled to extend diplomatic immunities to its personnel.

Unlike states, however, which by definition have their own territories, populations, governments, and capacities to conduct international affairs, the attributes of international organizations are usually quite limited. Their competence is restricted to certain designated functions.

So, for example, few international organizations have any executive capabilities; these usually remain with the member states. International organizations often serve merely as gatherers of information, organizers of conferences, and makers of recommendations.

Changes in the governments of states, if occurring by way of normal constitutional processes such as elections, do not require action by other states by way of recognition.

INTERNATIONAL CRIMINAL COURT

The International Criminal Court was established in 2002 as a permanent tribunal to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression, although it cannot currently exercise jurisdiction over the crime of aggression.

The Court can generally exercise jurisdiction only in cases where the accused is a national of a state party, the alleged crime took place on the territory of a state party, or a situation is referred to the Court by the United Nations Security Council. The Court is designed to complement existing national judicial systems: it can exercise its jurisdiction only when national courts are unwilling or unable to investigate or prosecute such crimes. Primary responsibility to investigate and punish crimes is therefore left to individual states.

To date, the Court has opened investigations into four situations: Northern Uganda, the Democratic Republic of the Congo, the Central African Republic and Darfur. The Court has issued nine public arrest warrants and two suspects are in custody, awaiting trial.

The official seat of the Court is in The Hague, Netherlands, but its proceedings may take place anywhere. The ICC is sometimes referred to as a "world court"; it should not be confused with the International Court of Justice, also known as the World Court, which is the United Nations organ that settles disputes between nations.

Article 5 of the Rome Statute grants the Court jurisdiction over four groups of crimes, which it refers to as the "most serious crimes of concern to the international community as a whole": the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. The statute defines each of these crimes except for aggression: it provides that the Court will not exercise its jurisdiction over

the crime of aggression until such time as the states parties agree on a definition of the crime and set out the conditions under which it may be prosecuted.

THE SCOPE OF PUBLIC INTERNATIONAL LAW

Public international law establishes the framework and the criteria for identifying states as the principal actors in the international legal system. As the existence of a state presupposes control and jurisdiction over territory, international law deals with the acquisition of territory, state immunity and the legal responsibility of states in their conduct with each other. International law is similarly concerned with the treatment of individuals within state boundaries. There is thus a comprehensive regime dealing with group rights, the treatment of aliens, the rights of refugees, international crimes, nationality problems, and human rights generally. It further includes the important functions of the maintenance of international peace and security, arms control, the pacific settlement of disputes and the regulation of the use of force in international relations. Even when the law is not able to stop the outbreak of war, it has developed principles to govern the conduct of hostilities and the treatment of prisoners. International law is also used to govern issues relating to the global environment, the global commons such as international waters and outer space, global communications, and world trade.

Whilst municipal law is hierarchical or vertical in its structure (meaning that a legislature enacts binding legislation), international law is horizontal in nature. This means that all states are sovereign and theoretically equal. As a result of the notion of sovereignty, the value and authority of international law is dependent upon the voluntary participation of states in its formulation, observance, and enforcement. Although there may be exceptions, it is thought by many international academics that most states enter into legal commitments

to water supplies and other necessities of life. The consequences have affected not only belligerents, but also civilians and neutral States; and they have sometimes continued long after the end of the armed conflict.

From a legal standpoint, environmental protection during times of war and military activities is addressed partially by international environmental law. Further sources are also found in areas of law such as general international law, the law of war, human rights law and local laws of each affected country.

POLITICAL IMPORTANCE OF INTERNATIONAL ORGANIZATIONS

International organizations, in the sense of inter-state organizations, have existed since 1815, if not earlier, but it is only since the First World War that they have acquired much political importance. The idea that they have international legal personality is even more recent.

Treaties setting up international organizations often provide, as does Article 104 of the United Nations Charter, that 'the organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes'. All that this means is that the organization enjoys legal personality under the municipal laws of its member states; it can own property, enter into contracts, and so on. There is no corresponding article in the Charter expressly giving the United Nations personality under international law. Nevertheless, it is generally agreed that the United Nations does have at least some degree of international personality.

When states create an international organization, they set it up for specific purposes and give it limited powers. For this reason, legal personality must be treated as a relative concept, not as an absolute concept. An organization may have a power to make treaties concerning one topic, for instance, but not about others. Similarly, powers may vary from organization to organization.

The leading judicial authority on the personality of international organizations is the advisory opinion given by the International Court of Justice in the *Reparation for Injuries* case. The case arose out of the murder of Count Bernadotte, the United Nations mediator in Palestine, in 1948. The United Nations considered that Israel had been negligent in failing to prevent or punish the murderers, and wished to make a claim for compensation under international law.

RECOGNITION IN INTERNATIONAL LAW

The identity and number of states belonging to the international community are by no means fixed and invariable. The march of history produces many changes. Old states disappear or unite with other states to form a new state, or disintegrate and split into several new states, or former colonial or vassal territories may by a process of emancipation themselves attain statehood.

Then, also, even in the case of existing states, revolutions occur or military conquests are effected, and the status of the new governments becomes a matter of concern to other states, which formerly had relations with the displaced governments, raising the question of whether or not to engage in formal or informal relations with the new regimes, either by recognition or by some kind of intercourse.

These transformations raise problems for the international community, of which one is the matter of recognition of the new state or new government or other change of status involved. It is important to distinguish between recognition of states and recognition of the governments of states. The former is the more important because it is fundamental to the international legal order; the state is the entity which is the bearer of international rights and obligations, not the government for the time being representing it. To recognize a new state is therefore a serious step which other states take only after due deliberation and by formal statement. The matter is often discussed in the United Nations nowadays in which a collective view may emerge.

weapons that beset the world in mid-20th century, war has not been abandoned – only kept below the level of mutual annihilation. Meanwhile, in the face of violence, peace movements have grown.

Organized nongovernmental peace movements began in 1815 in New York City. In 1843 the first international peace congress met in London, England. By 1914 there were about 160 peace societies in the world. Some, such as the Carnegie Endowment for International Peace, have been heavily subsidized and intensely active in working for international goodwill; but most have been affiliated with governments or international power blocs and have gone along with them when war threatened or erupted.

This has generally been the case of the world's Socialist parties, which were established on what was thought to be the bedrock of international brotherhood and "the parliament of the world." The United States Socialist leader Eugene V. Debs went to jail during World War I for interfering with recruitment for the armed forces. Running for president from his prison cell, he received one million votes. That event, however, was the peak – or past the peak – of truly international Socialism.

At the outbreak of World War I, the French antiwar Socialist leader Jean Jaurès was assassinated, and Socialist members of both the French and the German parliaments voted war credits to their respective governments. Today's Socialists – or as they call themselves, Social Democrats – have almost uniformly abandoned pacifism. They have come to power from time to time in England, France, the Scandinavian countries, and post-Nazi Germany.

✓ **TRAFFICKING IN HUMAN BEINGS – A GROWING CONCERN**

✓ Trafficking in human beings is an abhorrent and increasingly worrying phenomenon. It is of a structural, rather than of an episodic nature affecting a few individuals, in that it has extensive implications on the social, economic and organizational fabric of our societies. The

phenomenon is facilitated by globalization and by modern technologies. Trafficking in human beings not only involves sexual exploitation, but also labour exploitation in conditions akin to slavery. The victims are subjected to violence, rape, battery and extreme cruelty as well as other types of pressure and coercion. The Member States of the European Union and the candidate countries are much affected by these scourges to society.

The underlying root causes of trafficking in human beings include poverty, unemployment and lack of education and access to resources. Clearly, if on the one side, people are ready to take the risk of falling into the hands of traffickers in order to improve their living opportunities, on the other side, there is a worrying trend in industrial countries to use cheap and undeclared labour forces as well as exploiting women and children in prostitution and pornography. In particular women are in a position of vulnerability to become victims of trafficking due to the feminisation of poverty, gender discrimination, lack of educational and professional opportunities in their countries of origin.

Despite the continuing difficulties in collecting statistical data in this area, most actors involved in combating trafficking in human beings agree that it is a growing phenomenon. At world level, estimates reach as high as 700 000 women and children being moved across international borders by trafficking rings each year.

✓ **INTERPOL AND FUGITIVES**

✓ One of the most important fields of activity of the global law enforcement community today is the apprehension of fugitives. Fugitives, as a result of their criminal activity, pose a pervasive threat to public safety worldwide. Fugitives are mobile and opportunistic. They frequently finance their continued flight from the law by further criminal activities, which respect no traditional political or geographical boundaries and may result in criminal charges in more than one country.

Interpol's activities in relation to international fugitives have been part of its core business since the creation of the organization. Interpol

cal, or symbolic target by crashing into it with an airplane or explosives-laden automobile, or by detonating a bomb on their person.

During the 1960s, many terrorist groups resorted to bank robbery and kidnapping for ransom to obtain funds. Although later terrorist organizations continued to use these tactics, some later groups were also given money from outside sources. Terrorist groups often received donations from people who supported their cause. In the late 1970s the Irish Republican Army was assisted by extensive funding from Irish American sympathizers. Some countries, such as Cuba and Libya, also helped fund terrorists. Palestinian terrorist organizations received large amounts of money from petroleum-rich Arab nations that wanted Israel overthrown.

CONSENT

An essential part of a treaty is the mutual consent of the parties. If the consent is faulty, the nature of the fault determines whether the treaty is valid or not. If a party was in error about a fact or a situation that it assumed existed and that formed an essential basis for its consent, the party can invalidate the treaty. But if the party itself contributed to the error or was forewarned of the possibility of error, it is bound to the treaty. If all parties are in error, the treaty is invalid. Fraud makes consent faulty and the treaty invalid because a party was under a misconception as to what it consented to or why.

International customary law prescribes no particular form for the consent and leaves it to the parties. The 1969 convention, Article 11, suggests signature, ratification, acceptance, approval or accession, and exchange of documents; the article then defines what behavior constitutes these various forms. The several steps the formation of a treaty passes through, from negotiation to final conclusion, could make doubtful when a concordance of wills or opinions (consent) has been achieved, the more so as some of these forms (for example, signature) may be either the final step or a preliminary step. In view of

the large number of treaties needed under modern conditions, the tendency has been to simplify procedures at least for the less important treaties. But many newer states oppose this development. They are very cautious about binding themselves to treaties, and, they claim, they lack some of the experience and expertise necessary to recognize quickly all the implications of a treaty. Insisting upon all the formalities, especially ratification gives them a better (or at any rate longer) opportunity to examine their commitments.

Until consent has been given, the treaty is not binding upon the parties. But the 1969 convention in Article 18 stipulates that after signature and before the final step, or that between the final step and the entry into force of the treaty, the parties shall not defeat the object and purpose of the treaty. When a treaty (usually a multilateral treaty) is open to accession by states not parties to it, the method of consent by these states is either specified in the treaty (usually "acceptance") or is within the choice of the acceding state. According to customary law and Article 5 of the 1969 convention, a treaty is accessible when the parties concluding the treaty agree that it shall be.

PEACE MOVEMENTS

The world has never had peace. Somewhere – and often in many places at once – there has always been war. Isolated tribes have lived in peace, but no country ever has. In one way or another, though, and by one means or another, most people want peace – including those who make war for the sake of peace. Movement for peace is present in the desire for peace that is common to human beings; in the institutionalizing of that desire by governmental efforts; and in the pacifist rejection of any and all war.

There are no self-confessed aggressors. In the 20th century almost every country has changed the name of its war ministry or war department to the ministry or department of defense; manipulation of the language has become a fact of combat. Even in the age of nuclear

forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.

2. In Protocol II, it is stated that those persons who were deprived of their liberty or whose liberty was restricted in connection with armed conflicts enjoy the protection of the laws and customs of war in non-international conflicts. This means that the additional Geneva protocols have substantially widened the range of persons that are protected by international law.

3. In the second additional Protocol it is stressed that this Protocol "shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts".

IV. Translate the sentences below into English.

1. Следует отличать международные вооруженные конфликты от вооруженных конфликтов немеждународного характера. Указанное различие учитывается в двух дополнительных протоколах к Женевским конвенциям 1949 года, принятых Дипломатической конференцией в Женеве в марте-июне 1977 года.

2. Под действие Первого дополнительного протокола попадают не только войны между государствами, но и «вооруженные конфликты, в которых народы ведут борьбу против колониального господства и иностранной оккупации и против расистских режимов в осуществление своего права на самоопределение».

3. Первый дополнительный протокол касается защиты жертв международных вооруженных конфликтов (Протокол I). Второй дополнительный протокол регламентирует защиту жертв вооруженных конфликтов немеждународного характера (Протокол II).

PART II

ADDITIONAL TEXTS

TERRORISM

Organizations, Goals, Tactics, and Financing

Several terrorist organizations started in the late 1960s. Their members traveled across national borders and often trained together in guerrilla camps in Cuba, Libya, Eastern Europe, and the Middle East. Some of the best-known terrorist organizations of the late 20th century were the Japanese Red Army; the Provisional Irish Republican Army; the Ulster Defense Association; the Palestine Liberation Front and other groups at one time related to the Palestine Liberation Organization (PLO); and the Ku Klux Klan.

At the beginning of the 21st century the United States Department of State designated 29 groups as foreign terrorist organizations. Among the most visible of these organizations were AUM Shinrikyo in Japan; the Popular Front for the Liberation of Palestine; the Revolutionary Armed Forces of Colombia (FARC); Sendero Luminoso (Shining Path) in Peru; and the Islamic extremist group known as al-Qa'idah.

The goals of these groups varied. Some terrorist groups, such as Osama bin Laden's al-Qa'idah, were Islamic extremists wanting to overthrow secular governments in countries with large Muslim populations. Other groups were purely nationalistic. The Provisional Irish Republican Army wanted the British to get out of Northern Ireland and to unite the two Irelands into a single nation.

The tactics terrorists use include murder, kidnapping for ransom, arson, train holdups, attacks on embassies, airplane hijackings, and bombings. Some groups adopted the tactic of suicide bombing. The suicide terrorist could destroy an important economic, military, politi-

ривающие наказания за наиболее серьезные нарушения Женевских конвенций и Дополнительных протоколов, рассматриваемые как военные преступления.

► 30. *Sum up the information from the unit. Pick out a problem you consider important. Make a 5-8 minute report on your problem for public speaking. Be ready to discuss the problems of IHL with your group-mates.*

TEST

► I. Fill in the missing words.

1. Modern international law ... any unleashing of aggressive wars.
2. The ... of war seriously affects the international treaties of warring States.
3. Bilateral political treaties (concerning non-aggression, neutrality) concluded before the war either lose their force or
4. The Geneva Conference of 1977 did not recognize ... as legitimate combatants.
5. Universal codification of international humanitarian law began in the ... century.
6. These categories ... to respect for their lives and for their physical and mental integrity.
7. It is forbidden to kill or wound an enemy who ... or is unable to fight.
8. Humanitarian law has therefore banned the use of many weapons, including ... bullets and ... mines.
9. No physical or moral ... should be exercised against the population of an occupied territory.
10. The 1949 Geneva Convention for the Protection of the Civilian Population in Times of War lays down that persons on occupied territory have the right to ... respect for their family rights and religious convictions.

11. The regime of military ... constitutes a set of legal norms governing the status of prisoners of war.

12. According to Art. 47 of the additional Geneva Protocol I, the mercenary does not have the right to the status of a ... or ... of war.

13. Diplomatic and consular personnel have the right to ... the host State, which is obliged to provide the necessary assistance.

14. The Conventions and Protocols are ... in their application.

15. The first additional Protocol applies not only to wars between States, but also to "armed conflicts in which peoples are fighting against colonial domination and ... occupation and against racist regimes in the exercise of their right to self-determination".

► II. Fill in the prepositions where necessary.

1. to take ... arms;
2. to fight ... an armed conflict;
3. to engage ... propaganda;
4. to exert pressure ... smb;
5. to limit the effects ... armed conflict;
6. to take oaths ... loyalty ... an enemy power;
7. to be actually placed ... the authority ... the hostile army;
8. to be exercised ... the population;
9. to be based ... special international agreements;
10. outrages ... personal dignity;
11. carrying out biological experiments ... smb;
12. discrimination ... the basis of sex;
13. a penalty ... aggression;
14. International Criminal Tribunal ... the former Yugoslavia;
15. violations committed ... non-international armed conflicts.

► III. Translate the sentences below into Russian.

1. The second additional Protocol indicates that it applies to all armed conflicts to which the first Protocol additional to the Geneva Convention does not apply, and which take place in the territory of a High Contracting Party, between its armed forces and dissident armed

– *When did universal codification of international humanitarian law begin?*

– Кодификация МГП в мировом масштабе началась в XIX веке. С тех пор государства приняли целый ряд правил, учитывающих горький опыт войны в современных условиях и направленных на установление строго равновесия между требованиями гуманизма и военными интересами государств.

– *What are the sources of international humanitarian law?*

– Основными источниками МГП являются четыре Женевские конвенции 1949 года. Их участниками стали практически все государства. Положения Женевских конвенций получили дальнейшее развитие благодаря принятию в 1977 году Дополнительных протоколов к ним.

Кроме того, существует ряд договоров, запрещающих использование некоторых видов оружия и методов ведения войны, а также предоставляющих защиту определенным категориям лиц и объектов.

– *What does international humanitarian law apply to?*

– МГП применяется исключительно к вооруженным конфликтам и не распространяется на ситуации внутренней напряженности, беспорядки и иные спорадические акты насилия. Оно применяется, когда конфликт уже начался, и действует одинаково в отношении всех сторон в конфликте, независимо от того, кто его развязал.

– *What does international humanitarian law cover?*

– МГП охватывает две области: защита лиц, не участвующих или прекративших участвовать в военных действиях; ограничение способов (оружие) и методов (военная тактика) ведения войны.

– *What is "protection"?*

– МГП предоставляет защиту тем, кто не участвует в военных действиях, а именно – гражданскому населению, медицинскому и духовному персоналу. Под его защитой находятся также те, кто прекратил участвовать в военных действиях. Это раненые и больные комбатанты, лица, потерпевшие кораблекрушение, военнопленные.

Все эти лица имеют право на жизнь, на физическую и психическую неприкосновенность и пользуются судебными гарантиями.

ми. Необходимо при любых обстоятельствах защищать их и обращаться с ними гуманно без какой бы то ни было дискриминации.

В частности, запрещается убивать и ранить противника, который сдастся или выбыл из строя. Сторона, во власти которой оказались раненые и больные, должна подбирать их и оказывать им помощь. Защитой также пользуются медицинский персонал и медицинское оборудование, больницы и санитарно-транспортные средства.

– *What restrictions does IHL impose on weapons and tactics?*

– МГП запрещает, в частности, такие виды оружия и военной тактики, которые:

- не позволяют проводить различия между комбатантами и гражданскими лицами с целью избежать нанесения ущерба гражданскому населению в целом, отдельным гражданским лицам и гражданским объектам;

- причиняют излишние страдания;

- наносят серьезный и долговременный ущерб природной среде.

Так, например, МГП запрещает применение разрывных пуль, биологического и химического оружия, ослепляющего лазерного оружия и противопехотных мин.

– *Is international humanitarian law actually complied with?*

К сожалению, случаи нарушения МГП не поддаются исчислению. Все чаще жертвами войны становятся мирные жители. И все-таки, благодаря МГП не раз удавалось защитить военнопленных, раненых и больных или ограничить применение варварского оружия.

– *What should be done to implement the rules of IHL?*

– Для содействия соблюдению МГП следует принимать соответствующие меры. Государства обязаны ознакомить с нормами этого права свои вооруженные силы и гражданское население. Они должны предотвращать нарушения МГП и, в случае необходимости, наказывать за их совершение. Для этого необходимо принимать на внутригосударственном уровне законы, предусмат-

правила нейтралитета, а также некоторые обязательства государств, имевшие целью предупреждение войн. В 1909 г. они были дополнены Лондонской декларацией о МГП для морской войны.

Многие государства грубо нарушали принятые ими нормы МГП в первую мировую войну. В связи с этим гуманитарное право пополнилось в 1929 г. 2 новыми конвенциями о защите жертв войны. Особенно чудовищными были нарушения МГП гитлеровской Германией и Японией во вторую мировую войну. После нее при активном участии СССР были приняты 4 новые Женевские конвенции о защите жертв войны (1949 г.), Конвенция о защите культурных ценностей во время войны (1954 г.), Дополнительные протоколы I и II (1977 г.) к Женевским конвенциям 1949 г.

Сложившееся в настоящее время МГП включает в себя нормы и принципы, предназначенные для регулирования отношений воюющих сторон в связи с вооруженными конфликтами как международного, так и немеждународного характера. Современные акты МГП не содержат применявшейся прежде оговорки *si omnes* ("если все"), позволявшей воюющему отказаться от соблюдения норм того или иного соглашения, если хотя бы одна из сторон конфликта не является его участником. Женевские конвенции о защите жертв войны 1949 г. и Дополнительные протоколы I и II 1977 г. к ним содержат, напротив, как "основные гарантии" перечень действий, которые "запрещаются и будут оставаться запрещенными в любое время и в любом месте для любого участника войны". Этими актами признаются комбатантами лица, принадлежащие не только к регулярным вооруженным силам и ополчениям воюющих сторон, но и к партизанам и участникам движений сопротивления, при этом действующим как на не занятой еще противником территории, так и на занятой им. Запрещается использование наемников, которые не обладают правами комбатанта или военнопленного. Не допускается нападение на гражданское население и на невоенные объекты. Воюющие не свободны в выборе средств и методов ведения войны. Запрещены средствами ведения войны признаются такие средства, как яды, отравленное оружие, ядовитые и удушливые газы, оружие неизбирательного действия и др. Оккупация военная рассматривается лишь как временное занятие территории противника, ни в

каком случае не дающее права на аннексию. Морская война регламентируется рядом специальных актов, имеющих целью ограничить произвол воюющих в отношении торгового судоходства и лиц, терпящих кораблекрушение. Воздушная война регламентируется общими нормами МГП, запрещающими бомбардировать незащищенные города, селения, жилища или строения, нападение на санитарные сооружения, формирования и транспорты, на гражданское население и невоенные объекты. В соответствии с принципами международного права, признанными Уставом Нюрнбергского трибунала от 8 августа 1945 г. и нашедшими выражение в его приговоре, подтвержденными Генеральной Ассамблеей ООН в ее рез. 3 (1) от 13 февраля 1946 г. и 95(1) от 11 декабря 1946 г., лица, виновные в нарушении норм МГП, подлежат уголовной ответственности, как за преступления против человечности и преступления военные.

► 29. Translate the following text in writing.

- *What is international humanitarian law?*
- Международное гуманитарное право (МГП) – это система норм, отвечающих требованиям гуманности и призванных *ограничить последствия вооруженных конфликтов*. Оно предоставляет защиту лицам, которые не участвуют или прекратили участвовать в боевых действиях, и ограничивает выбор средств и методов ведения войны. МГП именуется также "правом войны" или "правом вооруженных конфликтов".
- *Is International humanitarian law a part of International law?*
- МГП является одной из отраслей международного права, регулирующего отношения между государствами. Последнее включает в себя соглашения между государствами, именуемые договорами или конвенциями, международные обычаи, сложившиеся в практике государств и признаваемые ими в качестве обязательных, а также общие принципы права.
- *What principles does international humanitarian law go back to?*
- МГП восходит к принципам, провозглашенным еще древними цивилизациями и мировыми религиями. Войны всегда велись с соблюдением определенных законов и обычаев.

gree. The Hague Convention of 1907 prohibits the bombardment by naval forces of undefended ports, towns, villages, dwellings or buildings (Art. 1). This means that in naval warfare the rule of the inadmissibility of bombardment of non-military objects also operates.

In international law there are no special agreements governing the rules of air warfare. The rules of air warfare laid down in 1923 at the Hague have not become treaty norms. As a result the waging of air warfare is governed by corresponding provisions relating to land and naval warfare. For example, Art. 25 of the Hague Convention of 1907, relating to the laws and customs of land warfare and prohibiting the bombardment of undefended towns, villages and other objects in land warfare, fully applies to air warfare as well.

Both of the additional Geneva protocols of 1977 indicate that facilities and structures whose contents are potentially dangerous (dams and nuclear power stations) must not be the object of attack, even in those cases when such objects are military objects, if such an attack may release dangerous forces and lead to grave losses among the civilian population.

⇒ 26. Which of the statements are true to the above text?

1. The rules of air warfare laid down in 1923 at the Hague have become treaty norms.
2. The Hague Convention of 1923 prohibits the bombardment by naval forces of undefended ports, towns, villages, dwellings or buildings.
3. The Hague Conventions of 1907 and the Geneva Conventions of 1949 prohibit military operations against civilian populations and unprotected objects.
4. The Geneva Protocol of June 17, 1925 prohibits actions that contradict the requirements of humaneness – the treacherous killing or wounding of civilians and military personnel
5. The civilian population on the occupied territory enjoys particular protection.
6. In international law, the use in war of poisons and of poisonous weapons, and also of weapons that can produce additional suffering, have long been prohibited.

7. The Convention on the Prohibition of the Development, Production, Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction was signed on 12 April 1984.

8. The norms of international law prohibit acts of genocide are prohibited.

9. It is prohibited to use starvation as a method of warfare against the civilian population.

10. The aim of naval warfare is only to inflict the greatest possible damage on the naval forces, the ports and coastal areas of the enemy.

⇒ 27. Speak on the Norms Relating to the Means Conducting Military Operations.

⇒ 28. Render the following text into English.

**МЕЖДУНАРОДНОЕ ГУМАНИТАРНОЕ ПРАВО
(право в период вооруженных конфликтов)**

Международное гуманитарное право – совокупность международных конвенционных и обычных норм, составляющих так называемые правила ведения войны, или законы и обычаи войны, регулирующих отношения между воюющими государствами, а также между ними, с одной стороны, и нейтральными – с другой, и имеющих своим назначением гуманизацию средств и методов ведения войны. Регламентация МГП стала приобретать конвенционный характер в основном во второй половине XIX в. и коснулась первоначально главным образом правил обращения с больными и ранеными воинами (Женевская конвенция 1864 г.) и ограничения средств Войны, приносящих излишние страдания (Петербургская декларация 1868 г.). На I Гаагской конференции мира в 1899 г. было принято 3 конвенции и 3 декларации; в 1907 г. – 13 конвенций и 1 декларация. В этих актах были зафиксированы нормы МГП для сухопутной, морской, воздушной войны,

➡ 25. Study the text below.

International Legal Norms Relating to the Means and Methods of Conducting Military Operations

In international law there operates a principle which was recognized as far back as the signing of the St. Petersburg Declaration in 1868, namely, that the warring parties do not have unlimited freedom in the choice of means to harm their enemies.

The Hague Conventions of 1907 and the Geneva Conventions of 1949 prohibit military operations against civilian populations and unprotected objects. It follows logically from this that the use of means of mass destruction must be prohibited, since such means threaten above all the civilian population.

The norms of international law prohibit the threat and use of terror in order to break the enemy's resistance. It is prohibited to pursue a racial policy, such as the mass destruction by the Nazis of persons of various nationalities during the Second World War. In other words, acts of genocide are prohibited.

The Geneva Conventions of 1949 contain norms that are aimed at protecting the wounded, the sick, women and children among the civilian population, and also the wounded, sick and prisoners of war among the armed forces.

Certain norms relating to the protection of cultural property in time of war are contained in the Hague Convention of 1954.

Art. 35 of the additional Geneva Protocol I contains a prohibition on the use of methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

In international law, the use in war of poisons and of poisonous weapons, and also of weapons that can produce additional suffering, have long been prohibited (the Hague Convention of 1907), as has the

use of explosive bullets or shells containing fuel and incendiary substances weighing less than 400 grams (Convention of St. Petersburg of 1868).

The Geneva Protocol of June 17, 1925 prohibits the use in war of suffocating, poisonous or other similar gases and substances, and also the use of bacteriological weapons. At the present time this prohibition is a generally recognized norm of international law.

A new and important international legal act is the Convention, signed on 10 April 1972, on the Prohibition of the Development, Production, Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction. One of the aims of this Convention is to prohibit the use of biological agents or toxins in armed conflicts.

International law also prohibits actions that contradict the requirements of humaneness – the treacherous killing or wounding of civilians and military personnel, the cruel treatment of non-combatant population, disparagement of human dignity, the taking of hostages, the use of torture, etc. The civilian population on the occupied territory enjoys particular protection.

In Art. 40 of the additional Geneva Protocol I, it is noted that it is prohibited to order that there shall be no survivors, to threaten the adversary therewith, or to conduct hostilities on this basis.

In Art. 54 of the same Protocol it is prohibited to use starvation as a method of warfare against the civilian population.

The rules of naval warfare and of air warfare have certain specific characteristics that distinguish them from the rules of land warfare. The aim of naval warfare is not only to inflict the greatest possible damage on the naval forces, the ports and coastal areas of the enemy, and not only to preserve or achieve military advantage at sea, but also to prevent the enemy sustaining trade relations with other countries via sea routes.

Naval transport plays an enormous role in modern warfare, and accordingly sea communications become the most vulnerable object of attack by enemy forces.

Theatres of naval war may include the high seas, the territorial waters of warring States, their internal maritime waters and ports.

Naval forces include surface and submarine fleets, and also naval aviation. The means of naval warfare are also limited to a certain de-

The following acts are, among others, included in the definition of war crimes:

- wilful killing of a protected person (e.g. wounded or sick combatant, prisoner of war, civilian);
- torture or inhuman treatment of a protected person;
- wilfully causing great suffering to, or serious injury to the body or health of, a protected person;
- attacking the civilian population;
- unlawful deportation or transfer;
- using prohibited weapons or methods of warfare;
- making improper use of the distinctive red cross or red crescent emblem or other protective signs;
- killing or wounding perfidiously individuals belonging to a hostile nation or army;
- pillage of public or private property.

It should be noted that the International Criminal Tribunal for the former Yugoslavia has recognized that the notion of war crime under customary international law also covers serious violations committed during non-international armed conflicts. The Statute of the International Criminal Court and the Statute of the International Criminal Tribunal for Rwanda also include in their respective lists of war crimes those committed during internal armed conflicts.

➤ 23. Solve the crossword puzzle using the information from the above text.

1. the act or process of breaking laws; 2. the act of causing death; slaying; 3. to cause extreme physical pain to, esp. in order to extract information, break resistance, etc.; 4. lacking humane feelings, such as sympathy, understanding, etc.; cruel; brutal; 5. the act of transporting someone from his country; banishment; 6. an object or instrument used in fighting; 7. a person who is not a member of the police or the armed forces; 8. the activity of fighting a war, often including the weapons and methods that are used; 9. physical damage or hurt; 10. to steal (something) from (a place or a person) by using violence, esp. during war;

a	k	n	z	o	g	w	m	r	a	j	o	k	i
p	i	l	l	a	g	e	b	t	l	k	l	l	n
e	l	v	a	w	a	a	i	n	j	u	r	y	h
l	l	i	t	f	k	p	l	t	s	j	a	a	u
o	i	o	o	a	s	o	x	o	o	a	i	j	m
k	n	l	w	p	o	n	v	r	o	t	a	s	a
f	g	a	d	e	p	o	r	t	a	t	i	o	n
d	t	r	r	n	v	m	m	u	p	i	a	l	p
a	o	e	t	v	a	w	a	r	f	a	r	e	h
c	i	v	i	l	i	a	n	e	m	o	e	o	a

➤ 24. Reread the above text. Find the English equivalents for the following phrases.

1) нанесение вреда неприятелю; 2) надводный и подводный флот; 3) морская авиация; 4) правило недопустимости бомбардировки; 5) открытое море; 6) территориальные воды; 7) внутренние морские воды; 8) уязвимый объект; 9) торговые отношения; 10) удушливые, ядовитые газы и вещества; 11) вероломное убийство и ранение гражданских и военных лиц; 12) жестокое обращение с мирным населением; 13) посягательство на человеческое достоинство; 14) взятие заложников; 15) применение пыток; 16) запрещать военные действия; 17) гражданское население; 18) незащищенные объекты; 19) средства массового уничтожения; 20) осуществлять расовую дискриминацию; 21) сопротивление противника; 22) запрещать угрозу и применение террора; 23) методы и средства ведения военных действий; 24) морские силы; 25) правила морской войны; 26) правила сухопутной войны; 27) причинять обширный, долговременный и серьезный ущерб природной среде; 28) разрывные пули и снаряды; 29) разработка, производство и накопление запасов бактериологического и токсичного оружия; 30) биологические агенты и токсины.

21. Study the text below and give English equivalents for the words and phrases in bold.

The Protection of Civilian Objects in Conditions of Armed Conflict

According to the Hague Convention of 1907, real estate of any kind belonging to an enemy State is transferred, **1) в случае оккупации**, into the temporary use of the occupying authorities. The same Convention established that **2) частная собственность** is not subject to confiscation.

The Geneva Convention Relative to the Protection of Civil Persons in Times of War, in addition to private property, it is also forbidden to **3) разрушать или уничтожать** social and state property: this includes any destruction by **4) оккупирующей державой** of movable or immovable property representing the individual or collective property of private persons or of the State, or of social or cooperative organizations, if this is not rendered absolutely necessary by **5) военных операций**.

On 14 May 1954 at an international conference convened by UNESCO in the Hague, a convention was also **6) разработана и подписана** on the protection of cultural property **7) в случае вооруженного конфликта**.

According to the Convention, **8) культурные ценности**, independently of its **9) происхождения** and owner, includes: a) **10) памятники архитектуры и истории**, archaeological sites, architectural complexes, **11) произведения искусства, рукописи, книги, а также научные коллекции** or important collections of books and materials; b) **12) здания, главным и действительным назначением которых является сохранение или экспонирование движимых культурных ценностей**, that is museums, large libraries, archives and also facilities designed to preserve cultural property. **13) Защита культурных ценностей** includes their preservation and respect for them.

Respect for cultural property consists in obligations to: **14) запрещать использование культурных ценностей**, buildings designed to protect it and immediately adjacent land plots for purposes that may result in the destruction of or damage to this property in the event of armed conflict; **15) запрещать, предупреждать и пресекать любые акты кражи, грабежа** or illegal appropriation of cultural property in any form whatever, and also any acts of vandalism in relation to this property; **16) запрещать реквизицию и воздерживаться от любых репрессивных мер, направленных против культурных ценностей**.

Art. 53 of the additional Geneva Protocol I, **17) запрещает совершать какие-либо враждебные акты** directed against those historical monuments, works of art or places of worship which constitute the **18) культурное или духовное наследие народов**; the use of such objects in support of the military effort; their use as object of reprisals.

22. Study the following text thoroughly to solve the crossword puzzle.

What are war crimes?

War crimes are understood to mean serious violations of international humanitarian law committed during international or non-international armed conflicts. Several legal texts contain definitions of war crimes, namely the Statute of the International Military Tribunal established after the Second World War in Nuremberg, the Geneva Conventions and their Additional Protocols, the Statutes and case law of the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the Statute of the International Criminal Court. Definitions of the notion of war crime are also given in the legislation and case law of various countries. It is important to note that one single act may constitute a war crime.

the hands ... the legal government ... the military authorities; 10) according ... the 1907 Hague Convention; 11) to be exercised ... the population; 12) to be contained ... the Annex; 13) to be based ... special international agreements; 14) to be distinguished ... the regime; 15) to lead ... the death of prisoners

⇒ 17. Give the word families of the following words.

e.g. to mutilate(v) – mutilation(n) – mutilated (adj)

- | | |
|-----------------|------------------|
| 1) to torture | 6) to treat |
| 2) to murder | 7) to execute |
| 3) to mutilate | 8) to intimidate |
| 4) to outrage | 9) to insult |
| 5) to humiliate | 10) to coerce |

⇒ 18. Match the synonyms.

1) murder	c	a) punishment
2) conviction		b) shocking
3) intimidation		c) kill, massacre
4) penalty		d) offensive, degrading
5) mutilate		e) belief, opinion
6) outrageous		f) brutality, severity
7) humiliating		g) defend
8) protect		h) browbeat
9) cruelty		i) maim
10) intimidate		j) frightening

⇒ 19. In the above text find the English equivalents for the following words and word combinations and make your own sentences using them.

1) раненые; 2) захват заложников; 3) увечье; 4) жестокое обращение; 5) пытка; 6) грубое нарушение человеческого достоинства; 7) принимать во внимание; 8) чудовищные преступления; 9) проводить биологические опыты; 10) оставлять кого-либо без

медицинской помощи; 11) гуманное, человеческое обращение; 12) утрашение; 13) оскорбление; 14) состояние здоровья; 15) профессиональная квалификация; 16) военная оккупация; 17) послевоенная оккупация; 18) ответственность (наказание) за агрессию; 19) Гаагская конвенция о законах и обычаях сухопутной войны; 20) обеспечивать общественный порядок; 21) средства обороны; 22) присягать на верность неприятельской державе; 23) иметь право на уважение семейных прав и религиозных убеждений; 24) запугивание и оскорбление; 25) моральное и физическое принуждение.

⇒ 20. Complete the following sentences using the required information from the above text.

1) The occupying power does not have the right to force the population to serve in its ...

2) The regime governing the wounded and sick is defined by the two

3) All war prisoners should be treated equally, without any discrimination on the basis of ...

4) The 1949 Geneva Convention for the Protection of the Civilian Population in Times of War lays down that persons on occupied territory have the right to enjoy ...

5) The occupying authorities are forbidden to force the population to provide any kind of information concerning their ...

6) The Geneva Convention prohibits any violence to the lives and persons of the wounded and the sick, and in particular strictly prohibits ...

7) According to the 1907 Hague Convention concerning the Laws and Customs of War on Land, territory is considered occupied when ...

8) The regime of military occupation should be distinguished from the regime of post-war occupation, which may follow as a ...

9) The regime of military captivity constitutes a set of legal norms governing the status of ...

10) Military occupation is the temporary occupation of the territory of one State by the ...

them without medical aid or help, and deliberately creating conditions intended to lead to their infection (Art. 12).

The regime of military captivity constitutes a set of legal norms governing the status of prisoners of war.

According to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, humane treatment must always be accorded to them. Any illegal acts on the part of the State holding prisoners which lead to the death of prisoners or constitute a threat to their health are prohibited and are regarded as serious violations of the Convention.

One may not apply to war prisoners acts of violence, intimidation or insult. War prisoners have the right to enjoy respect for their person and honour.

All war prisoners should be treated equally, without any discrimination on the basis of sex, race, nationality, religion, political convictions, etc., with exceptional cases of a privileged regime which may be accorded to war prisoners because of their state of health, age, or professional skill. Able-bodied war prisoners may be, as a rule, utilized as labour force, in types of work that relate to the management, equipment and maintenance of order in their camp.

2.

Military occupation is the temporary occupation of the territory of one State by the armed forces of another.

The regime of military occupation should be distinguished from the regime of post-war occupation, which may follow as a penalty for aggression. The regime of post-war occupation is based on special international agreements.

The general principles governing the regime of military occupation are contained in the Annex to the IV Hague Convention of 1907, in the 1949 Geneva Convention relative to the Protection of Civilian Persons in Times of War, and in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

According to the 1907 Hague Convention concerning the Laws and Customs of War on Land, territory is considered occupied when it

is actually placed under the authority of the hostile army. However, occupation does not mean the termination of the sovereignty of the occupied State; it is merely the temporary occupation of the territory for the period of military operations. This is why, during the period when power is temporarily transferred from the hands of the legal government to the military authorities occupying the territory, the occupying forces are obliged to ensure public order, protect the lives of the population, and respect the laws of the occupied country.

3.

The occupying authorities are forbidden to force the population to provide any kind of information concerning their army or means of defence, or to take oaths of loyalty to an enemy power.

The 1949 Geneva Convention for the Protection of the Civilian Population in Times of War lays down that persons on occupied territory have the right to enjoy respect for their family rights and religious convictions; they must always be treated humanely, and must be protected against any acts of violence, intimidation and insults (Art. 27).

No physical or moral coercion should be exercised against the population of an occupied territory, in particular in order to obtain any kind of information from them (Art. 31). The occupying power does not have the right to force the population to serve in its armed or auxiliary forces, to exert pressure on them, or to engage in propaganda to persuade them join the enemy army (Art. 51).

16. Fill in the gaps with the appropriate prepositions (from, in, to, of, against, under, for, on). Make your own sentences using the key-phrases below.

1) to be distinguished ... the regime; 2) to engage ... propaganda; 3) to take oaths ... loyalty ... an enemy power; 4) to be protected ... any acts ... violence; 5) to be actually placed ... the authority ... the hostile army; 6) the Laws and Customs ... War ... Land; 7) a penalty ... aggression; 8) to exert pressure ... smb; 9) to be transferred ...

4. legitimate	d) forces
5. neutral	e) consequences
6. armed	f) compensation
7. non-occupied	g) zone
8. demilitarized	h) operation
9. warring	i) war
10. outbreak of	j) territory
11. consular	k) transport
12. legal	l) State
13. material	m) population
14. military	n) State
15. civilian	o) combatant

➤ 13. Answer the following questions, then speak on the state of war and the participants in military operations.

- Does International Law prohibit any wars?
- What does a declaration of a state of war between two States produce?
- A neutral State maintains diplomatic relations with both warring parties, doesn't it?
- What limitations are applied to nationals of a warring State?
- Does the outbreak of war seriously affect the international treaties of warring States? Give examples.
- In which circumstances do the inhabitants of a non-occupied territory enjoy the rights of combatants?
- Are all categories of combatants always viewed as legitimate combatants?
- How can you explain the concept of "volunteer units"?
- What do the regular naval forces include?
- Does the Geneva Conference of 1977 recognize mercenaries as legitimate combatants?

•••••

➤ 14. Consult your dictionary for the right stress in the following words and memorize their meaning.

regime, hostage, torturous, outrage, humiliating, Nazis, monstrous, biological, illegal, intimidation, insult, surrender, oath, loyalty.

➤ 15. Read the text below. Match the following headings with the sections of the text.

- The Regime of Military Occupation
- The Protection of the Civilian Population
- International Legal Protection of War Victims

International Legal Protection of the Civilian Population and War Victims

1.

The regime governing the wounded and sick is defined by the two Geneva Conventions of 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field and for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

The Conventions prohibit the following actions with regard to the above listed persons:

1) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; 2) taking of hostages; 3) outrages upon personal dignity (in particular humiliating and degrading treatment); 4) the passing of sentences and the carrying out of execution without previous judgement pronounced by a regularly constituted court.

Taking into consideration the experience of the Second World War, when the Nazis carried out monstrous crimes and abused the sick and wounded, the Geneva Convention prohibits any violence to the lives and persons of the wounded and the sick, and in particular strictly prohibits killing or destroying them, subjecting them to torture, carrying out biological experiments on them, deliberately leaving

Participants in Military Operations

The norms of modern international law provide that, if war has become a fact, it must be waged only among the armed forces of the States concerned and must not be directed against civilian populations.

According to the Geneva Convention of 1949 Relative to the Treatment of Prisoners of War, the inhabitants of a non-occupied territory who on the approach of the enemy spontaneously **take up** arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war, also enjoy the rights of combatants (Art. 4 [6]).

All categories of **combatants** from the popular militia, volunteers, guerilla units and the population taking up arms on the approach of the enemy, are viewed as legitimate combatants if they comply with the following conditions laid down by the Conventions:

- 1) they are commanded by a person responsible for his subordinates;
- 2) they have a fixed distinctive sign recognizable at a distance;
- 3) they carry arms openly;
- 4) they conduct their operations in accordance with the laws and customs of war.

It is evident that the second and third of these points do not always accord with the conditions of guerilla warfare on occupied territory.

The concept of **volunteer units** also extends to persons who have expressed their desire to leave their country and participate in military operations on the side of the people of a foreign State struggling for freedom and independence. The presence of **volunteers** on the side of the warring States is based on the terms of the Hague Conventions of 1907, and also the Geneva Convention of 1949, which view volunteer units as legitimate combatants.

The regular naval forces include warships of any type and designation, auxiliary **warships** providing supplies to naval forces in the form of ammunition, combat materiel or troop transport, and also spe-

cial landing ships and former merchant ships reequipped as warships. In air warfare the crews of **military aircraft** are the combatants.

The Geneva Conference of 1977 did not recognize mercenaries as **legitimate** combatants. They are criminally liable. According to Art. 47 of the additional Geneva Protocol I, the mercenary does not have the right to the status of a combatant or prisoner of war. In the Protocol the mercenary is defined as "any person who is specially recruited locally or abroad to fight in an armed conflict for material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party".

➤ 9. Give opposites for the highlighted words in the above texts.

➤ 10. Use the affixes (un- il- ir- non-) to fill in the gaps and form a new word opposite in meaning.

___ aggressive war; ___ legal consequences; ___ official relations; ___ necessary assistance; ___ occupied territory; ___ regular armed units; ___ legitimate combatants.

➤ 11. Fill in the gaps with the appropriate prepositions (*against, among, at, in, up, of, with*). Make your own sentences using the key-phrases below.

1) to fight ... an armed conflict 2) to enter ... war 3) customs ... war 4) ... the side ... the warring States 5) declaration ... war 6) a prisoner ... war 7) to participate ... military operations 8) request ... a warring State 9) to take ... arms 10) inhabitants ... a non-occupied territory 11) to comply ... the conditions 12) outbreak ... war 13) to be assigned ... a neutral State 14) to be waged ... the armed forces 15) to be directed ... civilian populations.

➤ 12. Match the words in column A with the appropriate words in column B.

A	B
1. troop k	a) war
2. naval	b) unit
3. prisoners of	c) personnel

7. Complete the following sentences using the required information from the above text.

- 1) The history of mankind is a story of power struggles, confrontation and armed conflict between ...
- 2) Since Antiquity men have tried, with greater or lesser success, to control the effects of ...
- 3) Almost two thousand years before Christ, King Hammurabi of Babylonia codified rules of ...
- 4) In ancient India, the texts of the Mahabharata and the Manu code urged that mercy be shown to ...
- 5) The *Viqyat*, written around 1280 in Saracen Spain, constituted a true code of conduct in war, protecting ...
- 6) The Dutch legal scholar and diplomat Grotius wrote his *De jure belli ac pacis*, a first attempt to draw up ...
- 7) The Convention for the Amelioration of the Condition of the Wounded in Armed Forces in the Field was signed by ...
- 8) The most important development of international humanitarian law was the adoption in 1977 of ...
- 9) These Protocols regulated ...
- 10) Like all humanitarian law treaties, the Conventions and Protocols are ...

8. Read the texts below and define which of the terms in bold match the following definitions.

1. In international law, members of the armed forces of a party to the conflict, except medical and religious personnel; they are entitled to take a direct part in hostilities.
2. Open armed conflict between two or more parties, nations, or states.
3. A vessel armed, armoured, and otherwise equipped for naval warfare.
4. Any machine capable of flying by means of buoyancy or aerodynamic forces; it provides its military purpose by using the distinguishing marks adopted for that purpose by the State to which it belongs, it is protected by a crew of military or militarized personnel.

5. A person who freely undertakes military service, esp. temporary or special service.

The State of War and Its Legal Consequences

Modern international law prohibits any unleashing of aggressive wars – whether with or without the declaration of war. In effect, the military operations initiated by a State signify the beginning of a state of war for the States participating in the conflict, together with all the resulting consequences, and in particular, make it necessary to adhere to international rules of warfare.

A declaration of a state of war between two States produces specific legal consequences in the relations between them. The beginning of war disrupts official diplomatic and consular relations between the States entering into war with each other. Diplomatic and consular personnel have the right to leave the host State, which is obliged to provide the necessary assistance. The protection of the interests of a warring State and of its nationals is usually assigned to a neutral State, which maintains diplomatic relations with both warring parties. Such a neutral State, at the request of a warring State, may administer the property and archives of diplomatic and consular missions and assist in the exchange of wounded and prisoners of war, etc.

Various limitations are applied to nationals of a warring State who are on the territory of an enemy State. They may be obliged to reside for the duration of the war in a specific region, or else may be interned.

The outbreak of war seriously affects the international treaties of warring States. Bilateral political treaties (concerning non-aggression, neutrality) concluded before the war either lose their force or are suspended. Treaties concluded in the event of war are viewed as coming in force, and with the beginning of military operations acquire particular importance (treaties relating to the rules of waging war, demilitarized zones, etc.)

Development of International Humanitarian Law

The history of mankind is a story of power struggles, **confrontation** and armed conflict between nations, peoples and individuals.

Since Antiquity men have tried, with greater or lesser success, to control the effects of **violence** so as to limit the suffering which is its inevitable **consequence**. Almost two thousand years before Christ, King Hammurabi of Babylonia codified rules of conduct in war. In ancient India, the texts of the Mahabharata and the Manu code urged that mercy be shown to disarmed and wounded enemy fighters. The *Viqyat*, written around 1280 in Saracen Spain, constituted a true code of conduct in war, protecting civilians and **the vanquished**. In the seventeenth century, the Dutch legal scholar and diplomat Grotius wrote his *De jure belli ac pacis*, a first attempt to draw up rules of international law protecting the **victims of conflict**. A century later, Rousseau's Social Contract set forth the basic principle on which the Geneva Conventions are founded: soldiers who have laid down their arms **cease** to be enemies. They "again become mere men, and one is no longer entitled to take their lives".

The Convention for the Amelioration of the Condition of the Wounded in Armed Forces in the Field, signed by 16 States in 1864, and the founding of the International Committee of the Red Cross are just one more step in this series of attempts to limit, as far as possible, the effects of man's inhumanity to man.

The most important development of international humanitarian law was the adoption in 1977 of the two Protocols additional to the Geneva Conventions of 1949. These Protocols, the first of which protects the victims of **international armed conflicts** and the second those of non-international armed conflicts, not only added further rules protecting victims of war but, more significantly, regulated the conduct of **hostilities** in modern wars, in particular in order to improve protection of the civilian population.

Like all humanitarian law treaties, the Conventions and Protocols are universal in their application. At present, 178 States are party to the Geneva Conventions; 122 States are party to Protocol I and 113 to Protocol II.

4. Complete the tables with the appropriate verb or noun forms.

noun	verb	noun	verb
confrontation	confront	.....	urge
violence	.....	.....	disarm
conduct	.....	.....	wound
cease	.....	.....	ameliorate

5. Match the synonyms.

1) protect	d	a) amelioration
2) vanquish		b) stop
3) draw up		c) inhumanity
4) set forth		d) defend
5) basic		e) warfare
6) cease		f) write
7) improvement		g) fundamental
8) to limit		h) express
9) brutality		i) conquer
10) hostilities		j) restrict or confine

6. Match the words in column A with the appropriate words in column B.

A	B
1) armed	a) conduct
2) inevitable	b) scholar
3) rules of	c) conflict
4) to protect	d) conflict
5) legal	e) hostilities
6) victims of	f) law
7) humanitarian	g) victim
8) conduct of	h) consequence

IV. Translate the sentences from Russian into English.

1. Защите тех видов диких животных, которые в процессе своего естественного цикла постоянно пересекают границы государств, посвящена принятая в июне 1979 года Боннская конвенция об охране мигрирующих видов диких животных.

2. Конвенция устанавливает общие нормы поведения государств в отношении мигрирующих через их территории диких животных. В приложениях к ней перечисляются мигрирующие виды, находящиеся под угрозой исчезновения, а также те виды, которые станут предметом специальных соглашений заинтересованных государств.

3. Конвенция по предотвращению загрязнения моря сбросом отходов и других материалов 1972 года запрещает полностью затопление в море радиоактивных отходов или предусматривает строгий контроль за ним.

UNIT 10. INTERNATIONAL HUMANITARIAN LAW

*"War should always be waged with a view to peace."
Hugo de Groot (Grotius)*

1. What do you know about the history of IHL? Choose the right answer.

1) Almost ... thousand years before Christ, King Hammurabi of Babylonia codified rules of conduct in war.

a) one b) two c) three

2) In ancient India, the texts of the Mahabharata and the Manu code urged that mercy be shown to

a) women and children b) disarmed and wounded enemy fighters
c) slaves

3) In the, the Dutch legal scholar and diplomat Grotius wrote his *De jure belli ac pacis*, a first attempt to draw up rules of international law protecting the victims of conflict.

a) 17th century b) 16th century c) 18th century

4) Rousseau's Social Contract set forth the basic principle on which the Geneva Conventions are founded: ... who have laid down their arms cease to be enemies.

a) captives b) wounded men c) soldiers

5) The most important development of international humanitarian law was the adoption in ... of the two Protocols additional to the Geneva Conventions of 1949.

a) 1946 b) 1977 c) 1953

2. Consult your dictionary for the right stress in the following words and memorize their meaning.

inevitable, consequence, to vanquish, mercy, Hammurabi, Mahabharata, Manu, Saracen, amelioration, committee, hostility.

3. Read the following text and explain the meaning of the words and phrases in bold.

TEST

I. Fill in the missing words.

1. The first treaties were primarily concerned with protecting and regulating the ... hunting of certain species of animals.
2. The protection of the environment and the rational ... of natural resources have become urgent global problems of the modern age.
3. National measures to protect the environment must be combined with wide international cooperation at the ... and ... levels.
4. However, the international legal protection of the environment possesses its own specific ... and many of them are still in the process of development.
5. ... entering into the atmosphere over the territory of one State are often carried over very large distances.
6. Acid rains cause great damage to the natural environment and to man, pollute water bodies, cause a ... in the soil; and contribute to the erosion of architectural monuments.
7. The awareness of this serious danger led to the adoption in 1977, of the Convention on the Prohibition of Military or Any Other ... Use of Environmental Modification Techniques.
8. The exploration of outer space and of the Moon and other ... bodies has led to a situation in which it has become necessary to protect the environment of outer space.
9. The space environment may be subjected to radioactive ... in the course of nuclear weapon tests.
10. External irradiation and the penetration of radioactive ... into the human organism produce irreversible changes, genetic and somatic illnesses.

II. Fill in the prepositions where necessary.

- 1) ... the basis... ;
- 2) ... the turn ... the century;

- 3) to be concerned ... the maintenance of ecological balance;
- 4) to be solved ... the efforts;
- 5) intervention ... natural processes;
- 6) to be adopted measures ... this field;
- 7) Treaty ... the Non-Proliferation ... Nuclear Weapons;
- 8) danger ... the Earth's atmosphere;
- 9) experiment is carried... ;
- 10) pollution ... industrial pollutants;
- 11) use ... environmental modification techniques ... military purposes;
- 12) adverse changes ... the environment;
- 13) contamination ... man's environment;
- 14) to be signatories ... the Moscow Treaty;
- 15) penetration ... radioactive substances ... the human organism

III. Translate the sentences from English into Russian.

1. The Contracting Parties, taking due account of the facts and problems involved, are determined to protect man and his environment against air pollution and shall endeavour to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary air pollution.
2. The 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora imposes limitations on and introduces control over international trade in animals and plants threatened by extinction through a system of import and export licenses. The aim of the Convention is to avoid the excessive exploitation of vanishing species of fauna and flora.
3. The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, is designed, in particular, to create an effective system insuring the collective protection of natural rarities (unique natural complexes, the habitats of vanishing animals and plants, etc.).

от территориальной сферы подразделяется на глобальную, региональную (субрегиональную) и национальную. Таким образом, "защита окружающей среды" не адекватна по объективной сфере охвата "охране природы", хотя и может совпадать с ней в отдельных элементах. Возникнув первоначально как охрана природы и ее ресурсов и преследуя тем самым природоохранные цели, охрана окружающей среды на современном этапе переросла в комплексную, глобальную проблему, включающую охрану природы в числе одного из своих компонентов. На международно-правовом уровне элементы окружающей среды (напр., атмосферный воздух, морская среда, пресноводные ресурсы, качество жизни, производственная среда и др.) впервые были зафиксированы в Декларации ООН по проблемам окружающей среды 1972 г.

Международно-правовая практика регулирования охраны окружающей среды свидетельствует о формировании в рамках общей системы международного права новой отрасли – права окружающей среды (большинство представителей закладной науки международного права считают эту отрасль уже существующей). Однако сложившаяся к настоящему моменту особая совокупность специальных (общих и конкретных) принципов и норм, регулирующих охрану окружающей среды, не завершила еще своего оформления в одну систему. За исключением общих специальных принципов (охрана окружающей среды, недопустимость трансграничного загрязнения и др.), конкретные специальные принципы в этой области (охрана морской среды, недопустимость радиоактивного заражения Мирового океана и др.) одновременно тяготеют и к др. отраслям международного права. Вместе с тем все они, и общие и конкретные, объединены однородностью основного содержания и общим объектом регулирования, составляют совокупность принципов и норм охраны окружающей среды, которая приобрела четкую тенденцию к оформлению в единой отраслевой системе. Окончательному процессу ее формирования решающим образом может способствовать универсальный кодификационный документ (конвенция). Вопрос о возможностях кодификации международного права в

области защиты окружающей среды неоднократно затрагивался в ЮНЕП.

Международно-правовая охрана окружающей среды осуществляется на универсальном, региональном (субрегиональном) и двустороннем уровнях. Она регулируется специальными положениями ряда международно-правовых актов и специальными документами. Разработка международных программ и мероприятий осуществляется в рамках международных межправительственных и неправительственных организаций – специальных (Международного совета по охране природы и природных ресурсов и др.) и социально-экономических и политических, в первую очередь системы ООН. Активным участником многих таких программ и инициатором важнейших из них является Россия.

В последние годы были приняты: Монреальский Протокол по веществам, разрушающим озоновый слой от 16.09.87 г., Конвенция о трансграничном воздействии промышленных аварий от 17.03.92 г., Конвенция по охране и использованию трансграничных водотоков и международных озер от 17.03.92 г., Конвенция по защите морской среды района Балтийского моря 1992 г., Конвенция о биологическом разнообразии от 05.06.92 г.

► 24. Summarize the information of the unit and be ready to speak on Environmental Law. The first step to be done is to write the plan of your future report.

► 25. Choose any question (topic, problem) relating to Environmental Law and make a 5-7 minute report in class.

14) environmental modification techniques;	n) загрязнение воздуха;
15) pollution by industrial pollutants;	o) неблагоприятные изменения в окружающей среде;
16) environmental sanitation;	p) прибрежная среда;
17) environmental warfare;	q) воздействие на окружающую среду;
18) pollution of international waterways;	r) загрязнение воды / гидросферы; s) сохранение окружающей среды;
19) air / atmospheric pollutant;	t) условия окружающей среды;
20) gaseous pollutant;	u) загрязнение международных водных путей
21) to pollute air / water;	v) мирное использование окружающей среды;
22) littoral environment;	w) улучшение состояния окружающей среды;
23) use of environmental modification techniques for military purposes;	x) нарушение энергобаланса окружающей среды;
24) air pollution;	y) степень загрязнения;
25) modification of the environment;	z) защита окружающей среды.
26) water pollution.	

⇒ 22. Translate the following text into Russian.

International Legal Protection of the Animal and Plant

The increasing scale of man's interference in natural processes is leading to a deterioration of the environment, the disappearance of many species of fauna and flora, a reduction in the population of wild animals, and the destruction of their habitats. Already several hundreds of species of birds, fish, mammals and plants have forever vanished from the Earth. Today, animals threatened with extinction include such rare animals as the blue whale, the Asian rhinoceros, and the mountain gorilla. It is not surprising that a number of agreements adopted in the early 20th century and concerned with protecting representatives of the animal world marked, in effect, the beginning of the international legal protection of the environment.

The agreements that exist in this field relate primarily to questions of protecting:

- o migratory birds and animals (the 1950 International Convention for the Protection of Birds);
- o individual animal species (the 1978 Agreement on the Conservation of Polar Bears);
- o habitats of migrating animals (the 1972 Convention on Wetlands of International Importance Especially as Waterfowl Habitat);
- o individual ecosystems and natural complexes (the 1976 Convention on Conservation of Nature in the South Pacific);
- o plants (the 1951 International Convention for the Protection of Plants, the 1956 Plant Protection Agreement for the South-East Asia and the Pacific Region, the 1959 Agreement Concerning Cooperation in the Quarantine of Plants and Their Protection against Pests and Insects).

⇒ 23. Render the text into English.

МЕЖДУНАРОДНАЯ ОХРАНА ОКРУЖАЮЩЕЙ СРЕДЫ

Международная охрана окружающей среды – совокупность основополагающих и специальных принципов и норм международного права, регулирующих действия государств по предотвращению, сокращению, сохранению под контролем и ликвидации ущерба различного вида и из различных источников, наносимого национальным системам окружающей среды государств и окружающей среде за пределами действия национальной юрисдикции или контроля. Понятие "окружающая среда" охватывает широкий круг элементов, связанных с условиями существования человека, в т. ч. материальные элементы природы (природные объекты) и элементы, искусственно созданные человеком в процессе его взаимодействия с природой. В совокупности все это составляет систему окружающей среды, которая в зависимости

The 1968 Treaty on the Non-Proliferation of Nuclear Weapons and the 1971 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and Ocean Floor and in the Subsoil Thereof have made a substantial contribution to the protection of the environment.

➤ 18. Match the synonyms.

1) to enter <i>f</i>	a) to harm
2) to cause	b) vast
3) destruction	c) to demolish
4) pollution	d) fatal
5) to affect	e) to influence
6) deadly	f) to penetrate
7) wide-ranging	g) to produce
8) to destroy	h) important
9) to damage	i) contamination
10) significant	j) erosion

➤ 19. Complete the table.

noun	verb	noun	verb
1) modification	modify	.....	1) protect
2) deterioration	2) destroy
3) achievement	3) damage
4) precipitation	4) transform
5) regulation	5) threaten
6) exploration	6) penetrate
7) contamination	7) contribute
8) environment	8) recognize
9) irradiation	9) exist
10) reduction	10) sign

➤ 20. Match the following words.

A	B
1) natural <i>d</i>	a) safeguard
2) overwhelming	b) region
3) prevent	c) operation
4) reliable	d) resources
5) biological	e) devices
6) cosmic	f) contamination
7) extra-terrestrial	g) damage
8) military	h) precipitation
9) cause	i) origin
10) vulnerable	j) majority

➤ 21. Match the English phrases in A with their Russian equivalents in B. Learn the following collocations.

A	B
1) adverse changes in the environment;	a) заражение окружающей среды;
2) contamination of man's environment;	b) радиоактивное загрязнение;
3) improvement of the environment;	c) запретить воздействие на окружающую среду в военных целях;
4) radioactive pollution;	d) рациональное использование морской среды;
5) peaceful utilization of the environment;	e) средства воздействия на окружающую среду;
6) preservation of the environment;	f) морская (окружающая) среда;
7) protection of the environment;	g) загрязнение промышленными отходами;
8) to prohibit action to influence environment for military purposes;	h) оздоровление (внешней) окружающей среды;
9) amount of pollution;	i) воздействие на окружающую среду в военных целях;
10) marine environment;	j) атмосферный загрязнитель / загрязнитель;
11) management / rational use of marine environment;	k) газообразный загрязнитель / загрязнитель;
12) environmental conditions;	l) загрязнить воздух / воду;
13) environmental energy imbalance;	m) использование технических средств для изменения окружающей среды в военных целях;

States. Such, for example, is the origin of "acid rains". Acid rains cause great damage to the natural environment and to man, pollute water bodies, cause a **deterioration** in the soil, and contribute to the erosion of architectural monuments.

Uncontrolled artificial influences on the environment and the climate, which have become possible as a result of recent scientific and technical achievements, constitute a serious danger for the Earth's atmosphere. In particular, it is already possible to cause or prevent **precipitation**. Experiments are being carried out to change the force and direction of hurricanes and typhoons. The ability to influence the weather and the climate may bring to the human race both vast advantages and enormous harm. For example, during the US aggression in Vietnam, the Pentagon secretly carried out a "**weather war**", producing artificially intense rains to destroy roads and dams, and to cover military operations. In the future there may appear truly "apocalyptic" measures for waging war, including the destruction of the ozone layer, which protects life on Earth against the **deadly action** of ultra-violet radiation from the sun, and the creation of artificial floods and droughts over large areas.

The awareness of this serious danger led to the adoption in 1977, of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. States that are parties to the Convention undertook not to use means of influencing the natural environment which have wide-ranging, long-lasting or serious consequences in order to destroy, damage or cause harm to another member-state. By means of influencing the natural environment is meant any method of changing – through the deliberate regulation of natural processes – the dynamics, the composition or the structure of the Earth, including its biota, lithosphere, hydrosphere, atmosphere, or outer space. At the same time the Convention does not prohibit the use of means of influencing the environment for **peaceful purposes**.

International Legal Protection of Circum-Terrestrial Space

The intensive exploration of outer space and of the Moon and other celestial bodies has led to a situation in which it has become necessary to protect the environment of outer space from the harmful

consequences of such activities. In the nearest part of outer space, the number of used satellite components, parts of rockets and other **space garbage**, is continually increasing and at the present time exceeds more than 10,000 objects. The space environment may be subjected to **radioactive contamination** in the course of nuclear weapon tests, or the use of cosmic devices equipped with nuclear sources of energy. Nor can one exclude the danger of the biological contamination of the Earth's environment through the return of space objects to the Earth, and also as a result of the delivery of substances and materials of an extra-terrestrial origin from outer space.

A reliable safeguard against the radioactive contamination of outer space and of its transformation into a nuclear proving ground, has been provided by the Moscow Treaty of 1963, which prohibited the **testing** of nuclear weapons in outer space. The 1967 Space Treaty and the 1979 Agreement Governing the Activities of States on the Moon and other Celestial Bodies contain important terms relating to the protection of the environment.

The Protection of the Environment from Radioactive Contamination

The threat to living nature and especially to man posed by the radioactive contamination of the environment resulting from the utilization of nuclear energy both for military and peaceful purposes is widely known.

Nuclear radiation threatens the very foundations of man's existence. External irradiation and the penetration of radioactive substances into the human organism produce irreversible changes, genetic and somatic illnesses.

The adoption in 1963 of the Moscow Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, has contributed to a significant reduction in environmental radioactivity. The **overwhelming majority** of the countries of the world are signatories to the Moscow Treaty.

The Conclusion in 1959 of the Treaty on the Antarctic, has prevented the transformation of the little-known and **ecologically vulnerable region** into a site used to carry out nuclear tests and discharge radioactive waste and material.

7) Under the terms of the 1972 Convention for the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter, the most dangerous substances may...

8) Under the terms of the 1972 Convention for the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter, a full prohibition of dangerous substances extends to the discharge of...

9) The protection of the environment of the World Ocean cannot be adequately ensured unless...

10) International law serves as an effective instrument for...

⇒ 14. Translate the phrases in italics into English.

International Legal Protection of Multinational Rivers

In the past, the 1) *правовой режим* of this type of river was associated exclusively with the problem of 2) *судоходство*. At the present time multinational rivers and other bodies of water 3) *используются* by States basically for the needs of industry and agriculture, as a result of which there has been a substantial increase in the pressure on the 4) *водные ресурсы рек*, and their 5) *загрязнение и истощение* have intensified. A specific feature of the legal regime governing the utilization of resources of such rivers is that they represent 6) *единый природный комплекс*, and at the same time are components of the territories of different States.

In international law there is, at the present time, no global Convention which would 7) *кодифицировать принципы и нормы* governing the utilization of multinational rivers for shipping, industrial, agricultural and other purposes. The norms governing all types of such uses are contained in 8) *специальные международные соглашения* concluded by 9) *прибрежные государства*, with due consideration for specific factors relating to hydrological, climatic, economic and other conditions that are specific for various river basins. These agreements are based on the principle of 10) *равное и справедливое водопользование*. It provides for each 11) *прибрежное*

государство to have an equitable share in the utilization of international water resources and require it to 12) *воздерживаться от причинения ущерба* other States through pollution of the water, or in any other way.

There are numerous international agreements governing particular aspects of the 13) *использование и охрана* of the waters and living resources of multinational rivers: a) special agreements relating to a particular 14) *водоток или водная система*; b) treaties on the regime of state borders, whose terms also cover certain questions of 15) *водопользование на пограничных реках*; c) agreements concerning fishing in international (multinational) rivers.

⇒ 15. Gather extra information and speak about the Protection of the Environment of the World Ocean and Multinational Rivers.

⇒ 16. Consult your dictionary for the right stress in the following words and memorize their meaning.

precipitate; deterioration; erosion; hurricane; typhoon; apocalyptic; flood; drought; wide-ranging; dynamic; biota; lithosphere; outer; celestial; cosmic; irradiation; irreversible; genetic.

⇒ 17. Read the following texts and explain the words and phrases in bold.

International Legal Protection of the Earth's Atmosphere

The atmospheric air constitutes an exceptionally **motile element** of the environment that does not recognize state borders. **Pollutants** entering into the atmosphere over the territory of one State are often carried over very large distances and cause damage to the natural environment and the health and well-being of the population of other

The London Convention of 1954 was the first international agreement to impose on States specific obligations as regards the pollution of the marine environment. The Convention prohibits the discharge of petroleum and petroleum-water mixtures from ships.

The 1973 International Convention for the Prevention of Pollution from Ships, which was amended by the 1978 Protocol, and entered into force in 1983, is based on the need to prevent all kinds of pollution of the marine environment by any substances, including petroleum, liquid poisonous substances, waste waters and garbage discharged into the sea from ships.

The 1972 Convention for the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter regulates the deliberate burial in the World Ocean of practically all known dangerous substances and materials. Under the terms of the Convention, the most dangerous substances may not be buried at all; for the burial of others special permission is needed, while for less dangerous substances general permission is sufficient. In particular, a full prohibition extends to the discharge of raw and fuel petroleum, heavy diesel fuel and oil, highly radioactive waste products, mercury and mercury compounds, stable plastics, and also materials produced for biological and chemical warfare.

The protection of the environment of the World Ocean cannot be adequately ensured unless measures of a global character are complemented by regional cooperation among States, such cooperation taking into consideration the specific features of particular maritime regions. For this reason a number of regional international agreements have been adopted in recent years.

11. Find in the text the English equivalents for the following words and word combinations. Make sentences using them.

1) региональное сотрудничество; 2) опасные вещества и материалы; 3) ядовитые жидкие вещества; 4) эффективный инструмент; 5) сырая и топливная нефть; 6) интенсивное судоходство; 7) добыча полезных ископаемых; 8) Международная конвенция по предотвращению загрязнения моря с судов; 9) использование морей; 10) сброс и захоронение промышленных и бытовых отходов; 11) принимать срочные меры; 12) сточные воды; 13) совместные

действия государств; 14) морская среда; 15) слив нефти и нефтеводяной смеси с судов; 16) на универсальном уровне; 17) тяжелое дизельное топливо и масла; 18) предотвращение загрязнения; 19) наземные источники; 20) мусор; 21) морское дно и его недра; 22) Лондонская конвенция по предотвращению загрязнения моря нефтью; 23) возлагать на государства определенные обязанности; 24) ртуть и ртутные соединения; 25) сброс отходов с судов; 26) загрязнение морской среды любыми веществами; 27) нефть; 28) преднамеренное захоронение; 29) Конвенция по предотвращению загрязнения моря сбросом отходов и других материалов; 30) материалы, изготовленные для ведения биологической и химической войны.

12. Give the word families of the following words, as an example.

e.g. to utilize – utilization (n) – utilizer (n) – utilizable (adj)

- | | |
|-----------------|---------------|
| 1) poison | 6) to waste |
| 2) to dump | 7) resource |
| 3) to pollute | 8) to impose |
| 4) environment | 9) to prevent |
| 5) to discharge | 10) to bury |

13. Complete the following sentences using the required information from the above text.

- 1) Joint actions by States to protect the marine environment are generally carried out ...
- 2) Intensive shipping, the extraction of mineral resources from the seabed, the utilization of the seas as a place for discharging and burying industrial and household waste products have led to
- 3) The London Convention of 1954 was the first international agreement to impose on States specific obligations as regards
- 4) The London Convention prohibits the discharge of
- 5) The 1973 International Convention for the Prevention of Pollution from Ships entered into force....
- 6) The 1973 International Convention for the Prevention of Pollution from Ships prevents all kinds of

4) Is the international legal protection of the environment a relatively new part of modern international law?

5) Does international custom play an important role in the protection of the environment?

6) Does the United Nations play an important role in the development of the international legal protection of the environment?

7) The basic principles of international law apply to cooperation among States in the conservation and utilization of the natural environment and its resources, don't they?

8) List the principles of international legal protection of the environment.

9) What does the principle of inalienable sovereignty over natural resources mean?

10) States have the duty to cooperate with one another in environmental conservation and in balanced utilization of natural resources, don't they?

➡ 8. *Speak on the concept of International Legal Protection of the Environment and the basic principles.*

.....

➡ 9. *Match the words with their definitions.*

1) garbage	e) exhibiting, using, or concerned with radioactivity
2) subsoil	b) to dispose of waste in the sea or on land
3) seabed	c) to pour forth or cause to pour forth
4) waste	d) the solid surface of the Earth which lies under the sea
5) substance	e) worthless, useless, or unwanted matter
6) to dump	f) rejected as useless, unwanted, or worthless
7) to discharge	g) the tangible matter of which a thing consists
8) warfare	h) the external surroundings in which a plant or animal lives, which tend to influence its development and behaviour

9) environment	i) the layer of soil beneath the surface soil and overlying the bedrock
10) radioactive	j) the act, process, or an instance of waging war

➡ 10. *Read the following text and give synonyms for the highlighted words.*

International Legal Protection of the Environment of the World Ocean and Its Resources

Intensive shipping, the **extraction** of mineral resources from the seabed, the utilization of the seas as a place for discharging and burying industrial and household waste products have led to the serious pollution of the marine environment in many areas of the World Ocean. States have had to take urgent measures in order to **counteract** the damage that is being caused to the marine environment and to prevent such damage in the future. International law serves as an effective instrument for carrying out this task.

Joint actions by States to **protect** the marine environment are generally carried out at the **global** level or the regional level. In such a context international cooperation is developing primarily along the following lines: the prevention of the pollution of the seas as a result of shipping; as a result of the **discharge** of waste products from ships, and land-based sources; and as a result of research into and the exploitation of the resources of the seabed and of its subsoil.

Among the numerous international legal acts directed at protecting the marine environment, a central role is played by such international multilateral **agreements** as the 1954 London Convention for the Prevention of Pollution of the Sea by Oil, the 1973 International Convention for the Prevention of Pollution from Ships, and the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.

► 4. Fill in: of, within, in, at, with, then make sentences using the phrases.

1) to be combined ... wide international cooperation ... the global and regional levels 2) to be concerned ... protecting and regulating; 3) the protection ... the natural environment; 4) intervention ... natural processes; 5) to be adopted measures ... this field; 6) to expand ... the general framework ... the progressive development

5. In the above text find the English equivalents for the following words and word combinations. Then, use some of the phrases to speak on the Concept of International Legal Protection of the Environment.

1) естественная среда; 2) виды животных; 3) производительные силы; 4) интенсивное использование; 5) экологический кризис; 6) разумное использование; 7) неотложная глобальная проблема; 8) современная эпоха; 9) региональный уровень; 10) играть ведущую роль; 11) живые ресурсы; 12) атмосфера Земли; 13) околоземный; 14) космическое пространство; 15) радиоактивное загрязнение; 16) правовая защита; 17) международный обычай; 18) многонациональные реки; 19) оздоровление планетарной среды; 20) охрана вод.

► 6. Choose the words from the group below to complete the text. It may be necessary to change the form of the given words.

jurisdiction, inflict, respect, cooperation, dispose, ensure, advantage, utilization, unilateral, well-being, treaty, inalienable, customary, legal protection, take, prohibit, recognition.

Principles of International Legal Protection of the Environment

The basic principles of international law also apply to 1) among States in the conservation and 2) of the natural environment and its resources. However, the international 3) of the en-

vironment possesses its own specific principles and, moreover, many of them are still in the process of development.

The Principle of protecting the environment. International law sees the gradual development of the principle according to which States should 4) measures, either 5) or joint, to preserve the environment and secure the rational utilization of natural resources for the 6) of the present and future generations.

States have the duty to cooperate with one another in environmental conservation and in balanced utilization of natural resources. Such cooperation is effected in accordance with 7) on the basis of equality and mutual 8)

The principle of 9) sovereignty over natural resources. This principle is reflected in a number of resolutions adopted by the United Nations General Assembly, including the resolution entitled "Permanent Sovereignty Over Natural Resources" of December 14, 1962.

This principle means that each State has the sovereign right to 10) freely of its own resources in accordance with its policy on the environment, and obligates other States to 11) that right.

The principle of not 12) damage on the environment beyond national state jurisdiction. This principle, which emerged as a 13) norm of international law, has met with virtually universal 14)

It was formulated as follows in the Stockholm Declaration: States have, in accordance with the UN Charter and principles of international law, the responsibility to 15) that activities within their 16) or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. This principle also extends to those activities by States which are not 17) under international law.

► 7. Answer the questions.

1) When did the first treaties concerning the protection of the natural environment appear?

2) What has intensified the impact of man's economic activities on the natural environment?

3) What has brought the human race to the brink of a serious ecological crisis?

⇒ 2. Consult your dictionary for the right stress in the following words and memorize their meaning.

to impact; an impact; species; qualitative; widen; utilization; biosphere; crisis; rational; circum-terrestrial.

⇒ 3. Read the following text and explain the words and phrases in bold.

The Concept of International Legal Protection of the Environment

The first treaties concerning the protection of the **natural environment** had already appeared at the turn of the century. They were primarily concerned with protecting and regulating the **commercial hunting** of certain species of animals. It is only in recent decades that there has been a qualitative shift in the international legal regulation of environmental protection and that States have adopted active measures in this field.

The revolution in science and technology and the rapid development of the productive forces of society have intensified the impact of man's economic activities on the natural environment, and have considerably widened the sphere of his intervention in natural processes. The intensive **utilization** of natural resources and the pollution of the planet's biosphere have brought the human race to the **brink** of a serious **ecological crisis**. Consequently, the protection of the environment and the rational utilization of natural resources have become urgent global problems of the modern age.

Naturally, these problems cannot be solved by the efforts of individual States alone. National measures to protect the environment must be combined with wide international cooperation at the global and regional levels. International law is called upon to play a leading role in establishing and developing such cooperation and regulating the measures undertaken by various States to **protect the environment**.

The international legal protection of the environment is a relatively new but rapidly developing part of modern international law. At the present time, there are a number of international treaties of different kind governing various aspects of the protection of the environment and the rational utilization of natural resources. These agreements primarily concern the following:

- 1) the prevention of the **pollution of maritime waters**, the protection and rational utilization of the sea's living resources;
- 2) the protection of the waters and resources of international (multinational) rivers;
- 3) the protection of the Earth's atmosphere and circum-terrestrial outer space from pollution and other unfavorable influences;
- 4) the protection and **rational utilization** of the animal and plant world on land;
- 5) the protection of unique natural objects and complexes and of individual ecological systems;
- 6) the protection of the Earth's environment from **radioactive contamination**.

The international legal protection of the environment emerged and is continuing to expand within the general framework of the progressive development of international law. Thus, the international legal regulation of the environment protection measures undertaken by different States has unquestionably been influenced by the many universal international treaties which either contain important provisions relating to the protection of the environment, or else are directly or indirectly contributing to the improvement of the planetary environment.

In addition to international treaties, international custom also plays an important role in the protection of the environment.

An important role in the development of the international legal protection of the environment is played by resolutions adopted by international organizations, and above all by the United Nations and its specialized agencies.

нии сторон настоящей Конвенции, признавших юрисдикцию такого суда.

2. Каждое государство обладает правом судить своих собственных граждан за военные преступления или преступления против человечества.

3. Военные преступления и преступления против человечества, когда бы и где бы они ни совершались, подлежат расследованию, а лица, в отношении которых имеются доказательства в совершении таких преступлений, – розыску, аресту, привлечению к судебной ответственности и, в случае признания их виновными, наказанию.

UNIT 9. INTERNATIONAL LEGAL PROTECTION OF THE ENVIRONMENT

*We do not inherit the earth from our ancestors,
we borrow it from our children.*

Native American Proverb

➤ 1. What do you know about the international legal protection of the environment? Choose the right answer.

1) The first treaties concerning the protection of the natural environment appeared

a) in the Middle Ages b) at the turn of the 20th century c) in 21st century.

2) ... was the first international agreement to impose on States specific obligations as regards the pollution of the marine environment.

a) The International Convention for the Prevention of Pollution from Ships b) The Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques c) The London Convention for the Prevention of Pollution of the Sea by Oil.

3) The 1973 International Convention for the Prevention of Pollution from Ships entered into force in

a) 1983 b) 1976 c) 1991

4) The adoption in 1963 of ... , has contributed to a significant reduction in environmental radioactivity.

a) the UN Charter b) the Convention for the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter c) the Moscow Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water

5) The Convention on Conservation of Nature in the South Pacific was adopted in

a) 1950 b) 1976 c) 1975

TEST

I. Fill in the missing words.

1. Transportation or attempts to transport slaves from one country to another by any means of transportation are qualified as serious ...
2. The category of crimes of an international character includes deceptive actions in manufacturing or changing money ... (paper money, bank bills, metallic coins).
3. States have decided to qualify as criminally punishable acts the cultivation and production, import and export of narcotics and psychotropic ... in violation of existing legal norms.
4. ... is any unlawful act of violence, forcible detention or plunder, committed against any ship or aircraft, against persons and property that are on board.
5. ... is the surrender of an alleged offender or fugitive to the state in whose territory the alleged offence was committed.
6. Any deliberate discharge into the sea of ... or other materials from ships is viewed as unlawful.
7. Crimes of an ... affect the legitimate interests of all States and constitute an international public danger.
8. Questions relating to the fight against piracy are regulated in a number of articles of the Convention on the ...
9. Norms concerning certain crimes of an international character are included in international ... whose contents extend to a wider range of problems.
10. The sovereign rights of States remain inviolable, since the basic problems involved in crime control relate to the ... competence of each State.

II. Fill in the prepositions where necessary.

- 1) crime ... humanity;
- 2) to refuse ... extradition;
- 3) to deal ... public safety;

- 4) piracy ... the high seas;
- 5) to carry ... a criminal prosecution;
- 6) legal assistance ... criminal matters;
- 7) to be a party ... a convention;
- 8) to be excluded ... extradition;
- 9) legal penalty applies ... persons convicted;
- 10) to enter ... force;
- 11) to be excluded ... decision-making;
- 12) legal basis ... extradition;
- 13) with regard ... truth and justice;
- 14) to arrive ... a verdict;
- 15) to grant ... extradition.

III. Translate the following sentences into Russian

1. The State Party where the alleged offender is prosecuted shall in accordance with its laws communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States concerned and the international intergovernmental organizations concerned.
2. Persons against whom there is evidence that they have committed war crimes and crimes against humanity shall be subject to trial and, if found guilty, to punishment, as a general rule in the countries in which they committed those crimes. In that connection, States shall co-operate on questions of extraditing such persons.
3. The State Party in the territory of which the hostage is held by the offender shall take all measures it considers appropriate to ease the situation of the hostage, in particular, to secure his release and, after his release, to facilitate, when relevant, his departure.

IV. Translate the following sentences into English

1. Лица, обвиняемые в совершении геноцида, должны быть судимы компетентным судом того государства, на территории которого было совершено это деяние, или таким международным уголовным судом, который может иметь юрисдикцию в отноше-

ПРЕСТУПЛЕНИЯ МЕЖДУНАРОДНОГО ХАРАКТЕРА

Преступления международного характера – предусмотренные международными договорами общественно опасные деяния, не относящиеся к международным преступлениям, посягающие на нормальные отношения между государствами и наносящие ущерб мирному сотрудничеству в различных областях. В отличие от международных преступлений ответственность за П.м.х. несет не государство, а индивиды. Ответственность наступает на основе международного договора, но по национальному праву. В зависимости от объекта посягательства – и степени международной опасности они подразделяются на следующие группы: 1) преступления против стабильности международных отношений (международный терроризм, захват заложников, преступления на воздушном транспорте, хищение ядерного материала, незаконный оборот наркотиков, контрабанда, нелегальная эмиграция, пропаганда войны и др. деяния, наносящие ущерб экономическому, социальному и культурному развитию государств; 2) фальшивомонетничество, легализация преступных доходов, посягательства на культурные ценности народов и др.; 3) преступные посягательства на личные права человека, рабство, работорговля, торговля женщинами и детьми, пытки, систематические и массовые нарушения прав человека и др.; 4) преступления, совершаемые в открытом море: пиратство, неоказание помощи на море, загрязнение морской среды, разрыв или повреждение подводного кабеля или трубопровода и др.; 5) военные преступления международного характера; применение запрещенных средств и методов ведения войны, мародерство, насилие над населением в районе военных действий и др.

МЕЖДУНАРОДНЫЙ ТЕРРОРИЗМ

Международный терроризм – преступление международного характера, действия отдельных лиц и организаций, направленные

на достижение каких-либо целей (обычно политических) путем применения акций насилия, террористических актов. Международный терроризм – это совокупность общественно опасных в международном масштабе деяний, влекущих бессмысленную гибель людей, нарушающих нормальную дипломатическую деятельность государств и их представителей и затрудняющих осуществление международных контактов и встреч, а также транспортных связей между государствами. Последовательно выступая за конструктивное сотрудничество государств в борьбе с актами Международного терроризма, СССР в 1937 г. подписал Международную конвенцию по предотвращению и наказанию актов терроризма. Конвенция не вступила в силу, но тем не менее сыграла важную роль в международном осуждении и признании противоправности Международного терроризма. РФ является участником многих международных соглашений, направленных, в частности, на борьбу с проявлениями Международного терроризма, в т. ч. Конвенции о борьбе с незаконным захватом воздушных судов 1970 г., Конвенции о борьбе с незаконными актами, направленными против безопасности гражданской авиации, 1971 г., Конвенции о предотвращении и наказании преступлений против лиц, пользующихся международной защитой, в т. ч. дипломатических агентов, 1973 г. В настоящее время Международный терроризм остается одной из наиболее острых международных проблем, в связи с чем в декабре 1995 г. в Египте была проведена специальная встреча глав государств "Большой семерки" и России, посвященная объединению усилий ведущих стран мира в борьбе с терроризмом. В практике международных отношений иногда можно встретить утверждения, что субъектами Международного терроризма могут быть и отдельные государства.

► 25. Sum up the information from the unit. Pick out a problem you consider important. Make a 5-8 minute report on your problem for public speaking. Be ready to discuss the problems of International Cooperation in Crime Control with your group-mates.

4) to extradite smb. pursuant to article to a state	d) договор о выдаче преступников
5) war criminal	e) преступление с использованием новейшей техники
6) legal basis for extradition	f) воздушное пиратство, угон самолетов
7) request for extradition	g) морское пиратство
8) to be excluded from extradition	h) торговля оружием
9) to grant extradition	i) просьба о выдаче (преступника)
10) to make extradition conditional on the existence of a treaty	j) незаконная торговля наркотическими средствами
11) to refuse extradition	k) работорговля
12) extradition treaty	l) лицо, занимающееся незаконной торговлей наркотиками; торговец незаконными товарами
13) extradition of the criminal	m) выдавать кого-л. в соответствии со статьёй какому-л. государству
14) air/aviation piracy	n) преступление, за совершение которого возможна выдача преступника другому государству
15) to punish piracy on the open sea	o) осуществить / разрешить экстрадицию, удовлетворить требование о выдаче (преступника)
16) maritime piracy	p) преступление, за которое виновный подлежит выдаче другому государству
17) traffic in slaves	q) преступление против мира
18) illicit traffic of narcotic drugs	r) преступление против человечества
19) trafficker	s) юридическое основание для выдачи (преступника)
20) extradition crime	t) всеми осуждаемые виды преступности
21) extraditable crime	u) карать/наказывать за пиратское действия в открытом море
22) commonly deplored crimes	v) выдача преступника (иностранному государству)

23) crime against peace	w) отказать в выдаче (преступника)
24) crime against humanity / mankind	x) пиратство в открытом море
25) traffic in arms	y) военный преступник

⇒ 24. Render the following texts into English.

МЕЖДУНАРОДНОЕ УГОЛОВНОЕ ПРАВО

Международное уголовное право – система принципов и норм, регулирующих сотрудничество государств в предупреждении, расследования и наказании в особом порядке за совершение преступлений, предусмотренных в международных договорах. Оно является отраслью международного публичного права и тесно связано с национальным уголовным правом государств. Среди особенностей Международного уголовного права следует отметить его комплексный характер (включает нормы уголовного, уголовно-процессуального и уголовно-исполнительного права); закрепленные в международных договорах особые принципы данной отрасли; неприменение сроков давности к военным преступникам и преступлениям против человечества; особые источники Международного уголовного права в виде универсальных и региональных международных договоров и вспомогательные источники в виде приговоров международных трибуналов и национальных судов; придание уставам международных трибуналов обратной силы в отношении преступлений, которые в момент совершения являлись уголовным преступлением согласно общим принципам права, признанным международным сообществом; особый субъект преступления в виде государств и юридических лиц (наряду с физическими лицами); особые санкции и т.п. В Международном уголовном праве установлена ответственность за международные преступления и преступления международного характера.

3) sentence	c) a coming to an end, esp of a contract period; termination
4) offence	d) an opinion or decision made after judging the facts that are given, esp. one made at the end of a trial
5) legislation	e) a reason, cause or argument
6) citizen	f) to think or believe (someone) to be guilty of a crime or to have done something wrong
7) expiry	g) to come to an end; to stop being in use; to run out (finish)
8) verdict	h) to make (someone) return for trial to another country where they have been accused of doing something illegal
9) expire	i) a law or set of laws suggested by a government and made official by a parliament
10) ground	j) a punishment given by a judge in court to a person or organization after they have been found guilty of doing something wrong

➡ 19. Match the words in column A with the appropriate words in column B. Make sentences using these phrases.

A	B
1) competent	a) criminal
2) criminal	b) convention
3) suspected	c) person
4) grave	d) agreement
5) multilateral	e) court
6) mutual	f) court
7) convicted	g) punishment
8) competent	h) prosecution

➡ 20 Fill in the correct prepositions, then choose any five items and make sentences.

1) to be governed ... the law; 2) to deal ... public safety; 3) to carry ... a criminal prosecution; 4) legal assistance ... criminal mat-

ters; 5) to be a party ... a convention; 6) legal penalty applies ... persons convicted; 7) to enter ... force; 8) according ... legislation; 9) with regard ... truth and justice; 10) to arrive ... a verdict; 11) conventions ... the suppression of international crimes; 12) a juridical basis ... the extradition; 13) to be a signatory ... the Convention; 14) ... accordance ... the mutual agreements; 15) ... the grounds ... gender, race, class.

➡ 21. Answer the following questions.

- 1) Do the States concerned provide legal assistance to each other by fulfilling requests to undertake the appropriate procedural actions?
- 2) Actions comprised within the concept of legal assistance are quite diverse, aren't they?
- 3) What does the extradition of criminals represent?
- 4) When doesn't extradition take place? List the grounds.
- 5) In multilateral conventions on the suppression of international crimes, extradition is viewed as a legal obligation of the State to which the request is addressed, isn't it?
- 6) Can multilateral conventions be viewed by States as constituting a juridical basis for the extradition?
- 7) List the cases when the transfer of the convicted person isn't effected.
- 8) May the transfer of the convicted person take place only after the verdict has entered into legal force?

➡ 22. Use ex. 19, 20, 21 and speak on the Legal Assistance on Criminal Matters.

➡ 23. Match Russian phrases in A with their English equivalents in B. Learn the following collocations.

A	B
1) piracy on the high seas	a) преступление международного характера
2) highly sophisticated crime	b) не подлежать выдаче
3) crime of international significance	с) обуславливать выдачу (преступника) наличием договора

Actions comprised within the concept of legal assistance are quite diverse. [1 - B]. The points dealt with in greatest detail include the extradition of criminals. The States concerned provide legal assistance to each other by fulfilling requests to undertake the appropriate procedural actions.

The Extradition of Criminals

The extradition of criminals represents an act of legal assistance by one State to another State (the requestor) with the aim of carrying out a criminal prosecution, finding and arresting a suspected criminal in order to bring him to court or for executing the sentence.

[2] They include acts that are defined as criminal offences by the legislation of both parties to the treaty, and for the commission of which punishment is provided for in the form of deprivation of freedom for a period of over one year or else a more grave punishment (in certain treaties for a period of not less than one year).

Cases are defined in which extradition does not take place (is not permitted): a) the person whose extradition is requested is a citizen of the State receiving the request; b) the crime has been committed on the territory of the State receiving the request; c) the criminal prosecution, according to legislation of the State receiving the request, cannot be initiated, or else the sentence cannot be carried out as a result of the expiry of the time-limit or for other reasons; d) with regard to the person who has committed the crime the organs of the State receiving the request have already arrived at a verdict or have ceased prosecution; e) the crime, according to the legislation of both States, is prosecuted in a form of special charge.

In multilateral conventions on the suppression of international crimes, extradition is not viewed as a legal obligation of the State to which the request is addressed. [3]. Even in the absence between States of special treaties on extradition, each of these multilateral conventions can also be viewed by States as constituting a juridical basis for the extradition of persons committing such crimes. [4].

The Extradition of Persons Convicted to Deprivation of Freedom for the Execution of Their Sentence in the State Whose Citizens They Are

The citizens of any State, which is a signatory to the Convention, who are convicted to the deprivation of freedom in another signatory-State are, in accordance with the mutual agreements of these States, transferred to the country of which they are citizens to serve their sentence. [5] The punishment decided upon with regard to the convicted person is served on the basis of the verdict of that State in which he was convicted. On the strength of that verdict, a competent court of the State of which the convicted person is a citizen adopts a decision concerning its implementation and determines, in accordance with the law of its own State, the same period of deprivation of freedom as was assigned under the verdict (permitted deviations are governed by the legislation of the State whose citizen the convicted person is).

The transfer of the convicted person is not effected if: a) according to the legislature of the State whose citizen he is, the activity for which he was sentenced is not a crime; b) in the State whose citizen the convicted person is, he has already served his sentence for this same crime or was exonerated, or else the case was closed; c) the punishment cannot be carried out in the State whose citizen the convicted person is as a result of the expiration of the time-limit or on some other grounds; e) the convicted person is a permanent resident on the territory of the State whose court issued the verdict; f) agreement was not reached concerning the transfer of the convicted person under the terms envisaged by the Convention. [6].

► 18. Match the words with their definitions.

A	B
1) to suspect <i>f</i>	a) an illegal act; a crime
2) to extradite	b) a person who is a member of a particular country and who has rights because of being born there or because of being given rights, or a person who lives in a particular town or city

For example, according to the Convention for the Suppression of Unlawful Seizure of Aircraft, the jurisdiction of a given State is established in those cases when the crime is 3) ... on board an aircraft registered in the given State, or else when the aircraft on board of which the crime has been 4) ... lands on its territory.

The Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents refers to those cases in which the crime is committed on the territory of the State where the accused finds himself, or else on board a ship or an aircraft registered in that particular State or else when the 5) ... criminal is a citizen of that State.

Most conventions contain a provision allowing a given State to claim jurisdiction over any crime if the person 6) ... of that crime finds himself on the territory of the given State, and that State does not surrender him to another State requesting his 7) Therefore in such cases it is established that the State concerned transfers the case to its own 8) ... organs for criminal prosecution on the basis of national 9)

The concrete regulation of criminal punishment is not involved in legal cooperation among States in the 10) ... of crimes of an international character. The specification of the types of punishment and their implementation is a function of the criminal law of each State. International conventions in principle limit themselves to somewhat abstract formulae concerning the 11) ... of punishment: each State obligates itself to apply, in relation to such types of crimes, severe measures of punishment, or to ensure appropriate punishment for the crime committed, with due consideration of its 12) ... character. The Convention on the 13) ... Seas simply states that acts of piracy should be 14) ..., while the Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matter refers to the adoption of measures to punish such actions. The formulations of the Single Convention on 15) ... Drugs and the Convention on Psychotropic Substances are more specific: there the type of punishment to be inflicted is, to some extent, rendered more definite by words referring to imprisonment or some other form of deprivation of freedom.

⇒ 16. Make a report covering the information acquired.

.....

⇒ 17. Read the text and choose the most suitable sentence from the list (A-G) for each gap. There is one extra sentence which you do not need to use. There is an example at the beginning.

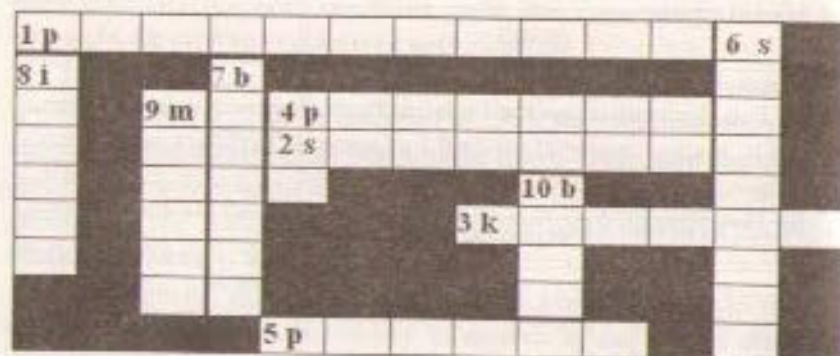
A	However, States which are parties to such conventions have assumed the obligation to include crimes of an international character in the treaties that they conclude on extradition.
B	<i>Provisions are made for carrying out searches, seizing and transferring material evidence, for supplying documents, for carrying out forensic examinations, for questioning the accused, witnesses, experts, and for a court investigation. 1</i>
C	For the purposes of extradition none of the following offences shall be regarded as a political offence.
D	In bilateral treaties on international crimes, more categorical prescriptions are possible.
E	An important role is played by the provision according to which, with regard to the person transferred to serve his sentence in the State of which he is a citizen, similar legal penalty applies for persons convicted in that State for committing similar acts.
F	The transfer of the convicted person may take place only after the verdict has entered into legal force, and may be carried out on the initiative of either of the interested states.
G	Treaties define crimes for which extradition may be requested.

Legal Assistance on Criminal Matters

General Characterization

Legal relations associated with the effecting of legal aid on criminal matters is governed either by the norms of multilateral international conventions related to control of crimes of an international character, or by special treaties concerning legal cooperation.

- 8) physical damage or hurt;
 9) open rebellion against constituted authority, esp by seamen or soldiers against their officers;
 10) a written or printed account or statement of money owed;



13. In the above text find the English equivalents for the following words and word combinations and make your own sentences using them.

1) глава государства; 2) член коллегиального органа; 3) причинить серьезное увечье; 4) опасность для здоровья; 5) денежная единица; 6) склонение к проституции; 7) за пределами юрисдикции какого бы то ни было государства; 8) сводничество; 9) вредное вещество; 10) убийство; 11) фальшивомонетничество; 12) похищение; 13) ценные бумаги; 14) нападение на личность или свободу; 15) содержание публичных домов; 16) нападение на официальное помещение; 17) в обращении; 18) угрозы и попытки нападения; 19) насилие, задержание, грабеж; 20) контроль над; 21) поднять мятеж; 22) загрязнение моря нефтью; 23) торговля живым товаром, рабами; 24) радиоактивное вещество; 25) вредить живым ресурсам и жизни в море; 26) Конвенция о психотропных веществах; 27) Конвенцию о физической защите ядерного материала; 28) незаконное применение

14. Which of the statements are true to the above text?

1) Crimes of an international character affect the legitimate interests and prerogatives of several or of all States.

2) The Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents came into force in 1976.

3) According to international legal norms, piracy is any unlawful act of kidnapping.

4) The Convention on the Physical Protection of Nuclear Material was opened for signing on 3 March, 1987.

5) The Convention on the Physical Protection of Nuclear Material applies to nuclear material utilized for peaceful purposes and in process of international transit.

6) The deliberate participation in cultivation and production, storage, purchase, sale, import and export of narcotics and psychotropic substances in violation of existing legal norms and also the preparation and financing of operations connected with these offences are qualified as criminal acts.

7) The falsification and sale of various securities, tokens of postal payment, i.e. actions that have not been regulated under the International Convention for the Suppression of Counterfeiting Currency, shouldn't be equated with criminal operations with currency.

8) Enslavement is qualified as a serious crime.

15. Choose the words from the group below to complete the text. It may be necessary to change the form of the given words.

narcotic, application, high, commit (2), competent, grave; adoption; legislation; accuse; allege; extradition; punish; suppression; jurisdiction

The Establishment of Jurisdiction and Ensuring the Inevitability of Punishment (Regulation of Criminal Responsibility)

International conventions provide for the 1) ... by each State of the necessary measures to establish its 2) ... over crimes of an international character; in each convention the cases are specified in which the corresponding jurisdiction actions are to be carried out.

Moreover, criminal responsibility attaches to the counterfeiting and sale of currency both of one's own State and of any foreign State. The falsification and sale of various securities (letters of credit, bonds, checks, bills of exchange), tokens of postal payment, i.e. actions that have not been regulated under this convention, should be equated with criminal operations with currency.

The Slave Trade and Other Forms of Trade in Persons (the Slavery Convention of 1926 as amended in 1953; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956); the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950).

Enslavement, the slave trade, i.e. transportation or attempts to transport slaves from one country to another by any means of transportation, and also any other actions relating to the selling or exchange of slaves and the illegal application of forced labour, are qualified as serious crimes. Measures to suppress such crimes as procurement, inducement to prostitution, the exploitation of prostitution and running brothels are regulated separately by international legal norms.

➤ 10. Match the synonyms.

A	B
1) plunder	a) pandering
2) injure	b) narcotic
3) procurement	c) robbery, pillage, spoliation, depredation
4) slave	d) boat, craft, ship
5) labour	e) lodging, housing, dwelling place
6) drug	f) assassination
7) destruction	g) bondmaid, bondman
8) vessel	h) drudgery, grind, toil, travail, work
9) murder	i) hurt, damage, impair
10) quarters	j) demolition, devastation

➤ 11. Complete the table.

noun	verb	adjective
murder	to murder	murderous
.....	protect	.....
violence	.....	.....
.....	.....	forcible
mutiny	.....	.....
.....	deliberate	.....
.....	.....	injured
damage	.....	.....
offence	.....	.....
.....	falsify	.....
.....	.....	exploitative

➤ 12. Solve the crossword puzzle using the information from the above text.

Down

- 1) the offence of procuring women for immoral purposes;
- 2) the act or an instance of seizing or the state of being seized;
- 3) to carry off and hold (a person), usually for ransom;
- 4) to steal (valuables, goods, sacred items, etc.) from (a town, church, etc.) by force, esp. in time of war;
- 5) a felony, such as robbery or hijacking, committed aboard a ship or aircraft;

Across

- 6) the tangible matter of which a thing consists;
- 7) a house or other place where men pay to have sexual intercourse with prostitutes;

Actions against Persons Enjoying International Protection (the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (came into force in 1977).

In accordance with the relevant Convention, persons enjoying international protection include: Heads of State, including each member of a collegial organ performing the functions of a Head of State; Heads of Government; Ministers of Foreign Affairs finding themselves in a foreign State, and also accompanying members of his family; any representative or official person of a State or inter-governmental international organization which has the right to special protection.

States have agreed to consider as crimes the intentional commission of such acts as murder, kidnapping or other attacks on the person or on the freedom of those listed above, attacks on the official premises, residential quarters or transportation means of these persons and also threats or attempts to attack.

Piracy on the High Seas (the Convention on the High Seas (1958). According to international legal norms, piracy is any unlawful act of violence, forcible detention or plunder, committed against any ship or aircraft, against persons and property that are on board, at the time when the ship or aircraft is in the high seas or in other locations beyond the boundaries of the jurisdiction of any one of the States.

In this connection, members of crews or passengers on board private ships (aircraft), and also the crews of naval vessels or government ships who have mutinied and seized control of the vessel are also defined as subject of pirate actions.

Pollution of the Sea with Harmful Substances (the Convention for the Prevention, of Marine Pollution by Dumping of Wastes and Other Matter (1972) and certain other conventions)

At the present time a body of international legal norms has been developed aimed at preventing and suppressing such criminal activities as the pollution of the sea with petroleum, radioactive substances, discharges of waste and other materials that may constitute a danger to health, harm marine life and resources, damage leisure zones, or impede other legitimate uses of the sea.

In particular, any deliberate discharge into the sea of wastes or other materials from ships, aircraft, platforms or other maritime constructions is viewed as unlawful.

Unlawful Seizure and Utilization of Nuclear Materials (the Convention on the Physical Protection of Nuclear Material (opened for signing on 3 March, 1980).

Having concluded the Convention on the Physical Protection of Nuclear Material, States have declared illegal and punishable any of the following deliberately committed actions: the receipt, possession, use without the permission of competent organs, and also destruction or atomization of nuclear materials in a way that leads to, or may lead to, the death of any person or cause serious injury to him, or else cause substantial damage to property; the theft of nuclear material or its seizure through theft; the threat to use nuclear material for the above-mentioned purposes.

The Convention applies to nuclear material utilized for peaceful purposes and in process of international transit.

Illegal Operations with Narcotics and Psychotropic Substances (the Single Convention on Narcotic Drugs (1961); the Protocol of 1972 Amending the Convention of 1961; the Convention on Psychotropic Substances (1971).

Having provided in appropriate conventions for measures of control over narcotics and psychotropic substances, and also for measures to combat the misuse of such substances, States have decided to qualify as criminally punishable acts the cultivation and production, storage, purchase, sale, import and export of narcotics and psychotropic substances in violation of existing legal norms.

The deliberate participation in and also the preparation and financing of operations connected with the above-listed offences are also qualified as criminal acts.

The Counterfeiting of Currency (the International Convention for the Suppression of Counterfeiting Currency (1929)

The category of crimes of an international character includes deceptive actions in manufacturing or changing money units (paper money, bank bills, metallic coins) currently in circulation and also the sale of counterfeit currency.

правовой помощи по уголовным делам; 25) законные средства (средства, предусмотренные законом); 26) суверенные права; 27) Международная конвенция о борьбе с подделкой денежных знаков; 28) Конвенция о борьбе с незаконными актами, направленными против безопасности гражданской авиации; 29) морское право; 30) финансирование и обучение наемников.

➤ 7. Study the text below and give the English equivalents for the words and phrases in bold.

The Role of International Organizations and Conferences in Crime Control

The coordination of international cooperation in the crime control is one of the functions of a number of 1) **международных организаций** set up to deal with 2) **международные проблемы социального и гуманитарного характера**.

In the United Nations – at sessions of the General Assembly, 3) **в рамках** the activities of the Economic and Social Council, and in other forms – consideration is given to the most varied aspects of 4) **предотвращение и пресечение преступлений** which constitute an international public threat. 5) **Под эгидой ООН**, a number of international conventions have been drawn up on crimes of an international character. Sessions of the 6) **Генеральной Ассамблеи ООН** have on many occasions adopted resolutions containing recommendations on the coordination of measures to combat 7) **захват воздушных судов**, international terrorism, and the use of mercenaries, etc.

Some conventions place particular emphasis on the role of the United Nations. Thus, the preamble to 8) **Единая конвенция о наркотических средствах** recognizes the competence of the United Nations in the field of 9) **контроль над наркотиками**. This Convention also regulates the 10) **правовой статус** of the International Narcotics Control Board as 11) **один из вспомогательных органов ООН**.

Under the leadership of 12) **Экономического и Социального Совета** there exists a 15-member committee for preventing and combating crime, and international conferences on crime prevention are regularly held 13) **под эгидой ООН**.

A certain role in the international coordination of crime-prevention activities is played by the 14) **международная организация уголовной полиции (Интерпол)**. The charter of Interpol provides for cooperation among national police bodies in 15) **борьба с уголовными преступлениями**, while not allowing interference in affairs of a political or religious character. In the Headquarters of Interpol in Paris there is a file containing photographs and dossiers on many thousands of crimes and the descriptions of the most dangerous criminals, primarily those involved in trafficking in narcotics, counterfeiting, the seizure of aircraft and the taking of hostages. The organizational structure of Interpol is the following: a General Assembly, a President and an Executive Committee elected by the General Assembly, and also a permanent Secretariat headed by a Secretary General.

➤ 8. Make a plan of the above texts and speak on the the functions and legal mechanisms of cooperation among states in crime control.

➤ 9. Read the following text and give opposites for the highlighted words and phrases.

Legal Qualification of Crimes of an International Character

Crimes of an international character affect the legitimate interests and prerogatives of several or of all States and constitute, as a result of this, an international public danger.

Among crimes of an international character one may list the following, together with the international conventions covering them:

These measures are carried out by both international and national legal means. However, the sovereign rights of States remain inviolable, since the basic problems involved in crime control relate to the **domestic competence** of each State.

*International Legal Regulation of
Cooperation Among States in Crime Control*

With regard to questions relating to the coordination of actions in the fight against crimes of an international character and on matters affecting legal assistance on criminal affairs, States conclude international treaties.

It has become the general practice to adopt special international conventions each of which is concerned with a specific crime or group of "related" crimes. These include the International Convention for the Suppression of Counterfeiting Currency, the Single Convention on Narcotic Drugs, the Convention for the Suppression of Unlawful **Seizure** of Aircraft, the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, and certain other operating conventions. In 1979, the United Nations General Assembly adopted and opened for signature an International Convention Against the **Taking of Hostages**. Norms concerning certain crimes of an international character are included in international treaties whose contents extend to a wider range of problems. For example, questions relating to the fight against **piracy**, are regulated in a number of articles of the Convention on the High Seas (identical provisions are included in the Convention on the Law of the Sea).

Legal relations associated with the provision of legal assistance on criminal matters are governed by both the multilateral conventions named above concerning crimes of an international character, and also by special treaties concerning legal assistance.

➡ 4. Complete the tables with the appropriate verb or noun forms

noun	verb		noun	verb
offence	offend			investigate

punishment			drug
crime			counterfeit
witness			extradite

➡ 5. Match the synonyms.

A	B
1) crime f	a) illegal, unlawful
2) punishment	b) examination, inquiry
3) illegitimate	c) reach
4) preparatory	d) coherent
5) assistance	e) emerge
6) investigation	f) offence
7) extend	g) forge
8) arise	h) help
9) counterfeit	i) preliminary
10) coordinated	j) penalty

➡ 6. In the above text find the English equivalents for the following words and word combinations and make your own sentences using them.

1) Конвенция о предотвращении и наказании преступлений против лиц, пользующихся международной защитой, в том числе дипломатических агентов; 2) правонарушение; 3) Единая конвенция о наркотических средствах; 4) уголовная политика; 5) уголовная ответственность; 6) Конвенция об открытом море; 7) осуществлять противоправную политику; 8) вербовка; 9) публичная опасность; 10) Конвенция о борьбе с незаконным захватом воздушных судов; 11) преступление международного характера; 12) выдача преступников; 13) подавление; 14) согласованные действия; 15) расследовать; 16) судебное разбирательство; 17) сдерживание преступности; 18) правовая защита; 19) жертва; 20) вещественные доказательства; 21) предотвращать и пресекать преступления международного характера; 22) установление юрисдикции над преступлениями; 23) неотвратимость наказания; 24) оказание

UNIT 8. INTERNATIONAL COOPERATION IN CRIME CONTROL

Nothing is more devastating to a community than out-of-control crime.

Alan Autry

➤ 1. What do you know about the history of international cooperation in crime control? Choose the right answer.

1) In ... , the United Nations General Assembly adopted and opened for signature an International Convention Against the Taking of Hostages.

a) 1976 b) 2004 c) 1979

2) Under the aegis of the ... , a number of international conventions have been drawn up on crimes of an international character.

a) ISO b) UN c) WCL

3) A certain role in the international coordination of crime-prevention activities is played by

a) Interpol b) ITU c) LAFTA

4) The Convention on the Physical Protection of Nuclear Material was opened for signing on

a) 5 May, 1998 b) 3 March, 1981 c) on 3 March, 1980

5) The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was adopted in

a) 1950 b) 1951 c) 1943

➤ 2. Consult your dictionary for the right stress in the following words and memorize their meaning.

prerequisite, illegitimate, inevitability, counterfeiting, narcotic, seizure, piracy, aegis.

➤ 3. Read the following text and explain the meaning of the words and phrases in bold.

The Functions and Legal Mechanisms of Cooperation among States in Crime Control

Prerequisites and Tasks of Cooperation

International **crimes** by particular States express themselves directly in the activities of physical persons (individuals) who carry out the illegitimate policies of these States. In such cases, together with the responsibility of the particular state, physical persons are subject to international criminal liability .

The present unit refers to crimes which do not have a direct connection with the criminal policy of concrete States but represent offences against both the national and the international legal order, and constitute a **public danger** for several or for all States, i.e. constitute an international public danger. Such types of crimes are described as crimes of an international character. Their prevention, suppression, and the punishment of the criminals call for coordinated actions by various States.

In addition, in the **investigation** and court examination of any crime, there may arise a need to receive legal assistance from the judicial organs of foreign States. Cooperation on the question of providing legal assistance is determined by specific situations in which either the criminals, or the **victims** and **witnesses**, or else material evidence of the crime are located on the territory of other States.

In the process of the cooperation, States deal with the following issues: a) agreement on the definition of crimes which constitute a threat for several or all States as crimes of an international character; b) the coordination of measures to prevent and put an end to crimes of an international character; c) the establishment of jurisdiction over crimes and **criminals**; d) ensuring the inevitability of punishment; e) the provision of legal assistance on criminal matters, including the extradition of criminals.

15. The Covenant on Economic, Social and Cultural Rights provides lists, for example, for the following rights: the right to form ... unions.

II. Fill in the prepositions where necessary

1. to be proclaimed ... the General Assembly;
2. the Preamble ... the UN Charter;
3. the Convention ... the Suppression and Punishment of the Crime of Apartheid;
4. obligation of States ... the Charter;
5. a link ... inherited physical traits and traits of personality
6. to be adopted ... 10 December 1948;
7. to be extended ... General Assembly decisions;
8. to promote universal respect ... human rights;
9. obligation of States ... the Charter;
10. equality ... men and women
11. to be drafted ... the framework;
12. freedom ... arbitrary arrest;
13. equality ... the courts;
14. to draw ... an international treaty;
15. a crime ... humanity

III. Translate the sentences into Russian.

1. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

4. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

IV. Translate the sentences into English.

1) Всякая пропаганда войны должна быть запрещена законом.

2) Никто не должен подвергаться пыткам или жестоким, бесчеловечным или унижающим его достоинство обращению или наказанию. В частности, ни одно лицо не должно без его свободного согласия подвергаться медицинским или научным опытам.

3) Каждый, кто был жертвой незаконного ареста или содержания под стражей, имеет право на компенсацию, обладающую исковой силой.

4) Каждый ребенок без всякой дискриминации по признаку расы, цвета кожи, пола, языка, религии, национального или социального происхождения, имущественного положения или рождения имеет право на такие меры защиты, которые требуются в его положении как малолетнего со стороны его семьи, общества и государства.

ка на справедливые и благоприятные условия труда, включая, в частности, справедливую заработную плату и равное вознаграждение за труд равной ценности, удовлетворительный жизненный уровень для трудящихся и их семей, условия работы, отвечающие требованиям безопасности и гигиены, одинаковую для всех возможность продвигения в работе исключительно на основании трудового стажа и квалификации, отдых, досуг и разумное ограничение рабочего времени, оплачиваемый отпуск, равно как и вознаграждение за работу в праздничные дни. Этим пактом признается также право каждого человека на социальное обеспечение, включая социальное страхование. Согласно обоим пактам, люди имеют право создавать профсоюзы и вступать в них для защиты своих интересов. Оба пакта предусматривают запрещение дискриминации, в какой бы форме она ни проявлялась, подчеркивают равноправие мужчин и женщин.

24. *Topics for discussion.*

1) Human rights belong to all people regardless of their sex, race, color, language, national origin, age, class, religion, or political beliefs. They are universal, inalienable, indivisible, and interdependent. What is meant by universality? By inalienable? By indivisible? By interdependent? Look up these terms in a dictionary and explain their meaning to the group.

2) Some people in the world have only what is necessary to survive while others have luxury and convenience. Is this situation just? Is it a human rights violation? Can something be done to equalize the enjoyment of human dignity? Should something be done? If so, how? And by whom?

25. *Choose one of the following topics and write an essay.*

1. The Universal Declaration of Human Rights – this great and inspiring instrument – was born of an increased sense of responsibility by the international community for the promotion and protection of man's basic rights and freedoms. The world has come to a clear realization of the fact that freedom, justice and world peace can only be assured through the international promotion and protection of these

rights and freedoms (U.Thant, Third United Nations Secretary-General).

2. "More than ever before in human history, we share a common destiny. We can master it only if we face it together. And that, my friends, is why we have the United Nations" (Kofi Annan).

TEST

1. *Fill in the missing words.*

1. All persons are ... before the law.
2. Everyone shall have the right to ... of expression.
3. No one shall be ... deprived of the right to enter his own country.
4. The Declaration consists of a preamble and, setting forth the human rights and fundamental freedoms.
5. The right to recognition as a person ... the law.
6. All human beings are born ... in dignity and rights.
7. Everyone is ... to a social and international order.
8. The International Covenant ... Economic, Social and Cultural Rights entered into force in January 1976.
9. Racism differs from ... in that it is linked to supposedly physical and therefore immutable differences among people.
10. Other laws, collectively known as "... ..," denied nonwhite participation, even indirectly, in the national government.
11. The UN has set international ... on women's rights and created instruments to monitor their observance around the world.
12. An has been created to deal with genocide, war crimes and crimes against humanity.
13. Many ... of the Universal Declaration are generally considered to have the weight of customary international law.
14. The broadest legally binding human rights agreements negotiated under United Nations ... are the two International Covenants — one on Economic, Social and Cultural Rights and the other on Civil and Political Rights.

22. Translate the following dialogue.

– Как Организация Объединенных Наций защищает уязвимые группы общества?

– The UN is an advocate for society's most vulnerable groups – minorities, migrant workers, refugees, indigenous people and children in especially difficult circumstances – and works to better their plight. International treaties, such as the 1989 Convention on the Rights of the Child and the 1990 Convention on the Protection of the Rights of All Migrant Workers and their Families, have been negotiated through the UN to protect vulnerable groups. The UN also conducts international campaigns to raise global awareness of the problems affecting vulnerable groups.

– Какова роль Комиссия Организации Объединенных Наций по положению женщин?

– Established in 1946, the UN Commission on the Status of Women meets annually on matters concerning women's rights. It makes recommendations on problems requiring immediate attention and promotes international legislation in support of women's rights.

– Какие еще органы ООН занимаются правами женщин?

– Two UN bodies are devoted exclusively to women's issues. The UN Development Fund for Women (UNIFEM) funds innovative development activities to benefit women, especially in rural areas of the developing world. The International Research and Training Institute for the Advancement of Women (INSTRAW) uses new information technologies to support the advancement of women and their access to the information society.

– Зачем нам нужен Международный уголовный суд?

– An International Criminal Court has been created to deal with genocide, war crimes and crimes against humanity. The establishment of such a court had long been on the UN agenda, but the appalling massacres in Cambodia, the former Yugoslavia and Rwanda made the need for it even more urgent. The statute of the Court, drafted by a committee set up by the General Assembly with more than 100 Member States participating, was endorsed by 120 countries at a conference held in Rome in 1998. After receiving the required 60 ratifications, the Court came into being on 1 July 2002.

23. Render the following text.

ПАКТЫ О ПРАВАХ ЧЕЛОВЕКА

Генеральной Ассамблеей ООН одобрена два международных пакта: о гражданских и политических правах человека и об экономических, социальных и культурных правах 16 декабря 1966 г. Оба пакта открыты для подписания и ратификации. Пакты содержат положения, направленные на обеспечение мира, окончательную ликвидацию любых форм колониализма, утверждение важнейших социально-экономических и политических прав человека. Согласно Пакту о гражданских и политических правах, государства обязуются обеспечить любому лицу, права и свободы которого, признаваемые пактом, нарушены, эффективное средство правовой защиты, даже если это нарушение было совершено официальными лицами. Значительное место в обоих пактах уделено проблемам свободы труда. Пакт о гражданских и политических правах устанавливает, что никто не должен содержаться в рабстве; никто не должен содержаться в подневольном состоянии; никто не должен принуждаться к обязательному труду. Этот пакт включает в себя два факультативных протокола. Первый – о рассмотрении Комитетом по правам человека индивидуальных обращений в связи с нарушением прав, указанных в пакте. Второй – направлен на отмену смертной казни.

В соответствии с Пактом об экономических, социальных и культурных правах государства признают право на труд, в т. ч. предоставление каждому человеку возможности зарабатывать себе на жизнь трудом, который он свободно выбирает или на который он свободно соглашается. Меры, направленные на полное осуществление права на труд, включают программы профессионально-технического обучения и подготовки, средства и методы достижения неуклонного экономического, социального и культурного развития и полной производительной занятости в условиях, гарантирующих основные политические и экономические свободы человека. Государства признают право каждого челове-

forced labor, the right to life, freedom and personal inviolability, freedom from arbitrary arrest, equality before the courts, freedom of thought, conscience and religion, the prohibition of the propaganda of war, the right to peaceful assembly, freedom of association and the right to elect and be elected, as well as equality before the law.

Reports by the States, who are signatories of the Covenant on Civil and Political rights, on the implementation of all these rights are considered by a Commission on Human Rights, consisting of 18 experts elected on an individual basis and by a secret ballot of the signatories of the Covenant.

One of the important aspects of the international protection of human rights is the prohibition of racial discrimination, an ugly product of the exploiting society. In 1963, the United Nations adopted a Declaration and in 1965 a *Convention on the Elimination of All Forms of Racial Discrimination* under which signatory States undertake to eliminate racial discrimination, racial segregation and apartheid.

The 1948 *Convention on the Prevention and Punishment of the Crime of Genocide* drafted and adopted within the framework of the United Nations, defines genocide as acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, and lists such acts. States undertake to adopt the necessary legislative acts to implement the provisions of the Convention and, in particular, to provide for effective measures for punishing persons guilty of committing or conspiring to commit genocide, of incitement to genocide, of an attempt to commit or involvement in genocide.

Apartheid, which was particularly widely practiced in South Africa, was the object of repeated discussions at sessions of the United Nations General Assembly and at various international conferences. The United Nations adopted in 1973 a *Convention on the Suppression and Punishment of the Crime of Apartheid*, which qualifies apartheid as a crime against humanity, and the inhuman acts, that result from the practice and policy of apartheid, as crimes violating the principle of international law and creating a threat to peace and security.

A number of other international conventions on human rights have been drafted within the framework of the United Nations and adopted, in particular, the 1953 *Convention on the Political Rights of*

Women, and the 1957 *Convention on the Nationality of Married Women*. The attitude to these international documents is an indicator of the position adopted by States on questions of international protection of human rights.

➡ 21. Match the Russian phrases in A with their English equivalents in B. Learn the following collocations.

A	B
1) поощрять и защищать права человека;	a) international covenant;
2) Верховный комиссар ООН по правам человека;	b) the abolition of the death penalty;
3) документы о правах человека;	c) servitude;
4) гуманитарная помощь;	d) freedom from arbitrary arrest;
5) обладать правами человека;	e) the right to seek asylum;
6) юридически обязательные договоры по правам человека;	f) optional protocol;
7) под эгидой ООН;	g) the right to rest and leisure;
8) международный пакт;	h) under the UN auspices;
9) Дополнительный протокол;	i) humanitarian assistance;
10) отмена смертной казни;	j) to enjoy human rights;
11) подневольное состояние;	k) to promote and protect human rights;
12) свобода от произвольного ареста;	l) UN High Commissioner for human rights;
13) право на убежище;	m) human rights instruments;
14) право на отдых и досуг;	n) legally binding human rights agreements;
15) equality between men and women;	o) равенство между мужчинами и женщинами;
16) право на беспристрастное судебное разбирательство;	p) presumption of innocence;
17) презумпция невиновности;	q) the right to a fair trial;
18) право на участие в общественной деятельности и выборах;	r) advocacy of racial and religious hatred;
19) необоснованное посягательство на жизнь;	s) the right to participation in public affairs and elections;
20) рабство и принудительный труд;	t) arbitrary deprivation of life;
21) несанкционированный арест или содержание под стражей;	u) slavery and forced labour;
22) разжигание расовой или религиозной ненависти;	v) arbitrary arrest and detention

desolation	.....		.....	expand
promotion	.....		.....	authorize
government	.....		.....	strengthen
treatment	.....		.....	relocate

➤ 18. Which of the statements are true to the text?

- 1) Racial segregation, sanctioned by law, in South Africa before the National party won control of the government in 1947.
- 2) In 1959 the government created a fourth category, "Coloured" which included mainly Indians.
- 3) The policies known as "petty apartheid" prohibited most inter-racial social contacts authorized segregated public facilities, established separate educational standards, restricted each race to certain types of jobs, and denied nonwhite participation.
- 4) The Group Areas Act of 1950 made it legal for the police to torture and kill in the course of performing their duties.
- 5) The Bantu Authorities Act of 1951 established tribal systems in the black areas that were run by chiefs chosen by the people.

➤ 19. Write a short composition (150-200 words) giving your opinion of apartheid.

.....

➤ 20. Read the following text and answer the questions.

1. What was the first universal act on international protection of human rights?
2. When was the Convention on the Political Rights of Women adopted?
3. How does the Convention on the Suppression and Punishment of the Crime of Apartheid qualify apartheid?
4. When was the Convention on the Suppression and Punishment of the Crime of Apartheid adopted?
5. Does the Universal Declaration of Human Rights proclaim only civil and political rights?
6. When is Human Rights Day celebrated?

7. Do the covenants on human rights represent the first experience of the international comprehensive regulation of basic human rights?
8. What does the Covenant on Economic, Social and Cultural Rights provide?

Treaties on Human Rights

According to a United Nations' decision, the first universal act on international protection of human rights was to have been an International Charter of Human Rights consisting of a Universal Declaration (recommendation) and covenant (multilateral treaty).

The *Universal Declaration of Human Rights* was approved by the UN General Assembly on 10 December 1948, and that day was proclaimed by the United Nations as Human Rights Day. The Declaration proclaims not only civil and political rights but also economic, social and cultural rights.

The Declaration won wide international recognition, and frequent references to it are made as to a document possessing great international authority.

Since the Universal Declaration of Human Rights was a recommendation, it was still necessary to draw up an international treaty on human rights, and this took 18 years.

The covenants on human rights represent the first experience of the international comprehensive regulation of basic human rights.

The *Covenant on Economic, Social and Cultural Rights* provides lists, for example, for the following rights: the right to work, to just and favorable working conditions, to form trade unions, as well as the right to social security, to an adequate standard of living, to medical care, to education, and to take part in the cultural life.

Periodic reports by the signatory States on the progress they have made in implementing these rights are submitted to the UN Economic and Social Council.

The *International Covenant on Civil and Political Rights* includes, among others, the following provisions: the prohibition of

➤ 16. Read the text and entitle the paragraphs.

Apartheid

1.

An Afrikaans word for "apartness," apartheid is the name that South Africa's white government applied to its policy of discrimination – racial, political, and economic – against the country's non-white majority in the second half of the 20th century. From the 1960s the government often referred to apartheid as "separate development." Racial segregation, sanctioned by law, in South Africa before the National party won control of the government in 1948. Once in power, the Nationalists extended the scope of the policies and gave them the name apartheid. Under the Population Registration Act of 1950, all South Africans were to be classified as either white, "native" (black), or "Coloured" (those of mixed descent) and issued an identity card stating their racial designation. The "native" group was later renamed Bantu (though it included all black South Africans). In 1959 the government created a fourth category, "Asian," which included mainly Indians.

2.

Other laws, collectively known as "petty apartheid," prohibited most interracial social contacts, authorized segregated public facilities, established separate educational standards, restricted each race to certain types of jobs, and denied nonwhite participation, even indirectly, in the national government. Racial inequality was built into the system along with racial separateness; the government established by law that the separate facilities did not need to be equivalent. The policies known as "grand apartheid" geographically separated the racial groups. The Group Areas Act of 1950 created separate residential and business sections in urban areas for each race. Only the members of a section's designated race could live in that area or own property there. The great majority of the country's land was allocated for whites, who

made up a minority of the population. Many thousands of nonwhites were forcibly removed from their homes in what became the white-only areas.

3.

Apartheid treated the blacks of South Africa as "tribal" people. The Bantu Authorities Act of 1951 established tribal systems in the black areas that were run by chiefs chosen by the government. The Promotion of Bantu Self-Government Act of 1959 created ten reserves called "homelands" (or Bantustans), each designated for a separate black ethnic community. The relocation of blacks to the "homelands" was especially brutal from the 1960s to the early '80s, when more than 3.5 million people were taken from the white areas and dumped far from their homes into the overcrowded, desolate reserves, sometimes in the winter and without any facilities. The Bantu Homelands Citizenship Act of 1970 made every black African, regardless of actual residence, a citizen of one of the homelands, thus excluding blacks from the South African political system. To help enforce racial segregation, the government strengthened the existing "pass" laws, which required nonwhites to carry passes, or identification documents authorizing their presence in restricted areas. In addition, the government expanded the powers of the police to allow them to detain anyone suspected of opposing government policies. The Indemnity Act of 1961 made it legal for the police to torture and kill in the course of performing their duties. Later laws allowed the police to arrest and detain people without trial and to deny them access to lawyers and to their families.

➤ 17. Complete the table.

noun	verb		noun	verb
segregation	<i>segregate</i>		.....	apply
sanction	discriminate
restriction	designate
power	deny
requirement	separate
enforcement	suspect

and the ideology of human equality, accompanied by a philosophy of human freedom and dignity, seemed to demand the **dehumanization** of those enslaved. By the 19th century, racism had matured and the idea spread around the world.

Conflicts stemming from racism and **ethnocentrism** remain a serious problem. Lingering racial divisions in post-apartheid South Africa, social inequality and unrest in the United States and other parts of the world, resentment in Great Britain directed against immigrants from former colonies, and reluctance on the part of many nations in many areas to accept Southeast Asian refugees are just a few examples of the results of conflicts between racial and ethnic groups.

Racism differs from ethnocentrism in that it is linked to supposedly physical and therefore **immutable** differences among people. Ethnic identity is acquired, and ethnic features are learned forms of behavior. Race, on the other hand, is a form of identity that is perceived as innate and **unalterable**. In the last half of the 20th century, many conflicts around the world were interpreted in racial terms even though their origins were in the **ethnic hostilities** that have long characterized many human societies (for example, Arabs and Jews, English and Irish). Racism reflects an acceptance of the deepest forms and degrees of divisiveness and carries the implication that differences between groups are so great that they cannot be **transcended**.

➤ **12. Fill in: to, against, on, around, between, from then make sentences using the phrases.**

to direct immigrants from former colonies; to spread ... the world; racism differs ... ethnocentrism; to be superior ... others; the contradiction ... slavery and ideology; to be based ... the notion; to stem ... racism; link... inherited physical traits and traits of personality.

➤ **13. Match the following terms in column A with their definitions in column B.**

A	B
1) racism	a) beyond the sea; abroad
2) human being	b) a characteristic feature or quality distinguishing a particular person or thing

3) slavery	c) a group of people of common ancestry, distinguished from others by physical characteristics, such as hair type, colour of eyes and skin, stature, etc. Principal races are Caucasoid, Mongoloid, and Negroid
4) trait	d) a person from whom another is directly descended, esp. someone more distant than a grandparent; forefather
5) race	e) the state or condition of being a slave; a civil relationship whereby one person has absolute power over another and controls his life, liberty, and fortune
6) overseas	f) the belief that races have distinctive cultural characteristics determined by hereditary factors and that this endows some races with an intrinsic superiority over others
7) ancestor	g) a member of any of the races of Homo sapiens; person; man, woman, or child
8) slave	h) belief in the intrinsic superiority of the nation, culture, or group to which one belongs, often accompanied by feelings of dislike for other groups
9) ethnocentrism	k) (in South Africa) the official government policy of racial segregation; officially renounced in 1992
10) apartheid	l) a person legally owned by another and having no freedom of action or right to property

➤ **14. Make a plan of the above text and speak on the origin of racism.**

.....

➤ **15. Translate the following phrases into Russian and memorize them. Find them in the following text and underline.**

racial segregation; to arrest and detain people without trial; relocation of blacks, policy of discrimination; tribal system; racial inequality; to detain anyone suspected of opposing government policies; identity card; to authorize segregated public facilities.

7) When was the Universal Declaration of Human Rights adopted?

8) Does securing human rights remain primarily an internal affair of States?

9) Have many newly independent countries cited the Universal Declaration or included its provisions in their basic laws or constitutions?

10) A large majority of the world's countries are parties to the Covenants, aren't they?

⇒ 8. *Translate the following sentences into English.*

1. Каждый человек должен обладать всеми правами и всеми свободами, провозглашенными настоящей Декларацией, без какого бы то ни было различия, как-то в отношении расы, цвета кожи, пола, языка, религии, политических или иных убеждений, национального или социального происхождения, имущественного, сословного или иного положения.

2. Каждый человек имеет право на жизнь, на свободу и на личную неприкосновенность.

3. Никто не должен подвергаться пыткам или жестокому, бесчеловечному или унижающему его достоинство обращению и наказанию.

4. Каждый человек имеет право на эффективное восстановление в правах компетентными национальными судами в случаях нарушения его основных прав, предоставленных ему конституцией или законом.

5. Никто не может быть подвергнут произвольному аресту, задержанию или изгнанию.

6. Никто не может подвергаться произвольному вмешательству в его личную и семейную жизнь, произвольным посягательствам на неприкосновенность его жилища, тайну его корреспонденции или на его честь и репутацию. Каждый человек имеет право на защиту закона от такого вмешательства или таких посягательств.

7. Каждый человек имеет право свободно передвигаться и выбирать себе местожительство в пределах каждого государства.

8. Каждый человек имеет право покидать любую страну, включая свою собственную, и возвращаться в свою страну.

9. Каждый человек имеет право искать убежища от преследования в других странах и пользоваться этим убежищем.

10. Никто не может быть произвольно лишен своего гражданства или права изменить свое гражданство.

⇒ 9. *Speak on the International Protection of Human Rights*

•••••

⇒ 10. *Consult your dictionary for the right stress in the following words and memorize their meaning.*

racism, biological, innately, causal, descendant, proponent, mature, ethnocentrism, resentment, racial, unalterable, divisiveness, transcend.

⇒ 11. *Read the following text and explain the words in bold.*

Racism

A product of the belief that humans are divided into separate and exclusive biological entities called "races" is **racism**, an ideology based on the notion that some races are innately superior to others. According to the "racial worldview," there is a causal link between inherited physical traits and traits of personality, intellect, morality, and other cultural behavioral features.

Racism was at the heart of North American **slavery** and the colonization and empire-building activities of some Western Europeans overseas, especially in the 18th century. The idea of **race** was constructed to magnify the differences between people of European **origin** in the United States and those of African **descent** whose ancestors had been brought against their will to function as slaves in the American South. By projecting Africans and their descendants as lesser human beings, the proponents of slavery attempted to justify and maintain this system of exploitation. The contradiction between slavery

6. Choose the words from the group below to complete the text. It may be necessary to change the form of the given words.

partial, judicial, sole, upon, pay, standard, slavery, secure, welfare, fair, against, join, own, seek, dignity, distinction, human, cornerstone, arbitrary, origin, to entitle (2), assembly

Defining universal rights

The *Universal Declaration of Human Rights*, a 1)... of the wide-ranging body of human rights law created over the decades, marked its fiftieth anniversary during 1998. Articles 1 and 2 of the Universal Declaration state that "all human beings are born equal in 2) ... and rights" and 3)... to all the rights and freedoms set forth in the Declaration "without 4)... of any kind such as race, colour, sex, language, religion, political or other opinion, national or social 5)..., property, birth or other status".

Articles 3 to 21 set forth the civil and political rights to which all human beings 6)..., including:

- The right to life, liberty and security;
- Freedom from 7) ... and servitude;
- Freedom from torture or cruel, 8) ... or degrading treatment or punishment;
- The right to recognition as a person before the law; the right to 9) ... remedy; freedom from 10) ... arrest, detention or exile; the right to a 11) ... trial and public hearing by an independent and 12) ... tribunal; the right to be presumed innocent until proved guilty;
- Freedom from arbitrary interference with privacy, family, home or correspondence; freedom from attacks 13) ... honour and reputation; the right to protection of the law 14) ... such attacks;
- Freedom of movement; the right to 15) ... asylum; the right to a nationality;
- The right to marry and to found a family; the right to 16) ... property;

- Freedom of thought, conscience and religion; freedom of opinion and expression;
- The right to peaceful 17)... and association;
- The right to take part in government and to equal access to public service.

Articles 22 to 27 set forth the economic, social and cultural rights to which all human beings are entitled, including:

- The right to social security;
- The right to work; the right to equal 18)... for equal work; the right to form and 19) ... trade unions;
- The right to rest and leisure;
- The right to a 20) ... of living adequate for health and well-being;
- The right to education;
- The right to participate in the cultural life of the community.

The concluding Articles, 28 to 30, recognize that everyone is entitled to a social and international order in which the human rights set forth in the Declaration may be fully realized; that these rights may only be limited for the 21) ... purpose of 22) ... recognition and respect of the rights and freedoms of others and of meeting the requirements of morality, public order and the general 23) ... in a democratic society; and that each person has duties to the community in which she or he lives.

7. Answer the following questions.

- 1) What is the one of the main tasks of the UN?
- 2) What do the norms of international law concerning the international protection of human rights regulate?
- 3) The principle of respect for fundamental human rights and freedoms is one of the basic principles of modern international law, isn't it?
- 4) What is one of the greatest achievements of the United Nations?
- 5) What are the rights proclaimed in the Universal Declaration?
- 6) Apart from the Universal Declaration, what other instruments make up the International Bill of Human Rights?

extended through groundbreaking General Assembly decisions that have gradually established their universality, indivisibility and inter-relatedness with development and democratization.

The emergence of the principle of respect for basic human rights and freedoms of man and the emergence of other norms and standards of international law relating to human rights does not mean that these rights are regulated by modern international law directly and have ceased to be an **internal affair** of States. Securing human rights remains and will continue to remain primarily an internal affair of States.

International Bill of Human Rights

Three years after the United Nations began to work, the General Assembly put into place the first supporting **pillar** of twentieth century human rights law: the Universal Declaration of Human Rights, which was intended as a "common standard of achievement for all peoples". It was adopted on 10 December 1948, the day which continues to be observed internationally as Human Rights Day. Its 30 articles spell out basic civil, cultural, economic, political and social rights that all human beings in every country should **enjoy**.

Many provisions of the Universal Declaration are generally considered to have the weight of customary international law because they are so widely accepted and used as a yardstick for measuring the conduct of States. Many newly independent countries have **cited** the Universal Declaration or included its provisions in their basic laws or constitutions.

The Universal Declaration, together with the two International Covenants on Human Rights and their Optional Protocols, comprise the International Bill of Human Rights.

The broadest legally binding human rights agreements negotiated under United Nations auspices are the two International Covenants – one on Economic, Social and Cultural Rights and the other on Civil and Political Rights – the latter with two Optional Protocols which deal with recourse procedures which extend to individuals the right of

individual petition, and with the abolition of the death penalty. These agreements, adopted in 1966, take the provisions of the Universal Declaration a step further by translating these rights into **legally binding** commitments and setting up bodies to **monitor** the compliance of States parties. A large majority of the world's countries are parties to the Covenants.

➤ 3. Give synonyms for the highlighted words.

➤ 4. Fill in the correct prepositions, then choose any five items and make sentences.

1) to set ... bodies; 2) the International Covenant ... Human Rights; 3) to be regulated ... law; 4) to promote universal respect ... and observance ... human rights; 5) to regulate relations ... States; 6) to spell ... basic rights; 7) to carry ... one's responsibilities; 8) the International Bill ... Human Rights; 9) faith ... fundamental human rights; 10) ... distinction as to race, sex, language or religion; 11) the Universal Declaration ... Human Rights; 12) the right individual petition

➤ 5. In the above text find the English equivalents for the following words and phrases.

1) орган по законодательству в области прав человека; 2) широкий круг международно-признанных прав; 3) Всеобщая декларация прав человека; 4) трудящиеся-мигранты; 5) инвалиды; 6) коренные народы; 7) юридически обязывающие договора; 8) под эгидой ООН; 9) факультативные протоколы; 10) право подачи индивидуальных петиций; 11) запрет на смертную казнь; 12) учреждать органы по контролю; 13) положения Всеобщей декларации; 14) участник пакта; 15) провозглашать основные гражданские права; 16) внутренние дела; 17) уязвимая группа; 18) Устав Организации Объединённых Наций; 19) соблюдение прав человека; 20) без разграничения расы, пола или религиозных убеждений.

UNIT 7. HUMAN RIGHTS AND INTERNATIONAL LAW

*"All human beings are born free and equal in dignity and rights."
Universal Declaration of Human Rights, 1948*

⇒ 1. What do you know about the Law of Human Rights? Choose the right answer.

1) The Universal Declaration of Human Rights was approved by the UN General Assembly on 10 December...

a) 1948; b) 1946; c) 1949

2) ... provides the right to work, to form trade unions, as well as the right to social security, to an adequate standard of living, to medical care, to education.

a) the United Nations Charter; b) The Covenant on Economic, Social and Cultural Rights; c) The International Covenant on Civil and Political Rights

3) The United Nations adopted a Convention on the Elimination of All Forms of Racial Discrimination in ...

a) 1963; b) 1976; c) 1965

4) Commission on Human Rights, consisting of ... experts elected on an individual basis and by a secret ballot of the signatories of the Covenant.

a) 15; b) 22; c) 18

5) ... defines genocide as acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, and lists such acts.

a) The Convention on the Suppression and Punishment of the Crime of Apartheid b) The International Covenant on Civil and Political Rights c) The Convention on the Prevention and Punishment of the Crime of Genocide

⇒ 2. Read the following texts again and explain the words and phrases in bold.

The Concept of the International Protection of Human Rights

The norms of international law concerning the international protection of human rights regulate relations among States in terms of promoting universal respect for and observance of human rights and basic freedoms for all, without distinction as to race, sex, language or religion.

One of the tasks of the United Nations is to "reaffirm faith in **fundamental** human rights, in the dignity and worth of the human person, in the **equal rights of men and women** and of nations large and small ..." (Preamble of the United Nations Charter).

The United Nations Charter has introduced into international law the principle of respect for fundamental human rights and freedoms. That principle has become one of the basic principles of modern international law.

One of the great achievements of the United Nations is the creation of a **comprehensive body** of human rights law, which, for the first time in history, provides us with a universal and internationally protected code of human rights, one to which all nations can subscribe and to which all people can aspire. Not only has the Organization painstakingly defined a broad range of internationally accepted rights – including economic, social and cultural, as well as political and civil rights – it has also established mechanisms with which to promote and protect these rights and to assist Governments in **carrying out** their responsibilities.

Since the adoption of the Universal Declaration of Human Rights in 1948, human rights have received an unprecedented level of global attention and support. Women, children, **disabled persons**, minorities, indigenous peoples, **migrant workers** and other vulnerable groups now possess rights that protect them from discriminatory practices that had long been common in many societies. Rights have been

- 3) to settle a dispute ... negotiations;
- 4) a threat ... peace;
- 5) ... several occasions;
- 6) parties ... a dispute;
- 7) to refer ... direct negotiation;
- 8) ... regard ... the first type;
- 9) the Security Council is endowed ... special rights;
- 10) to recommend an appropriate procedure ... resolving the dispute;
- 11) specific emphasis ... dangerous disputes is justified;
- 12) to be solved ... allowance ... the norms ... international law;
- 13) to be based ... the agreement;
- 14) to fail ... one's negotiations;
- 15) to negotiate ... smth.

2) III. Translate the sentences into Russian.

1) Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

2) In their charters and in the conventions they conclude, the specialized agencies of the United Nations provide for various types of peaceful settlement of disputes on matters falling within their competence. In most cases this refers to direct negotiation, arbitration and the adjudication in the International Court of Justice.

3) In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

3) IV. Translate the sentences into English.

1) Совет Безопасности уполномочивается расследовать любой спор или любую ситуацию, которая может привести к международным трениям или вызвать спор, для определения того, не может ли продолжение этого спора или ситуации угрожать поддержанию международного мира и безопасности.

2) Стороны, участвующие в любом споре, продолжение которого могло бы угрожать поддержанию международного мира и безопасности, должны прежде всего стараться разрешить спор путем переговоров, обследования, посредничества, примирения, арбитража, судебного разбирательства, обращения к региональным органам или соглашениям или иными мирными средствами по своему выбору.

3) Если Совет Безопасности считает, что продолжение данного спора в действительности могло бы угрожать поддержанию международного мира и безопасности, он решает, действовать ли ему на основании статьи 36 или рекомендовать такие условия разрешения спора, какие он найдет подходящими.

рые услуги, консультации, комиссии по разрешению споров. Кроме того, в соответствии с Уставом ООН разрешением международных разногласий могут заниматься *Генеральная Ассамблея ООН и Совет Безопасности ООН*.

Указанная система средств сложилась в ходе длительной международной практики и продолжает развиваться. Переговоры, арбитраж относятся к наиболее ранним средствам, тогда как судебное разбирательство, использование *международных организаций* стали применяться сравнительно недавно – с XIX – XX вв. В последние десятилетия широкое признание получили консультации, представляющие собой одно из эффективных средств разрешения споров.

В соответствии с принципом мирного разрешения споров, относящимся в современном международном праве к основополагающим, спорящие стороны обязаны урегулировать свои разногласия; исключительно мирным путем с помощью перечисленных выше или каких-либо иных средств по их собственному выбору. Принцип свободы выбора этих средств закреплен в ст. 33 Устава ООН и означает, что использование того или иного средства должно происходить по взаимному согласию и на основе свободного волеизъявления сторон. Такое согласие на обращение к какому-либо определенному средству, как правило, фиксируется в договорном порядке. Имеющийся в международном праве большой арсенал средств мирного разрешения споров обеспечивает выбор наиболее приемлемого из них для каждого конкретного спора в зависимости от его условий и затронутых в нем вопросов.

➡ 22. *Sum up the information from the unit. Pick out a problem you consider important. Make a 5-8 minute report on your problem for public speaking. Be ready to discuss the problems of peaceful means for resolving international disputes with your group-mates.*

TEST

I. Fill in the missing words.

- 1) The ... is now being handled by a conciliation and mediation service.
- 2) Some very skilful ... will be needed to settle this dispute.
- 3) It took months to ... (= bring to an end) the dispute/strike.
- 4) The United Nations is an international organization that was established in 1945 to ... world peace.
- 5) ... disputes are rarely resolved by the annexation of parts of other countries.
- 6) The ... was reached after a series of difficult negotiations.
- 7) It now seems unlikely that it will be possible to negotiate a ... of the conflict.
- 8) Their attempts at ... had failed and both sides were once again in dispute.
- 9) The dispute is now being handled by a conciliation and ... service.
- 10) The agreement was terminated by ... consent.
- 11) The UN's predecessor,, was a league of colonial powers and other countries.
- 12) It is doubtful whether an international peace conference would ... the conflict.
- 13) consists of 15 judges, no two of whom can be from one nation, elected by the General Assembly and the Security Council.
- 14) The court has no ... in cases of this kind.
- 15) The government pursued every diplomatic ... to free the hostages.

II. Fill in the prepositions where necessary.

- 1) to lead ... a disruption of the peace;
- 2) to submit the dispute ... the Security Council;

войне, Совет может выполнять функции примирительные. ЛАГ удалось урегулировать ряд споров, например в 1972 году спор между южным и северным Йеменом.

Организация американских государств. В 1948 году на Конференции в Боготе был принят Американский договор о мирном разрешении споров. В нем подробно описаны такие формы, как добрые услуги и посредничество, расследование и примирение. Главная роль в мирном урегулировании споров отведена Постоянному совету Организации.

➤ 20. Match the Russian word combinations in A with their English equivalents in B. Learn the following collocations.

А	В
1) комиссия по примирению, примирительная комиссия, комиссия по выработке примирительных предложений;	a) to nominate a conciliator; b) to mediate between two warring countries;
2) выступать в качестве посредника;	c) parties to a dispute;
3) переговоры между спорящими сторонами;	d) adjudication of disputes;
4) назначить мирового посредника;	e) pacific settlement of disputes;
5) вести переговоры о чём-л.	f) to negotiate a political settlement;
6) переговоры на высшем уровне;	g) to settle/to solve a dispute;
7) переговоры между вооружёнными силами воюющих сторон;	h) to settle a dispute by the mediation of smb.;
8) быть посредником / посредничать между двумя воюющими странами;	i) to settle a dispute through negotiations;
9) уладить/урегулировать спор; решить спорный вопрос;	j) to refer a dispute to the International Court of Justice
10) добиться политического урегулирования путём переговоров;	k) to submit disputes to obligatory judicial or arbitral settlement;
11) передать спор на арбитраж;	l) to mediate a suspension of hostilities
12) стороны в споре;	m) to mediate a suspension of arms;
13) разрешение споров мирными средствами;	n) through the mediation of smb., through smb.'s mediation;
14) передавать споры на обязательное судебное или арбитражное разрешение	
15) разрешение споров в суде; разрешение споров по суду;	
16) разрешить спор при чём-л. посредничестве;	

- 17) урегулировать спор путём переговоров;
18) передать спор в Международный Суд;
19) в арбитражном порядке, через третейский суд;
20) потерпеть неудачу в переговорах;
21) содействовать приостановке военных действий;
22) добиваться перемирия (при помощи посредничества);
23) вести / проводить переговоры;
24) вступить в переговоры с кем-л. о чём-л.;
25) сдвинуть переговоры с мёртвой точки;
26) благодаря чему-л. посредничеству

- o) to act as a mediator
p) to negotiate for smth.
q) negotiations at the highest level
r) negotiations between the armed forces of belligerents
s) negotiations between the conflicting parties
t) to carry on / to conduct / to hold / to pursue negotiations
u) to enter into negotiations with smb. for smth.
v) to achieve a breakthrough in negotiations
w) to fail in one's negotiations
x) through arbitration;
y) to submit a dispute to arbitration;
z) conciliation commission

➤ 21. Render the text into English.

МИРНЫЕ СРЕДСТВА РАЗРЕШЕНИЯ МЕЖДУНАРОДНЫХ СПОРОВ

Мирные средства разрешения международных споров – средства, применяемые субъектами международного права в целях урегулирования международных споров в соответствии с *принципом мирного решения международных споров*. В ст. 33 Устава ООН в качестве таких средств названы переговоры, обследование, посредничество, примирение, арбитраж, судебное разбирательство, обращение к региональным органам или соглашениям. Этот перечень не является исчерпывающим: *международному праву* известны и др. средства – доб-

peaceful settlement of any dispute, including the dispute that does not threaten peace, should all the parties concerned request this. The Security Council may require from the parties that the dispute be resolved with the help of peaceful means of their own choice, or else recommend them an appropriate procedure.

— *В каких случаях Совет Безопасности может принять юридически обязательные решения?*

— Decisions that are legally binding may be taken by the Security Council, only in the case of a threat to peace, a violation of peace, and an act of aggression. The Security Council must take into consideration that disputes of a legal nature should, as a rule, be submitted by the parties concerned to the International Court of Justice.

— *Дала ли система мирного урегулирования споров положительные результаты?*

— In spite of the complexity of the international situation, the system for the peaceful settlement of disputes provided for by the UN Charter has yielded positive results. All the more or less serious disputes and conflicts have been discussed in one way or another in the United Nations. One should also not underestimate the role of the United Nations in avoiding an escalation of disputes and conflicts.

➡ 19. Translate the following text into English.

Региональные организации

Значение региональных организаций в мирном урегулировании споров повышается. Их роль в разрешении вопросов поддержания мира, «которые являются подходящими для региональных действий», зафиксирована в ст.52 Устава ООН. Необходимое условие правомерного существования региональных организаций состоит в том, что содержание их учредительных актов и деятельности должно быть совместимо с целями и принципами ООН. Это относится и к деятельности по мирному разрешению споров, которая рассматривается Уставом ООН как один из основных видов их деятельности.

Устав ООН обязывает государства прилагать все усилия для достижения мирного разрешения местных споров при помощи региональных органов до передачи их Совету Безопасности. Последний должен поощрять развитие применения мирного разрешения местных споров при помощи региональных органов как по инициативе заинтересованных государств, так и по инициативе Совета Безопасности. По смыслу Устава ООН под местными спорами понимаются все споры между государствами данного региона, за исключением споров, продолжение которых могло бы угрожать поддержанию международного мира.

Региональные организации нередко обращаются с призывами и предложениями к участникам спора, оказывают им добрые услуги или посредничество. Но, пожалуй, основная роль в урегулировании споров принадлежит тем органам, где представлены руководящие деятели государств-членов. Учредительные акты региональных организаций провозглашают мирное разрешение споров в качестве одной из основных задач.

Организация африканского единства создала специальный орган для рассмотрения споров – Комиссию по посредничеству, примирению, и арбитражу, которая состоит из 21 члена, избранного Конференцией глав государств и правительств ОАЕ. Из числа членов комиссии, избираются лица, осуществляющие функции посредников и арбитров. Спор передается в Комиссию участвующими в нем государствами либо высшими органами ОАЕ. За годы своей деятельности Организация сыграла позитивную роль в урегулировании ряда споров между государствами-членами.

Лига арабских государств главную роль в рассмотрении споров предоставила своему Совету. В отношении споров, не затрагивающих независимости, суверенитета и территориальной целостности государств, он может выполнять арбитражные функции. Для рассмотрения таких споров обе стороны должны обратиться к Совету, который принимает обязательное и окончательное решение. Стороны в споре не принимают участия в обсуждении и решении Совета. В тех случаях, когда спор может привести к

International Arbitration

International arbitration 1) ... an arbitration court for settling disputes among States, whose composition and procedure, and also 2) ... norms of law, are determined by the compromise, the agreement between the parties to the dispute. Arbitration is always based on an 3) ... number of persons, one of whom is an 4) ... or chairman.

Sometimes arbitration consists of a single 5) The 1949 General Act for the Pacific Settlement of International Disputes established that, if the parties do not agree otherwise, arbitration will 6) ... of five persons. The parties may 7) ... one person each from their own 8) ... , while the two other arbitrators, and the 9) ... are selected by them, by agreement, from among nationals of third countries. Unless otherwise is stated in the 10) ... , arbitrators must apply the norms laid down in Art. 38 of the 11) ... of the International Court of Justice. In a resolution 12) ... in 1958, the UN General Assembly recommended the States that they take into 13) ... the model rules of arbitration prepared by the International 14) ... Commission.

Permanent arbitration is provided for by certain 15) ... agreements. For example, within the framework of the Organization of African Unity, a Commission of Mediation, Conciliation, and Arbitration was established in 1965.



18. Translate the following dialogue.

- Какова роль международных организаций в урегулировании споров?

The growing number and increasing role of international organizations is generating changes in the system of means for the peaceful settlement of disputes among States. The peaceful settlement of disagreements and disputes is a necessary element of international cooperation, whose development is a task of organizations. The procedure for settling disputes via international organizations, unlike judicial procedure, is primarily political in character. However, this does not reduce the role of international law, on the basis of which any peaceful settlement must be carried out.

- Какова роль ООН в этом процессе?

The United Nations is the basic organ of cooperation among States on a global scale. It is the core of the modern system of peaceful means for settling disputes. The UN Charter highlights the maintenance of international peace and security in settling disputes. One of the major purposes of the United Nations is to settle not all disputes, but those that may create a threat to peace or lead to a disruption of the peace. Member-states have the duty to settle their disputes through peaceful means "in such a way as not to threaten international peace and the security and justice".

- Не подменяет ли ООН иные средства разрешения споров?

The United Nations is in no way intended to replace other means for settling disputes. On the contrary, its Charter encourages their use. Even in those cases in which the continuation of a dispute could threaten the maintenance of peace, the parties to the dispute must above all seek to resolve their dispute with the help of all the means that are available to them, and those include above all, as has already been noted, negotiations.

- Какой орган ООН принимает активное участие в урегулировании споров?

Since the entire procedure for the peaceful settlement of disputes in the United Nations is subordinate to the maintenance of peace, the Security Council plays the central role in the procedure, as is clearly stated in Chapter VI of the Charter concerned with the peaceful settlement of disputes. The Security Council has the right, on its own initiative, to consider any dispute in order to determine whether its continuation threatens the maintenance of international peace and security. Any member of the United Nations can inform the Security Council or the General Assembly of such a dispute.

- Может ли государство, не являющееся членом ООН, довести до сведения Генеральной Ассамблеи и Совета Безопасности спор?

A State that is not a member of the United Nations can also inform these bodies of any dispute to which it is a party if, in doing so, it assumes the obligations associated with the peaceful settlement of disputes according to the UN Charter (Art. 35). The Security Council has the right to make recommendations with the aim of securing the

5)

The court procedure consists of two parts: written and oral. The written part concerns the transmission to the court by the parties concerned of memorials and counter-memorials presenting the positions of the States that are parties to the dispute; the oral part consists in hearings of representatives of the States that are parties to the dispute, of their lawyers, witnesses and experts.

6)

Court judgments are legally binding on the parties to the case being heard. They do not create a legal precedent for the resolution of other cases of a similar character (Art.59). The court's judgment is final and is not subject to appeal. Its non-fulfillment by one of the parties gives the other party the right to appeal to the Security Council. If the latter deems it necessary, it may make recommendations or decide to take **measures** to implement the judgment of the Court (Art. 49, UN Charter). In other words, the Security Council has the right to, but is not obliged, to take such measures.

➤ 14. Give synonyms for the highlighted words.

➤ 15. Match the words with their definitions.

A	B
1) arbitration	a) to reach a decision or an agreement (about), or to end (a disagreement)
2) measure	b) giving advice; empowered to make recommendations
3) to settle	c) required by regulations or laws; obligatory
4) ipso facto	d) the judicial review by a superior court of the decision of a lower tribunal
5) national	e) the procedure laid down for the settlement of international disputes

6) advisory	f) to give assent or permission (to do something); agree; accede
7) compulsory	g) to impose legal obligations or duties upon (a person or party to an agreement)
8) to consent	h) any person legally recognized as living in and belonging to the country in which they were born or the country they chose to move to, or someone who lives in another country but is legally considered still to belong to the country where they were born.
9) to bind	i) by reasoning from previously known facts
10) appeal	j) a way to achieve something; a method

➤ 16. Match the words in column A with the words in column B.

A	B
1) advisory	a) capacity
2) integral	b) facto
3) ipso	c) jurisdiction
4) personal	d) body
5) to take	e) recommendations
6) compulsory	f) opinions
7) permanent	g) disputes
8) make	h) organ
9) international	i) part
10) judicial	j) measures

➤ 17. Choose the words from the group below to complete the text. It may be necessary to change the form of the given words.

arbitrator, regional, Statute, applicable, compromise, odd, to adopt, umpire (2), to consist, designate, national, consideration, law, imply.

14) Commissions of Inquiry and Conciliation may be formed, on the basis...

15) The task of commissions of inquiry is to establish the factual...

➡ 12. *Speak on the peaceful settlement of disputes (direct negotiation, international conciliation).*

.....

➡ 13. *Read the following text and entitle the paragraphs.*

International Judicial Settlement

1) The Origin of the International Court

The International Court of Justice is a permanent body created on the basis of an international treaty, whose task is to settle international disputes through adjudicative procedures. The composition, procedure and legal sources of decision of the International Court of Justice are determined, in contrast to arbitration, not by special agreements between the parties to the dispute in each individual case, but by the permanent Statute. The effectiveness of a court in international relations, where there is no supra-state power, and where decisions are adopted with the consent of the participants, is limited. This is revealed by the very fact that the first International Court was established as late as 1921, in accordance with the Covenant of the League of Nations. It consisted of 15 elected judges and was called the Permanent Court of International Justice. During its nearly twenty years of existence, the Court heard 37 disputes among States and gave 28 advisory opinions at the request of the Council of the League of Nations. None of the cases that were considered were of major international significance.

2)

Today the principal judicial organ of the United Nations is the International Court, of Justice, which operates on the basis of a Statute which is an integral part of the UN Charter. All members of the United Nations are ipso facto parties to the Statute. States that are not members of the United Nations may become parties to the Statute in accordance with the terms defined by the General Assembly upon the recommendation of the Security Council (Art. 93 of the United Nations Charter).

3)

The Court consists of 15 judges elected by the General Assembly and the Security Council for a period of 9 years in a personal capacity, i.e. they are not representatives of States. The Court may include no more than one national from the same State. The entire composition of the Court must provide for the representation of the world's principal legal systems. A quorum consists of 9 judges and all decisions are taken by a majority vote of those present. The Court is permanently located in the Hague.

4)

The Court's jurisdiction includes: a) disputes whose parties are States alone; b) advisory opinions on legal questions at the request of international bodies and organizations having the corresponding right according to the UN Charter.

The International Court of Justice may examine and consider any case submitted to it by States as parties to a dispute. It does not possess compulsory jurisdiction, i.e. it cannot examine a case without the consent of the parties to a dispute. Such consent may be given beforehand in relation to a specific category of issues.

formed in the same way as commissions of inquiry. These may not only establish factual circumstances but also recommend a draft solution to a dispute.

➡ 8. Find in the above text the English equivalents for the following words and word combinations. Make sentences using them.

1) специально созываемые совещания; 2) фактические обстоятельства; 3) непосредственные переговоры; 4) обмен документами; 5) решение спора путем непосредственного соглашения между сторонами; 6) переговоры должны вестись добросовестно; 7) при помощи переговоров; 8) переговоры на высшем уровне; 9) совместные коммюнике и заявления; 10) рекомендовать проект решения спора; 11) помешать решению спора; 12) на широтных началах; 13) согласительные комиссии; 14) на основе равного уважения законных прав и интересов всех участников; 15) через обычные дипломатические каналы; 16) вести переговоры; 17) следственные комиссии; 18) посредничество; 19) достигать соглашения; 20) вступать в переговоры; 21) внесение предложений; 22) широкие возможности; 23) добрые услуги; 24) мирные средств разрешения международных споров; 25) воздерживаться от действий

➡ 9. Match the synonyms.

A	B
1) legitimate	b) legal
2) negotiations	c) reconciliation
3) main	d) suggest
4) important	e) real
5) impede	f) talks
6) conciliation	g) objective
7) conciliator	h) chief
8) goal	i) hinder
9) factual	j) mediator
10) recommend	

➡ 10. Complete the table.

noun	verb	adjective
1) conciliation	conciliate	conciliatory
2) .....	.....	mediatory
3)	to negotiate	.....
4) settlement	.....	.....
5) dispute	.....	.....
6)	to interfere	.....
7) obligation	.....	.....
8) inquiry	.....	.....
9)	to conciliate	.....
10) consent	.....	.....

➡ 11. Complete the following sentences using the required information from the above text.

- Direct negotiation is a principal means...
- The negotiation consists in...
- The advantage of negotiation lies in that it establishes direct contact...
- Direct negotiations are those in which only those who...
- Direct negotiations may be carried out...
- The results of negotiations are embodied in...
- Having entered into negotiations, the participants are obliged to...
- The principal types of international conciliation are...
- Good offices consist in...
- Mediation refers to the active participation by...
- Good offices and mediation may be provided by a State that...
- In order to carry out mediation, the preliminary consent of...
- Commissions of Inquiry and Conciliation have as their objective to assist...

to clarify each other's position, and the actual circumstances involved, and to achieve an agreement.

In international acts, the negotiation is the chief peaceful means of settling international disputes.

The advantage of negotiation lies in that it establishes direct contact between the parties to the dispute and limit the possibility of interference by other States. Negotiation is also characterized by simplicity of organization and functioning.

Direct negotiations are those in which only those who are parties to a dispute participate, regardless of their number. They may be carried out through normal diplomatic channels or at specially convened conferences. A written form is also possible, including exchanges of documentation and telegrams. Negotiations take place at various levels. Today negotiations at the summit level have become particularly significant. The results of negotiations are embodied in international documents which may be only political or else political *legal* in character. An example of the former are joint communiqués or declarations, while an example of the latter is an agreement or protocol.

Negotiations must be conducted with the participation of all the subjects of international law who have the right to take part. Negotiations must be carried out in good faith, i.e. honestly and on the basis of equal respect for the legitimate rights and interests of all the participants. Having entered into negotiations, the participants are obliged to refrain from actions that could impede the settlement of the dispute.

International Conciliation

International conciliation plays an *auxiliary* role in relation to direct negotiation. Its essence lies in assisting parties to conduct a negotiation and achieve an agreement. The principal types of international conciliation are: good offices, mediation, commissions of inquiry, and commissions of conciliation.

Good offices

These consist in providing assistance to parties to the dispute in establishing direct contact and organizing direct negotiations. This completes the functions of the party providing good offices, but with the consent of the parties involved, it may be present at the negotiation.

Mediation

This refers to the active participation by a mediator in negotiations, including the submission of proposals concerning individual aspects of the issue, or else concerning the dispute as a whole. However, a final decision is taken only by the parties to the dispute through mutual consent.

Good offices and mediation may be provided by a State that is not a party to the dispute, by an international official or by *private* persons. In order that these functions may be carried out, the consent of the parties to the dispute must be given.

Good offices and mediation may be provided at the initiative either of the parties to the dispute, or of those who propose the offices. However, in order to carry out mediation, the preliminary consent of all the parties to the dispute is required. As an active participant in the negotiation, the mediator has considerable opportunities to influence their course and outcome.

Commissions of Inquiry and Conciliation

These have as their objective to *assist* the settlement of a dispute through direct agreement between the parties. They may be formed, on the basis of parity, from an equal number of representatives of both parties; representatives of other States as members or chairmen may be included. The organization and the tasks of such commissions are defined by agreement between the parties to the dispute.

The task of commissions of inquiry is to establish the factual circumstances of the dispute. Commissions of inquiry are seldom employed. Wider use is made of commissions of conciliation which are

interests are not submitted to them. It is these disputes that constitute the basic category of political disputes, which States prefer to settle through **political means**.

According to Art. 36 of the Statute of the International Court of Justice, legal disputes are primarily those that relate to the interpretation of treaties, questions of international law, the existence of any fact constituting a breach of international obligations, and **compensation** due for the breach of international obligations.

The question of the particular type of peaceful means to be used is solved by the participants themselves, in accordance with the principle of the freedom to choose means for the **peaceful settlement** of disputes (Art. 33 of the United Nations Charter). Such means include: direct negotiation, conciliation, mediation, arbitration, judicial settlement, the settlement of disputes through international organizations.

All the means used to resolve questions arising between sovereign States are based on the agreement. This is why the principal role in resolving disputes is played by the direct agreements of the parties concerned. Such procedures include direct negotiation, and conciliatory procedures (good offices, mediation, mixed commissions).

➡ **4. Fill in the correct prepositions, then choose any five items and make sentences.**

1) to be based ... the agreement; 2) ... accordance ...; 3) a dispute causes harm ... peaceful relations; 4) to be associated ... state interests; 5) the Security Council is endowed ... special rights; 6) refer ...; 7) freedom ... choose means ... the peaceful settlement ... disputes; 8) ... regard ...; 9) to recommend conditions ... settling the dispute; 10) to settle ... political means.

➡ **5. Match the words (1-10) with the words (a-j). Make your own sentences using these phrases.**

1) good	b	a) settlement
2) conciliatory		b) offices
3) principal		c) procedure
4) judicial		d) harm
5) direct		e) dispute

6) international	f) means
7) peaceful	g) negotiation
8) legal	h) role
9) to cause	i) important
10) vitally	j) settlement

➡ **6. Answer the questions.**

- 1) Does in diplomatic practice the term "international disputes" refer to the most diverse conflict situations among States?
- 2) What are the types of disputes?
- 3) Which organ of The UN has the right to recommend an appropriate procedure or methods for resolving the dispute?
- 4) Does any dispute cause harm to peaceful relations and to cooperation among States?
- 5) Are politics and law very closely intertwined in international relations?
- 6) What does the analysis of the practice of international courts and courts of arbitration indicate?
- 7) What does article 36 of the Statute of the International Court of Justice state?
- 8) List peaceful means for resolving international disputes.

.....

➡ **7. Read the following texts and give opposites for the highlighted words.**

Direct Negotiation

Direct negotiation is a principal means of the **peaceful** settlement of disputes among States. The majority of issues including disputes that emerge among States are resolved through negotiation. The negotiation consists in a direct contact between the opposing sides in order

UNIT 6. INTERNATIONAL LEGAL MEANS FOR RESOLVING INTERNATIONAL DISPUTES

"Though force can protect in emergency, only justice, fairness, consideration and cooperation can finally lead men to the dawn of eternal peace."

Dwight David Eisenhower

➤ 1. What do you know about the international legal means for resolving international disputes? Choose the right answer.

1) ... consist in providing assistance to parties to the dispute in establishing direct contact and organizing direct negotiations.

a) negotiations b) good offices c) mixed commissions

2) ... refers to the active participation by a mediator in negotiations, including the submission of proposals concerning individual aspects of the issue, or else concerning the dispute as a whole.

a) conciliation b) negotiation c) mediation

3) The task of ... is to establish the factual circumstances of the dispute.

a) international arbitration b) commissions of conciliation
c) commissions of inquiry

4) ... is a permanent body created on the basis of an international treaty, whose task is to settle international disputes through adjudicative procedures.

a) the International Court of Justice b) the General Assembly c) the Organization of American States

5) The International Court of Justice consists of ... judges elected by the General Assembly and the Security Council for a period of 9 years in a personal capacity.

a) 12 b) 15 c) 13

➤ 2. Consult your dictionary for the right stress in the following words and memorize their meaning.

to endow, emphasis, to intertwine, allowance, analysis, vitally, conciliation, sovereign, arbitration.

➤ 3. Read the following text and explain the words and phrases in bold.

International Disputes and Types of Means for Resolving Them

In diplomatic practice the term "international disputes" refers to the most diverse conflict situations among States.

The UN Charter distinguishes the following types of disputes: a) disputes whose continuation could threaten the maintenance of **international peace** and security; b) other disputes. With regard to the first type of disputes, the Security Council is endowed with special rights: it has the right to **investigate** any such dispute, to **recommend** an appropriate procedure or methods for resolving the dispute, and to recommend conditions for settling the dispute.

This division of disputes into types is a relative one. Any dispute causes harm to peaceful relations and to cooperation among States. Nevertheless, the specific emphasis on particularly dangerous disputes is justified. Most frequently such disputes are **territorial disputes**.

A distinction is made between legal and political disputes. This distinction is also relative. In international relations politics and law are very closely intertwined. No political dispute may be solved without allowance for the norms of international law. The division of disputes into political and legal means that in the former case political elements prevail, while in the latter legal elements prevail. An analysis of the practice of international courts and courts of arbitration indicates that disputes that are associated with vitally important **state**

16. According to international law, before appointing the head of a diplomatic mission, the government of the host State is asked for its ... to receive the candidate for appointment.

17. These ... ask that their bearer be trusted as a person representing his State in all relations with the receiving state.

18. Above all the inviolability of the mission's premises means that the authorities of the host State cannot enter into these premises except with the ... of the mission's head.

19. All official correspondence of the mission is ...

20. A vice-consul may be ... to a consul

II. Fill in the prepositions where necessary.

- 1) to promote scientific relations ... the host State;
- 2) an agreement ... social security;
- 3) to carry ... consular functions;
- 4) ... diplomatic channels;
- 5) to be contained ... the Charters;
- 6) two basic conventions are ... force;
- 7) ... regard ... the United Nations;
- 8) An embassy is headed ... an ambassador;
- 9) there was a sharp decline ... the number of legations;
- 10) diplomatic missions are established ... agreement;
- 11) ... the event ... a war
- 12) to be disputed ... the accrediting State;
- 13) according ... modern international law
- 14) to be divided ... two categories
- 15) to be specially responsible ... taking all measures;
- 16) enjoy immunity ... executive actions;
- 17) ... prejudice;
- 18) ... addition ... diplomatic relations;
- 19) to represent nationals .. their own country ... a court;
- 20) ... the consent ... the host government.

III. Translate the sentences from English into Russian.

1. The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State

shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

2. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

3. The sending State must make certain that the agrément of the receiving State has been given for the person it proposes to accredit as head of the mission to that State.

IV. Translate the sentences from Russian into English.

1. Консульское учреждение может быть открыто на территории государства пребывания только с согласия этого государства.

2. Аккредитуемое государство и глава представительства освобождаются от всех государственных, районных и муниципальных налогов, сборов и пошлин в отношении помещений представительства, собственных или наемных, кроме таких налогов, сборов и пошлин, которые представляют собой плату за конкретные виды обслуживания.

3. Официальная корреспонденция представительства неприкосновенна. Под официальной корреспонденцией понимается вся корреспонденция, относящаяся к представительству и его функциям.

Иммуниеты консульских учреждений предусматривают неприкосновенность консульских помещений. Доступ в эти помещения могут иметь место исключительно по просьбе или с согласия главы консульского представительства. Венская конвенция о консульских сношениях 1963 допускает, что в случае пожара или др. стихийного бедствия такое согласие может предполагаться. Консульские помещения, предметы их обстановки, имущество, а также средства передвижения пользуются иммунитетом от любых видов реквизиции. Консульские архивы и документы неприкосновенны в любое время и независимо от их местонахождения.

Иммуниеты консульских должностных лиц включают личную неприкосновенность; они не могут быть подвергнуты аресту или предварительному заключению, иначе как на основании постановлений компетентных судебных властей в случае совершения этими лицами тяжких преступлений. Консульские должностные лица и сотрудники консульств не подлежат юрисдикции государства пребывания в том, что касается их служебной деятельности (это положение не применяется в отношении только некоторых гражданских исков). В случае отказа консульского должностного лица, вызванного в суд в качестве свидетеля давать показания, к нему не могут применяться никакие меры принуждения со стороны государства пребывания.

Государство пребывания предоставляет консульским должностным лицам, сотрудникам консульства, а также членам их семей различного рода льготы – в виде освобождения от налогов, сборов и пошлин, выполнения личных повинностей, досмотра личного багажа, уплаты таможенных пошлин.

⇒ 15a. Summarize the information of the unit and be ready to speak on Consular Law. The first step to be done is to write the plan of your future report.

b. Speak about consular representatives and their responsibilities.

TEST

1. Fill in the missing words.

1. According to the 1963 Consular Convention, consular officials and members of their families are in effect granted the same customs ... as diplomats.
2. Each consular corps is headed by its ... consul.
3. According to the practice of consular relations embodied in the 1963 Vienna Convention, heads of consular missions are divided into ... categories.
4. Usually the authorities of the host country give consuls consular ..., that certify that their bearer is a consul of a particular country.
5. The consular patent is usually forwarded through diplomatic channels to the authorities of the host State in order to receive an
6. Consular relations may also be established between States that do not maintain ... relations.
7. Unlike diplomatic representatives, consuls are not ... representatives of their State in the host State.
8. Some States appoint both staff and ... consuls.
9. While diplomats cannot be brought to court for violating the laws and regulations of host countries, they may be declared ... by the government of a host country and will then have to leave.
10. The institution of ..., who were sent to other States on particular occasions, appeared in very ancient times.
11. The term "diplomacy" derives from the Greek " ... ".
12. Diplomacy is usually defined as the official activity of a given State's organs of ... relations in pursuing through peaceful means the objectives and tasks of its foreign policy.
13. There are two types of diplomatic missions – ... and
14. According to international law, the diplomatic representative is the only person representing his State in the ... State in all matters.
15. The ... of diplomatic representatives is governed by both domestic legislation and by international law.

8) to perform	i) chiefly
9) to forward	j) to pass
10) to deem	k) to fulfill

12. Make sentences of your own with the following words and expressions.

- a consular representative.....
- a consular patent.....
- a department for foreign affairs.....
- an exequatur.....
- consular cards.....
- Vice-Consul.....
- to admit foreign consuls.....
- through diplomatic channels.....
- to receive an exequatur.....
- ceremonies and matters of protocol.....

13. Match the English phrases in A with their Russian equivalents in B. Learn the following collocations.

A	B
1) consular affairs	a) учреждение генерального консульства
2) consular agencies	b) консульский корпус;
3) establishment of a consulate general	c) консульские обязанности
4) consular archives	d) консульские сборы
5) bilateral consular convention	e) помещения консульства; участок земли, на котором расположено консульство
6) consular corps	f) консульские архивы
7) consular district	g) закрытие консульской миссии
8) consular duties	h) разрыв консульских отношений
9) consular fees	i) генеральное консульство
10) to exercise / to perform consular functions	j) состав консульства
11) termination of a consular mission	k) почётное консульское представительство

12) consular office	l) консульская деятельность
13) consular personnel	m) консульское учреждение
14) consular premises	n) приступить к обязанностям генерального консула
15) consulate general	o) установить консульские отношения
16) rupture of consular relations	p) консульский округ
17) to open consular relations	q) выполнять консульские функции / обязанности
18) consular staff	r) двусторонняя консульская конвенция
19) honorary consular representation	s) консульский персонал
20) to take up one's duty as Consul General	t) консульские агентства

14. Render the text into English.

КОНСУЛЬСКИЕ ПРИВИЛЕГИИ И ИММУНИТЕТЫ

Консульские привилегии и иммунитеты – льготы и преимущества, предоставляемые государством пребывания консульскому учреждению, консульским должностным лицам и сотрудникам консульства.

Консульские привилегии и иммунитеты включают: право помещать на здание, которое оно занимает государственный флаг, помещать эмблему государственного флага, вывеску со своим названием на государственном языке (языках) и на языке государства пребывания, иметь печать с эмблемой государственного герба и со своим названием на государственном языке (языках). Консул имеет право иметь государственный флаг на своей резиденции, а также помещать его на своих средствах передвижения.

Консульство имеет право беспрепятственно сноситься со своим правительством, с дипломатическим представительством своей страны, находящимися на территории государства пребывания, а также на территории третьих стран, освобождается от любых видов налогов, сборов и пошлин.

Consular exequaturs are given both as a separate document and as a written confirmation on the consular patent. Which organ is authorized to issue exequaturs is determined by the internal legislation of each State. In most States they are issued by the department for foreign affairs.

From the time that he receives an exequatur the consul is deemed to have begun to carry out his duties. From that date also his seniority in relation to other consuls in the given consular corps will be defined.

Usually the authorities of the host country (the department responsible for foreign affairs) give consuls consular cards that certify that their bearer is a consul of a particular country and has the right to corresponding privileges in accordance with international law.

3

The activities of a consular representative are terminated in the following situations:

- 1) the consul's **recall** by the State that has appointed him;
- 2) a declaration that the consul is a *persona non grata*;
- 3) if the territory on which the consular district is located ceases to be under the sovereignty of the host State;
- 4) the closing of that particular consular institution;
- 5) **war** between the appointing State and the host State.

4

According to the practice of consular relations embodied in the 1963 Vienna Convention, heads of consular missions are divided into four categories, namely: Consul-General, Consul, Vice-Consul and Consular Agent.

Consular officials who are not heads of consular institutions, have a variety of titles. They are called vice-consuls, consular assistants and proconsuls.

The consul-general heads a general consulate. The consul and vice-consul head consulates and vice-consulates respectively, or may be assistants or deputies to the consul-general. A vice-consul may be **deputy** to a consul.

5

The district in which a consular representative conducts his activities is called a consular district. It is established by agreement between the two States. The consular district is always recorded in the consular patent. The host State has the right to determine the districts into which it agrees to **admit** foreign consuls and to refuse to establish consulates in particular districts.

6

The total number of all consuls in a given populated area constitute its consular corps. Its role primarily concerns ceremonies and matters of protocol. Since there may be several consular districts in each State there may also be several consular corps.

Each consular corps is headed by its **senior consul**. This is the head of a consular institution who is the most senior person in terms of both rank and the period that has elapsed since he received his exequatur in the given consular district.

➡ 10. Form nouns of the given verbs using suffixes: (t)ion; (a)tion; ment, ance.

to admit; to accept; to appoint; to determine; to embody; to terminate; to establish; to record

➡ 11. Match the synonyms.

A	B
1) to carry out k	a) to consider
2) appointment	b) official authorization
3) to terminate	c) obligation
4) exequatur	d) designation
5) primarily	e) to conduct
6) to elapse	f) to send
7) duty	g) to finish

➤ 6. Complete the following sentences using the required information from the above text.

- 1) Consular relations may also be established between States...
- 2) The termination of diplomatic relations does not imply...
- 3) The number of consular mission's established by one State on the territory of another State is determined ...
- 4) Consuls represent their State only with regard to...
- 5) Some States appoint both staff and ...
- 6) Consulates are guided by the law of their own State, and also by ...
- 7) Consular representatives are subordinate to ...
- 8) Consuls may represent nationals and legal persons of their own country before ...
- 9) The head of a consular institution and any other consular official may also represent their State in ...
- 10) The duties of consulates include ...

➤ 7. Speak on the Concept of a Consular Mission.

•••••

➤ 8. Match the words with their definitions.

1) <i>exequatur</i> <i>f</i>	a) the act of receiving or state of being received
2) reception	b) a consul of the highest grade, usually stationed in a city of considerable commercial importance
3) consulate	c) the formal etiquette and code of behaviour, precedence, and procedure for state and diplomatic ceremonies
4) protocol	d) a certificate confirming his authority
5) consular district	e) a consul of one of the lower grades
6) consul	f) agreement to the fulfillment of consular duties
7) a consular patent	g) matters abroad that involve the homeland, such as relations with another country
8) consular agent	h) an official appointed by a sovereign state to protect its commercial interests and aid its citizens in a foreign city

9) foreign affairs	i) the district in which a consular representative conducts his activities
10) consul general	j) the business premises or residence of a consul

➤ 9. a) Read the text and label the paragraphs with the correct headings. One heading does not match.

b) Give opposites for the highlighted words.

- A) Consular District
- B) The Termination of Functions of the Consular Representative
- C) Consular officials
- D) The Consular Patent and Exequatur
- E) Consular Corps
- F) *The Appointment of Consuls - I*
- G) Classes of Consuls

Consuls and Consular Corps

1	F
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Consuls are appointed by the sending State and are accepted to perform their duties by the receiving State. In most States the appointment of consular representatives and the reception of foreign consuls falls within the competence of the department concerned with foreign affairs.

2	
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Consuls are given a consular patent. It contains his full name and rank, the class to which he belongs and the consular district and location of the consulate. The class of the consul and the consular district are agreed upon beforehand with the host State.

The consular patent is usually forwarded through diplomatic channels to the authorities of the host State in order to receive an exequatur.

The Functions of Consular Missions

The functions of the consular missions are quite diverse. According to the 1963 Convention on Consular Relations, which reflects operative international law, they include:

- 1) protecting the interests of its own State and of its nationals and legal persons;
- 2) encouraging trade and promoting economic, cultural and scientific relations with the host State;
- 3) performing administrative and notarial functions for nationals of the State that it represents;
- 4) performing duties relating to the ships and aircraft of its country and their crews;
- 5) monitoring economic, legal and political developments in its district and informing its State's foreign affairs department.

In performing their functions, the consulates are guided by the law of their own State, and also by international law, especially by treaties between their State and the host State. The consulates are, therefore, concerned not only with consular conventions but also with treaties on legal aid, agreements on social security and on air, sea and other types of communication. In performing their functions the consulates, naturally, take into account the laws of their host State.

Consulates deal directly only with the local authorities of their own district. They deal with both central authorities and authorities of other districts through their country's diplomatic representative.

Consular representatives are generally subordinate to their country's department of foreign affairs and also its diplomatic mission.

In performing their tasks consuls may represent nationals and legal persons of their own country before a court and other organs of the host country in accordance with procedures provided for by consular conventions and with the laws of the host country.

In accordance with international law, persons, who head consular institutions may be assigned, with the consent of the host government, the functions of a diplomatic mission in a State in which such a mission does not exist. The head of a consular institution and any other consular official may also represent their State in any international organization.

In return for specific official duties the consulates collect consular fees both from their own nationals and from foreign nationals. Such duties include: the granting or prolongation of passports and visas, the issue of visas, the acceptance of applications on matters of citizenship, the maintenance of registry records, the legalization and notarization of documents, and activities relating to inheritance.

Frequently agreements are concluded between States concerning a reciprocal renunciation of consular fees for all or some of these activities.

⇒ 3. Give synonyms for the highlighted words.

⇒ 4. Find in the text above the English equivalents for the following words and word combinations.

- 1) легализация и нотариальное удостоверение документов;
- 2) наследование;
- 3) штатные консулы;
- 4) защита интересов своего государства;
- 5) поддерживать консульские отношения;
- 6) обмениваться представительствами;
- 7) нештатные консулы;
- 8) установление консульских отношений;
- 9) выдача и продление сроков действия паспортов;
- 10) полномочные представители;
- 11) определенный круг вопросов;
- 12) правовая помощь;
- 13) консульский округ;
- 14) поощрение торговли;
- 15) выполнение административных и нотариальных функций;
- 16) юридическое лицо;
- 17) договоры о правовой помощи;
- 18) соглашения о социальном обеспечении;
- 19) принимать во внимание законы государства пребывания;
- 20) взимать консульские сборы

⇒ 5. Give the word families of the following words, as an example.

e.g. to represent (v) – representation (n) – representative (n) – representable (adj) – representability (n)

- | | |
|----------------------|--------------------|
| 1) consul..... | 6) to monitor..... |
| 2) notary..... | 7) to perform..... |
| 3) to encourage..... | 8) to prolong..... |
| 4) to accredit..... | 9) legal..... |
| 5) to suspend..... | 10) office..... |

регулирующие межгосударственные отношения, возникающие в связи с представительством государств в международных организациях и функционированием международных организаций на территории тех или иных государств, включая нормы, касающиеся привилегий и иммунитетов международных организаций, международных должностных лиц и служащих. В последние годы в дипломатическое право включают также консульское право, поскольку почти повсеместно произошло объединение дипломатической и консульской служб в рамках ведомства иностранных дел.

К основным международным договорам, кодифицировавшим Дипломатическое право, относятся: Венская конвенция о дипломатических сношениях от 18 апреля 1961 г. (РФ участвует); Конвенция о специальных миссиях от 8 декабря 1973 г. (РФ не участвует); Венская конвенция о представительстве государств в их отношениях с международными организациями универсального характера от 14 марта 1975 г. (РФ участвует) и Венская конвенция о консульских сношениях от 24 апреля 1963 г. (РФ не участвует). Вопросы, касающиеся иммунитетов и привилегий международных организаций, их должностных лиц и служащих, урегулированы, как правило, в специальных договорах, заключаемых государствами – членами конкретной международной организации или же международной организацией и государством, на территории которого она осуществляет свои функции.

⇒ 23 a. Summarize the information of the unit and be ready to speak on Diplomatic Law.

b. Choose any question (topic, problem) relating to diplomatic law and make a 5-7 minute report in class.

CONSULAR LAW

⇒ 1. Consult your dictionary for the right stress in the following words and memorize their meaning.

plenipotentiary; honorary; revenue; notarial; granting; record; reciprocal; renunciation.

⇒ 2. Read the following text and explain the words and phrases in bold.

The Concept of a Consular Mission

In addition to **diplomatic relations**, States also maintain consular relations with each other and for that purpose they exchange consular missions created by agreements among accrediting and host States. Consular relations may also be established between States that do not maintain diplomatic relations. However, unless otherwise specified, the **establishment** of diplomatic relations includes the establishment of consular relations. The termination of diplomatic relations, on the other hand, does not imply the **suspension** of consular relations.

The number of consular missions established by one State on the territory of another State is determined by agreement between the two States involved.

Consular missions are headed by consuls. Unlike diplomatic representatives, consuls are not **plenipotentiary** representatives of their State in the host State. They represent their State only **with regard** to a specified range of issues and only in their own consular district.

Some States appoint both staff and **non-staff (honorary) consuls**. The latter are persons living in the host country (generally businessmen, lawyers, etc.), but they may also be **nationals** of the appointing State or of third States. Honorary consuls are not civil servants of the appointing State and do not receive **wages**. In general practice, however, the consular fees that they collect constitute their revenue.

➤ 19. Match the English word combinations in A with their Russian equivalents in B. Learn the following collocations.

A	B
1) instruments of diplomacy;	a) миротворческая дипломатия;
2) balance-of-power diplomacy;	b) дипломатические средства;
3) diplomatic withdrawal;	c) отзыв дипломатического персонала
4) diplomatic solution;	d) назначить кого-л. дипломатом
5) diplomatic archives;	e) дипломатические архивы;
6) diplomatic asylum;	f) дипломатия равновесия сил;
7) to seek a diplomatic way out;	g) пытаться найти выход (из кризисной ситуации) средствами дипломатии;
8) diplomatic means;	h) дипломатическое убежище, убежище в здании дипломатического представительства;
9) diplomatic premises;	i) участок земли, занимаемый дипломатическим представительством; здания, помещения дипломатического представительства;
10) to find a diplomatic settlement;	j) найти решение (конфликта и т. п.) средствами дипломатии;
11) to give diplomatic support;	k) призвать к решению / урегулированию (конфликта и т. п.) средствами дипломатии;
12) diplomatic mission;	l) дипломатические контакты / отношения государств;
13) career diplomatic officials;	m) профессиональные дипломатические работники, карьерные дипломаты;
14) diplomatic privileges and immunities;	n) дипломатическое представительство;
15) peace-making diplomacy;	o) дипломатические средства;
16) diplomatic intercourse;	p) дипломатические привилегии и иммунитеты;
17) to call for a diplomatic settlement;	q) оказывать дипломатическую поддержку; r) дипломатическое представительство;
18) diplomatic representation;	s) дипломатическим путём, по дипломатическим каналам;
19) through diplomatic channels;	t) решение (проблемы, конфликта и т. д.) дипломатическим путём / путём переговоров
20) to appoint smb. (to be) a diplomat	

➤ 20. Translate the following text into Russian.

Obligations to the Host State

The granting of privileges and immunities does not mean that persons who enjoy them may ignore the laws and regulations of host States. The Vienna Convention notes explicitly that, without prejudice to their privileges and immunities, all persons enjoying them have the duty to respect the laws and regulations of host States. They also have the duty not to interfere in the State's internal affairs.

While diplomats cannot be brought to court for violating the laws and regulations of host countries, they may be declared *persona non grata* by the government of a host country and will then have to leave.

According to the Vienna Convention, diplomats cannot engage in professional or commercial activities for personal gain.

➤ 21. Write 350-500 words summary "Diplomatic Privileges and Immunities".

➤ 22. Render the text into English.

ДИПЛОМАТИЧЕСКОЕ ПРАВО

Дипломатическое право – система международно-правовых норм, относящихся к статусу и функциям государственных органов внешних сношений (иными словами, регулирующих порядок установления и осуществления межгосударственных официальных контактов). К дипломатическому праву относятся: нормы, регулирующие межгосударственные отношения, возникающие в связи с обменом дипломатическими представительствами и их деятельностью; нормы, регулирующие межгосударственные отношения, возникающие в связи с посылкой одним государством в др. миссии специальной, т.е. делегации или представителя для решения того или иного внешнеполитического вопроса; нормы,

6. In the host country, the foreign envoy is free of ... and military obligations.	g) levied
7. A diplomat's baggage and household effects are not ... by the host country or by third countries crossed in transit, in which immunity is also held.	h) embassy
8. Many people escaping persecution are seeking/taking in this country.	i) exempted
9. Taxes should be ... more on the rich than on the poor.	j) taxes
10. The personal luggage of diplomats is ... from inspection.	k) refuge

18. Choose words from the group below to complete the text. It may be necessary to change the form of the given words.

prohibit; beyond; enjoy (3); oblige; detain; investigate (2); direct; use; duties; conduct; locate; inheritance; permit; storage; inviolable (2); inviolability (2); official; premises; with; outrage; levy; ground; exempt; municipal; dues.

Personal Privileges and Immunities

Personal immunity. The person of the head of a diplomatic mission and of members of its diplomatic staff is 1) ...

They cannot be arrested or 2) ... in any way. The host State has the duty to treat them 3)... due respect and to take all appropriate measures to prevent any 4) ... on their person, freedom or dignity.

The personal 5) ... of a diplomat begins from the time of his 6) ... on the territory of the host country and remains in effect until his departure.

The inviolability of residence. The diplomat's private residence 7)... the same inviolability and protection as the 8) ... of his mission.

All papers, correspondence and property of a diplomat, as well as his means of transportation, are also 9) ...

Immunity from jurisdiction. Diplomats 10) ... immunity from the criminal jurisdiction of host States. Their court and 11) ... agencies, on receiving requests for 12) ... with regard to diplomats, must recognize that these matters are 13)... the jurisdiction of their courts.

Diplomats also 14) ... immunity from civil jurisdiction, except in the cases that concern real actions for privately-owned real estate 15) ... on the territory of the host State; actions for 16) ... in which diplomatic representatives appear as private persons; actions relating to any professional or commercial activity 17) ... by the diplomatic representative in the host State outside his 18) ... functions. Diplomats are not 19) ... to give evidence as witnesses.

Fiscal immunity. Diplomats are exempted from all taxes, 20) ... and duties on their persons or property by state, local and 21) ... authorities, with the exception of 22)... taxes, inheritance taxes and certain dues.

Customs privileges. In accordance with the laws and rules that it may adopt, the host State 23)... diplomats to import objects to be 24)... by their mission, and for their personal use and that of members of their families, without collecting customs 25)... , taxes and 26)... , with the exception of duties for 27) ... , transportation, and similar services.

The personal luggage of diplomats is 28) ... from inspection when there are no serious 29) ... for assuming that it contains objects whose importation or exportation is 30) ... by law.

These privileges and immunities are also given to those members of the diplomats' family who are not nationals of the host State.

.....

that it possesses also follow from the basic principles of international law governing the relations among equal and sovereign States. This dual nature of diplomatic privileges and immunities is recorded in the Preamble to the Vienna Convention on Diplomatic Relations.

According to modern international law, the diplomatic mission is an organ of the State and its staff are employees of a state agency. Accordingly, diplomatic privileges and immunities are divided into two categories, namely, the privileges and immunities of the diplomatic mission and the personal privileges and immunities of its staff members.

Privileges and Immunities of the Diplomatic Mission

The inviolability of premises. Above all the inviolability of the mission's premises means that the authorities of the host State cannot enter into these premises except with the consent of the mission's head. The host State is specially responsible for taking all measures necessary to protect the mission's premises from any unwarranted entry or damage, and for preventing all breaches of the mission's security and avoiding insults to its worthiness and reputation.

The term "premises of a mission" refers to the buildings or parts of buildings that are used by the mission for its own purposes, including the residence of the head of the mission, no matter to whom the right of ownership of these buildings may belong, including the land on which the given building or parts of buildings are located.

The mission's premises, its furnishings and any other property that they contain, and also vehicles employed by the mission, enjoy immunity from search, requisition, arrest and executive actions.

But the inviolability of the mission's premises does not imply a right to use it as a refuge for persons pursued by authorities of the host State.

Fiscal immunity. The mission's premises, whether owned or rented, are freed from all state, district and municipal taxes, duties and levies, except for those that are payments for specific types of service.

The inviolability of the mission's archives and documents. They are inviolable at all times, independently of their location.

The freedom of missions to communicate. All official correspondence of the mission is inviolable.

➤ 16. Complete the following sentences using the required information from the above text.

- 1) The privileges and immunities of the diplomatic mission include special rights and privileges accorded....
- 2) The host State is specially responsible for taking all measures necessary to protect the mission's premises from ...
- 3) The primary basis for assigning a special status to such a specific organ of the State is the need to provide ...
- 4) The activities of diplomatic mission must be free from ...
- 5) According to modern international law, the diplomatic mission is an organ of the State and its staff are ...
- 6) The mission's premises, its furnishings and any other property that they contain, and also vehicles employed by the mission, enjoy...
- 7) But the inviolability of the mission's premises does not imply a right to use it as a refuge for persons ...
- 8) Accordingly, diplomatic privileges and immunities are divided into two ...
- 9) The mission's archives and documents are inviolable ...
- 10) The term "premises of a mission" refers to ...

➤ 17. Fill in the gaps using the words from the right column.

1. One basic principle would be the ... of national borders. e	a) consent
2. The takeover of the ... constitutes a blatant violation of international law.	b) inspected
3. She enjoys diplomatic and so she cannot be prosecuted in the normal way.	c) searched
4. The agreement was terminated by mutual ...	e) inviolability
5. Diplomatic agents and their families are inviolable, meaning they cannot be ... or harmed in any way.	f) privilege

- 3) What has led to a widening of the functional sphere of diplomacy?
- 4) What is a diplomatic mission?
- 5) How many types of missions do you know?
- 6) Is a legation headed by an ambassador?
- 7) Diplomatic missions are established by agreement between States, aren't they?
- 8) What led to disputes and conflicts before the beginning of the 19th century?
- 9) Is the appointment of diplomatic representatives governed by both domestic legislation and by international law?
- 10) What does the government do before appointing the head of a diplomatic mission?
- 11) Who signs the letters of credence?
- 12) When does a diplomatic mission begin its activity?
- 13) What is the most common cause of the termination of the functions of a diplomatic representative?
- 14) A request by the receiving State that a diplomatic representative be recalled is effected only in extreme cases, isn't it?

➤ 13. Translate the text into English.

Функции дипломатического представительства

Функции дипломатического представительства определяются международным правом и внутренним правом государств. В каждом государстве имеются правовые нормы, регламентирующие функции дипломатических представительств этого государства, разумеется, в рамках, допустимых международным правом.

Согласно Венской конвенции о дипломатических сношениях 1961 года, функции дипломатического представительства состоят:

- 1) в представительстве аккредитуемого государства в государстве пребывания;
- 2) в защите в государстве пребывания интересов аккредитуемого государства и его граждан в пределах, допускаемых международным правом;

3) в ведении переговоров с правительством государства пребывания;

4) в выяснении всеми законными средствами условий и событий в государстве пребывания и сообщении о них правительству аккредитуемого государства;

5) в поощрении дружественных отношений между аккредитуемым государством и государством пребывания и в развитии их взаимоотношений в области экономики, культуры и науки.

Наряду с указанными функциями в настоящее время дипломатические представительства выполняют нередко и консульские функции, для чего в таких случаях в составе посольств и миссий образуются консульские отделы.

➤ 14. Make a report covering the information acquired.

.....

➤ 15. Read the text and give opposites for the highlighted words.

Privileges and Immunities of Diplomatic Missions and of Their Members

The Concept and Its Grounds

The privileges and immunities of the diplomatic mission include special rights and privileges accorded under international law to foreign diplomatic missions, their heads and staff members.

In order that the diplomatic mission may perform its functions as the organ representing a State, its activities must be free from the control of the authorities of the host State. Even in ancient times this gave rise to the institution of the **inviolability** of ambassadors under international law.

The primary basis for assigning a special status to such a specific organ of the State is the need to provide the conditions that it needs to carry out its functions. However, it must also be remembered that the embassy represents a State, and that all the **privileges** and immunities

The functions of a diplomatic representative may be terminated in the following way: 1) through his recall by the accrediting State; 2) if the government of the receiving State declares that he is no longer trusted (*persona non grata*); 3) as a result of the cessation of diplomatic relations; 4) in the event of a war between the accrediting and receiving States; 5) if the accrediting or receiving States cease to exist as subjects of international law.

The most common cause of the **termination** of the functions of a diplomatic representative is his recall by his own government. The head of the receiving State is then sent a letter of recall that is submitted to him either by the diplomatic representative who is being recalled or by his successor.

A request by the receiving State that a diplomatic representative be recalled is effected only in extreme cases. Legally it means that its agreement is rescinded. This cannot be disputed by the accrediting State; however, it may express its disagreement with the stated motivations and, having submitted to the demand, draw the necessary conclusions.

➡ 9. Give synonyms for the highlighted words.

➡ 10. Match the words with their definitions.

1) <i>charges d'affaires</i> /	a) the group of people who represent their country in a foreign country, or the building they work in
2) ambassador	b) it means the special rights that diplomats have while working in a country that is not their own, such as freedom from legal action.
3) envoy	c) a group of officials who represent their government in a foreign country but who have less importance than an embassy
4) <i>persona non grata</i>	d) to officially recognize, accept or approve of (someone or something)
5) legation	e) someone who is sent as a representative from one government or organization to another

6) embassy	f) a person who represents the leader of his or her government, either temporarily while the ambassador is away, or permanently in a country where there is no ambassador
7) to recall	g) the management of relationships between countries
8) diplomacy	h) to order the return of (a person who belongs to an organization or products made by a company)
9) diplomatic immunity	i) an important official who lives in a foreign country to represent his or her own country there, and who is officially accepted in this position by that country
10) to accredit	j) a person who is not wanted or welcome in a particular country, because they are unacceptable to its government

➡ 11. Find in the text above the English equivalents for the following words and phrases.

1) прекращение функций дипломатического представителя; 2) посланник; 3) дипломатический представитель; 4) государство пребывания; 5) приводить к спорам и конфликтам; 6) дипломатическое представительство; 7) посольство; 8) миссия; 9) посол; 10) назначение дипломатического представителя; 11) папские нунции; 12) внутреннее (национальное) законодательство; 13) глава дипломатического представительства; 14) согласие на принятие назначаемого лица; 15) верительные грамоты; 16) глава государства пребывания; 17) выполнять функции в государстве пребывания; 18) интернунции; 19) заверенные копии; 20) министерство иностранных дел государства пребывания; 21) лицо утратившее доверие; 22) разрыв дипломатических отношений; 23) поверенные в делах; 24) война между аккредитовавшим и принявшим государством; 25) быть оспоренным аккредитуемым государством

➡ 12. Answer the following questions.

- 1) Where does the term "diplomacy" derive from?
- 2) How can you explain "diploma"?

corresponding words that were given to state representatives being sent abroad.

Diplomacy is usually defined as the official activity of a given State's organs of external relations in pursuing through peaceful means the objectives and tasks of its foreign policy and in protecting its rights and interests as well as those of its citizens abroad. The expansion and consolidation of political, economic, scientific, technical, cultural and other relations among States has also led to a widening of the functional sphere of diplomacy. It cannot avoid becoming engaged in all these problems, even though they cannot be solved through diplomatic means alone. In particular the role of international economic problems in diplomatic activities has greatly increased, so that there are now occasional references to economic diplomacy.

2

A diplomatic mission is an organ of one State located on the territory of another State for the purpose of conducting diplomatic relations with that State.

There are two types of diplomatic missions – embassies and legations. An embassy is headed by an ambassador, and a legation, by an envoy or a permanent charge d'affaires. After the Second World War there was a sharp decline in the number of legations, while the number of embassies increased. Today there are very few legations.

Diplomatic missions are established by agreement between States. They are organs representing a State on all matters, and may act on its behalf in relations with host States and with diplomatic missions of other States in the host State.

3

According to international law, the diplomatic representative is the only person representing his State in the host State in all matters. He is also the highest-ranking representative in relation to all other possible permanent representatives of that State in the Host State.

4

Before the beginning of the 19th century there did not exist any rigorous classification of diplomatic representatives and of their seniority, and this often led to disputes and conflicts.

The 1961 Vienna Convention on Diplomatic Relations consolidated the practice of dividing heads of diplomatic missions into three categories: ambassadors and papal nuncios; envoys, ministers and internuncios; and charges d'affaires.

5

The appointment of diplomatic representatives is governed by both domestic legislation and by international law. In each State there exists a specific procedure for appointing diplomatic representatives.

According to international law, before appointing the head of a diplomatic mission, the government of the host State is asked for its agrément (agreement) to receive the candidate for appointment. It is not required to give its reasons for refusing.

Once such an agrément has been received, an announcement is generally made in the press concerning the appointment.

At the time of his departure to the host State, the ambassador or envoy is given letters of credence signed by the head of the sending State and addressed to the head of the receiving State. These letters of credence ask that their bearer be trusted as a person representing his State in all relations with the receiving state.

6

The Vienna Convention on Diplomatic Relations establishes that the time when the head of a diplomatic mission is considered to have begun to perform his functions in the host State depends on the practice of that State, which must be applied in a uniform manner. This may be either from the moment that he submits his letters of credence or from the moment when certified copies of his letters of credence are presented to the ministry of foreign affairs of the host State.

A diplomatic representative accredited in a given country remains such until his official functions are terminated.

(the Vienna Regulations) on the ranks of diplomatic representatives with the Aachen Protocol of 1818 as a supplement. In the course of time these norms gained general acceptance.

Following the Second World War a number of international conventions were concluded whose aim was to codify the progressive development of diplomatic and consular law. They are: the 1961 Vienna Convention on Diplomatic Relations, which came into force in 1964, the 1963 Vienna Convention on Consular Relations, which came into force in 1967; the 1969 Convention on Special Missions; the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents; the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character.

The corresponding terms concerning the privileges and immunities of international organizations are usually contained in their Charters. Two basic conventions are in force with regard to the United Nations and its specialized agencies, namely, the 1946 Convention on the Privileges and Immunities of the United Nations, and the 1947 Convention on Privileges and Immunities of the UN Specialized Agencies. Besides the United Nations and its specialized agencies have bilateral agreements with host States on questions of **privileges and immunity**. The privileges and immunities of regional organizations are governed by corresponding regional agreements.

There are a large number of bilateral conventions on consular relations that differ substantially from the 1963 multilateral Convention on Consular Relations.

⇒ 4. In the above text find the English equivalents for the following words and word combinations and make your own sentences using them.

1) дипломатическая неприкосновенность; 2) отрасль международного права; 3) привилегии и иммунитеты межправительственных организаций; 4) Венская конвенция о дипломатических сношениях; 5) постоянные дипломатические представительства; 6) правовое положение; 7) деятельность органов внешних сношений; 8) нормы обычного права; 9) Конвенция о пре-

дотвращении и наказании преступлений против лиц, пользующихся международной защитой, в том числе дипломатических агентов; 10) двусторонняя конвенция

⇒ 5. List the basic treaties on Consular and Diplomatic Law.

⇒ 6. Speak on the Concept of Diplomatic and Consular Law.

.....

DIPLOMATIC LAW

⇒ 7. Consult your dictionary for the right stress in the following words and memorize their meaning.

pursuing; legation; envoy; charge d'affaires; papal nuncios; internuncios; agrément; credence; accredited; rigorous; bearer; rescind.

⇒ 8. Read the text and label the paragraphs with the correct headings. One heading does not match.

- A. Representation
- B. The Personnel of Diplomatic Missions
- C. Categories and ranks of diplomatic representatives
- D. The Concept of a Diplomatic Mission and Existing Types
- E. The beginning and termination of a Diplomatic Mission
- F. Diplomacy
- G. Procedure for appointing diplomatic representatives

Diplomatic Missions

1	F
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The term "diplomacy" derives from the Greek "diploma". This was the name given in ancient Greece to paired wooden slabs with

UNIT 5. DIPLOMATIC AND CONSULAR LAW

"All war represents a failure of diplomacy"
Tony Benn

➤ 1. What do you know about Diplomatic and Consular Law? Choose the right answer.

1) The Vienna Convention on Diplomatic Relations came into force in

- a) 1961 b) 1964 c) 1963

2) Diplomatic law developed gradually, particularly after the emergence in Europe in the ... centuries of permanent diplomatic missions.

- a) 15 – 16th b) 17 – 18th c) 16 – 18th

3) The terms concerning the privileges and immunities of international organizations are usually contained in the

- a) Charters b) the Vienna Convention on Diplomatic Relations
c) the Convention on Special Missions.

4) Before the Second World War diplomatic and consular law consisted almost entirely of

- a) treaties b) customary norms c) judicial decisions.

5) The institution of permanent consuls first developed in

- a) Ancient Greece b) ancient Rome c) France

➤ 2. Consult your dictionary for the right stress in the following words and memorize their meaning.

procedure, privilege, ambassador, feudalism, Aachen, bilateral, substantially, multilateral, widen.

➤ 3. Read the following text and explain the words and phrases in bold.

The Concept of Diplomatic and Consular Law

Diplomatic and consular law is that part of international public law that comprises the principles and norms relating to procedures for conducting relations among States and among other **subjects of international law**. Diplomatic and consular law regulates primarily the legal position and activities of state organs of external relations and of officials and staff members of these organs, as well as questions relating to the privileges and immunities of inter-governmental organizations and of their officials and staff members.

Diplomatic and consular law represents one of the oldest **branches** of international law. The institution of **ambassadors**, who were sent to other States on particular occasions, appeared in very ancient times. At the same time there also emerged the beginnings of diplomatic law, above all the norms concerned with the immunity of ambassadors. Diplomatic law developed gradually, particularly after the emergence in Europe in the 16th-18th centuries of permanent diplomatic missions.

The institution of permanent consuls first developed in Ancient Greece, and with it the beginnings of consular law, which then developed especially rapidly in the period of feudalism.

During the last decade, the sphere of operation of diplomatic and consular law has widened substantially because of the emergence of many new States and of such new subjects of international law as international organizations. Together with other phenomena this has led to the appearance of new **subdivisions** of this branch of international law.

Basic Treaties on Diplomatic and Consular Law

Before the Second World War diplomatic and consular law consisted almost entirely of customary norms. The only general international agreement was the Protocol of the Congress of Vienna of 1815

5) Rules which might be categorized as ... are those prohibiting genocide, slavery and the use of force.

6) A treaty is ... if it has been null and void from the very first.

7) ... is the actual implementation of the treaty's terms and in the Vienna Convention is governed by article 24.

8) ... is the process by which a state which was not a signatory of the treaty may nevertheless become a party to the treaty and be bound to its terms.

9) A treaty that is ... may be challenged on such grounds as the violation of domestic legal norms relating to the procedure for concluding treaties, error, fraud and corruption.

10) ... provides an additional opportunity to carefully consider the rights and obligations of a treaty before consenting to be bound by its terms.

11) ... signifies that the negotiations have been completed, disputed points have been resolved, and the wording of the final document agreed upon.

12) ... treaties include alliances, peace settlements, disarmament agreements, and territorial settlements.

13) Every treaty in force is binding upon the parties to it and must be performed by them ...

14) The principle that treaties must be observed – ... – constitutes the foundation of the law of treaties.

15) ... treaties deal with tariffs, fishing rights, navigation, and the opening of consulates and offices of tourism.

II. Fill in the prepositions where necessary.

- 1) to comply ... terms;
- 2) every treaty ... force is binding ... the parties;
- 3) to be performed ... the parties ... good faith;
- 4) signatories ... a multilateral treaty;
- 5) signatories must refrain ... acts;
- 6) to carry ... the treaty's provisions;
- 7) treaties pertaining ... civil law;

8) to conclude ... a treaty;

9) conduct ... war;

10) ... the basis ... international law;

III. Translate the sentences into Russian.

1) "Reservation" means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State;

2) "Treaty" means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;

3) The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed.

IV. Translate the sentences into English.

1) «Полномочия» означают документ, который исходит от компетентного органа государства и посредством которого одно или несколько лиц назначаются представлять это государство в целях ведения переговоров, принятия текста договора или установления его аутентичности, выражения согласия этого государства на обязательность для него договора или в целях совершения любого другого акта, относящегося к договору.

2) «Участвующее в переговорах государство» означает государство, которое принимало участие в составлении и принятии текста договора;

3) Текст договора принимается на международной конференции путем голосования за него двух третей государств, присутствующих и участвующих в голосовании, если тем же большинством голосов они не решили применить иное правило.

⇒ 33. *Translate the phrases into English.*

1) договор о дружбе сотрудничестве и взаимной помощи; 2) договор о ненападении; 3) заключить договор; 4) нарушение бессрочного договора; 5) придерживаться договора; 6) отказаться от договора; 7) выйти из договора; 8) нарушить договор; 9) присоединиться к договору; 10) нарушение бессрочного договора.

⇒ 34. *Render the text into English.*

Международный договор как источник международного права

Международный договор как источник международного права – основной и главный источник международного права, что нашло отражение в Уставе ООН и в Статуте Международного Суда ООН. Договор в наиболее четкой и определенной форме выражает соглашение между субъектами международного права о создании юридически обязательных для них правил – международно-правовых норм, касающихся установления, изменения или прекращения их взаимных прав и обязанностей. Подавляющее большинство норм современного международного права имеет договорный характер.

Международный договор как источник международного права может создавать общие нормы, рассчитанные на многократное применение, и индивидуальные нормы, применяемые к конкретным случаям. К источникам международного права относятся как межгосударственные договоры, так и договоры с участием международных организаций. Все международные договоры, независимо от числа участников, являются источниками международного права. Лишь правомерные договоры принадлежат к подлинным источникам международного права, т. е. договоры, заключенные добровольно, при равноправном волеизъявлении сторон, без применения силы и угрозы силой, в соответствии с общепризнанными принципами международного права.

Значение международных договоров как источников международного права различно. Важную роль играют универсальные договоры, отражающие интересы всех государств и открытые для участия в них любого государства. Особое место среди них занимает Устав ООН – основной источник международного права, имеющий наивысшую юридическую силу среди международных договоров. Как установлено в ст. 103 Устава, "в том случае, когда обязательства Членов Организации по настоящему Уставу окажутся в противоречии с их обязательствами по какому-либо другому международному соглашению, преимущественную силу имеют обязательства по настоящему Уставу". Возрастающее значение международного договора как главного источника международного права нашло отражение в Венской конвенции о праве международных договоров 1969 г.

⇒ 35 a. *Summarize the information of the unit and be ready to speak on the law of treaties. The first step to be done is to write the plan of your future report.*

b. *Choose any question (topic, problem) relating to the law of treaties and make a 5-7 minute report in class.*

TEST

☞ 1. *Fill in the missing words.*

1) In the case of bilateral treaties war ... the operation of political treaties between warring parties.

2) The ... of a treaty temporarily frees the signatories from their obligation to execute it, but it does not influence the rights and obligations that they have acquired under its terms.

3) The term ... refers to the unilateral legitimate termination of a treaty in accordance with terms that are not contained in the treaty.

4) ... means the legitimate unilateral termination of a given treaty on terms that are provided for within it.

questions that may arise in regard to a treaty ... from the 4) ... of hostilities between States". Nevertheless the Convention does contain a number of general propositions that provide a basis for solving this problem also. 5) ... particular the beginning of war makes it impossible for the States at war to fulfil many of their treaties. Because of the impossibility of 6) ... them, some treaties are suspended and others that are subject to bilateral changes are 7)

The advent of war produces 8) ... changes in conditions that provided important grounds 9) ... the agreement to sign many of the treaties. An act of aggression implies substantial violations of many treaties and this provides the country subjected to aggression with 10) ... for terminating them. The aggressor State cannot refer to its own actions as grounds for terminating treaties. The Vienna Convention has established that a signatory may not 11) ... to the impossibility of executing a treaty or to a radical change in circumstances when they result from 12) ... by that signatory of his own international obligations. Treaties that are imposed by aggressors on their victims are 13) ..., for aggression is the most dangerous form of the use of force in violation of the principles of international law. At the same time a State that has been the victim of aggression has the right to decide which of its pre-war treaties it wishes to 14)

15) ... the case of bilateral treaties war terminates the operation of political treaties 16) ... warring parties, including treaties of friendship, cooperation and non-aggression, and also treaties of alliance. Similarly bilateral treaties 17) ... economic, scientific and technical, cultural, and other types of cooperation in specific spheres also become 18)

Following the beginning of war, treaties begin to 19) ... that were specifically concluded for such a 20) ..., such as treaties on the protection of victims of war, prohibiting the use of particular types of 21) ..., and concerning neutralized territories.

In the event of war between some of the signatories 22) ... multilateral treaties, the treaties remain in 23) ... but are suspended 24) ... regard to the warring parties until the state of war itself is 25) With regard to relations between the warring parties and neutral signatories the treaties continue to operate.

32. Match the English phrases in A with their Russian equivalents in B. Learn the following collocations.

A.	B.
1) a basic treaty	g) выйти из договора
2) to withdraw from a treaty	b) нарушить договор;
3) a demarcation treaty	с) договор об ограничении стратегических наступательных вооружений (ОСВ)
4) a non-aggression treaty	d) договор о цессии
5) to violate a treaty	e) отказаться от договора;
6) a peace treaty	f) ратифицировать договор
7) Strategic Offensive Arms Limitation Treaty	g) основополагающий договор
8) a treaty of alliance	h) договор о взаимной безопасности
9) a treaty of cession	i) нарушение бессрчного договора;
10) a treaty of friendship, cooperation and mutual assistance	j) бессрчный договор
11) a treaty of mutual security	k) продление срока действия договора
12) a treaty of unlimited duration	l) подписать договор
13) breach of an international treaty	m) договор о ненападении;
14) prolongation of a treaty	n) придерживаться договора;
15) to sign a treaty	o) денонсировать договор
16) to accede to a treaty	p) заключить договор;
17) to adhere to a treaty	q) продлить действие договора
18) to conclude a treaty	r) соблюдать договор;
19) to denounce a treaty	s) продлить действие договора
20) to enter into a treaty	t) заключить договор
21) to extend the validity of a treaty	u) присоединиться к договору
22) to observe a treaty	v) договор о дружбе сотрудничестве и взаимной помощи;
23) to prolong the validity of a treaty	w) союзный договор
24) to ratify a treaty	x) мирный договор
25) to renounce a treaty	y) договор о демаркации границ;

26. Match the words with their definitions.

1. withdrawal <i>b</i>	a) a coming to an end, esp of a contract period; termination
2. term	b) an act or process of withdrawing; retreat, removal, or detachment
3. expiry	c) to make or become different in some respect; change
4. denunciation	d) to act in accordance with rules, wishes, etc.; be obedient (to)
5. annulment	e) a limited period of time
6. alter	f) to abstain (from action); forbear
7. diminish	g) an interruption or temporary revocation
8. refrain	h) a formal invalidation, as of a marriage, judicial proceeding, etc
9. comply	i) to make or become smaller, fewer, or less
10. suspension	j) a formal announcement of the termination of a treaty

27. Give the word families of the following words, as an example.

e.g. to expire (v): expiry (n); expiring (adj).

to terminate	to suspend
to withdraw	to denunciate
to annul	to violate
to notify	to contradict

28. In the above text find the English equivalents for the following words and word combinations and make your own sentences using them.

1) противоречить целям и принципам договора; 2) прекращение договора; 3) выполнять договор; 4) выход из договора;

5) коренное изменение обстоятельств; 6) правомерное одностороннее прекращение; 7) противоправные действия; 8) денонсация; 9) на основе общих норм международного права; 10) уведомление; 11) аннулирование; 12) нарушение договора другими участниками; 13) создание новой императивной нормы; 14) ссылаться на; 15) приостановление действия договора

29. Answer the following questions.

- 1) Is a treaty terminated only in accordance with the norms of international law?
- 2) What are the most widely employed grounds for the termination of a treaty?
- 3) What does denunciation mean?
- 4) What does annulment mean?
- 5) According to international law it is permitted to refer to radical changes in circumstances as a basis for annulling a treaty, isn't it?
- 6) What frees the signatories from the obligation?
- 7) What does the suspension of a treaty constitute?
- 8) Must signatories refrain from acts that would make the treaty's renovation impossible?

30. Speak on the termination and suspension of treaties.

31. Choose the words from the group below to complete the text.

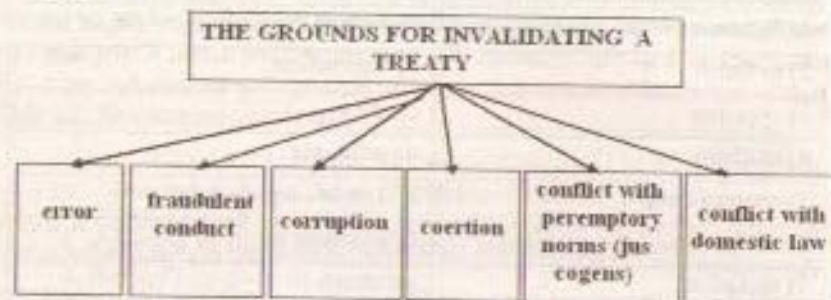
It may be necessary to change the form of the given words.

terminate (2); on (2); with; weapon; provision, state; in (2); force; outbreak; radical; for; ground; to; violation; void; restore; between; invalid; apply; implement; contingency; refer

The Effect of War on Treaties

The Vienna Convention 1) ... the Law of Treaties does not include 2) ... concerning the influence of war on treaties. In fact Art. 73 of that Convention 3) ... that its provisions "shall not prejudice any

➤ 24. Study the table and speak on the grounds for invalidating a treaty.



•••••

➤ 25. Read the following text and give opposites for the highlighted words.

The Termination and Suspension of Treaties

Termination

A treaty is terminated only in accordance with the norms of international law. The **termination** of a treaty or the withdrawal from it of a signatory are possible either in accordance with the terms of the treaty itself or with the consent of the signatories. The most **widely** employed grounds for the termination of a treaty are the expiry of the period of validity, or fulfilment of its objectives. Many treaties provide for the possibility of their denunciation.

Denunciation means the legitimate unilateral termination of a given treaty on terms that are provided for within it. A treaty that does not contain such terms cannot be denounced, with the exception of those cases in which it is established that the signatories intended to **provide** for the possibility of denunciation or else when the character of the treaty presupposes the right of denunciation. If that is the case notification concerning the intention to denounce a treaty is sent at least twelve months in advance.

The term *annulment* refers to the **unilateral** legitimate termination of a treaty in accordance with terms that are not contained in the treaty. Corresponding grounds include violation of the treaty by other signatories, the impossibility of executing it, radical changes in circumstances, and the creation of a new imperative norm. Only substantial breaches of a treaty may serve as grounds for its annulment. Similarly the impossibility of executing a treaty refers to the irreversible disappearance of the object needed to implement a treaty.

According to international law it is usually not permitted to refer to radical changes in circumstances as a basis for annulling a treaty. An exception is made in cases in which it was the presence of the original circumstances that served as the grounds for the agreement, or when the changed circumstances radically alter the treaty's sphere of application. But changes in circumstances cannot be cited at all in the case of treaties establishing a frontier, or when these changes result from **illegitimate** actions on the part of the State applying for the annulment.

The termination of a treaty frees its signatories from the obligation to comply with its terms, but it does not affect the rights and obligations of the signatories resulting from the treaty's execution.

Suspension of a Treaty

The suspension of a treaty constitutes its **temporary** termination. This is possible when its own terms provide for this, or by agreement of the signatories, or on the basis of the general norms of international law. In the last-mentioned case acceptable grounds include substantial breaches of the treaty and the temporary impossibility of executing it. In addition, two or more signatories to a multilateral treaty may conclude an agreement concerning the suspension of a treaty only with regard to themselves. However, this is permissible only if it does not diminish treaty rights of other signatories and does not **contradict** the treaty's principles and aims.

The suspension of a treaty temporarily frees the signatories from their obligation to execute it, but it does not influence the rights and obligations that they have acquired under its terms. Signatories must refrain from acts that would make the treaty's renovation impossible

not be affected by treaty. What is certain is that the norm must not only be accepted by the international community, but it must also be accepted as being of peremptory force. Rules which might be categorized as *jus cogens* are those prohibiting genocide, slavery and the use of force.

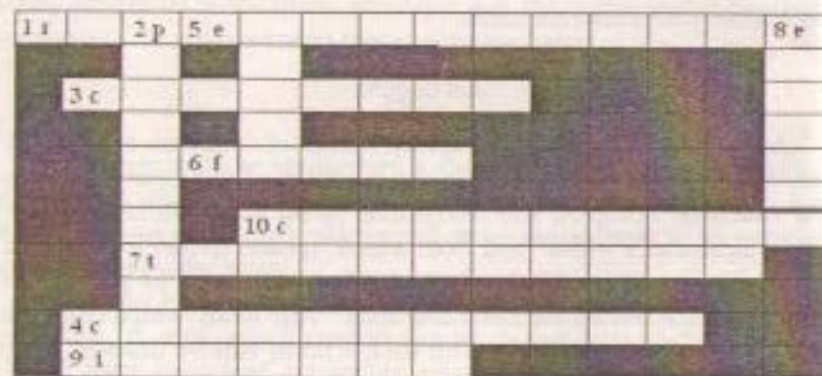
➤ 21. Do a crossword puzzle.

Across

1. a person or thing that represents another or others;
3. the act or power of coercing;
4. a result or effect of some previous occurrence;
6. deliberate deception, trickery, or cheating intended to gain an advantage;
7. the act of terminating or the state of being terminated;
9. not valid; having no cogency or legal force;
10. the act of corrupting or state of being corrupt

Down

2. the act of prohibiting or state of being prohibited;
5. a mistake or inaccuracy, as in action or speech;
8. to bring about or impose by necessity; have as a necessary invalidity;



➤ 22. Match the synonyms.

1) legitimate e	a) to terminate
2) to finish	b) opposition
3) opposite	c) duty
4) to claim	d) principle
5) contradiction	e) lawful, legal, valid
6) obligation	f) to comprise
7) violation	g) clearly
8) tenet	h) to demand
9) explicitly	i) infringement
10) to contain	j) contrary

➤ 23. Match the words in column A with the words in column B and make up sentences, using them.

A	B
1) superior h	a) cogens
2) use of	b) status
3) jus	c) State
4) basic	d) obligation
5) negotiating	e) norm
6) fraudulent	f) force
7) treaty	g) basis
8) essential	h) principle
9) peremptory	i) conduct
10) legal	j) tenet

binding on its signatories unless the contrary is established. Its validity can only be challenged on the basis of international law.

The invalidity of a treaty may be either relative or absolute. A treaty that is *relatively invalid* may be challenged on such grounds as the violation of domestic legal norms relating to the procedure for concluding treaties, error, fraud and corruption. A treaty is *absolutely invalid* if it has been null and void from the very first. Corresponding grounds may be the coercion of a representative, the coercion of a signatory State, or contradiction between the treaty and an imperative norm of general international law. The coercion of a signatory State makes a treaty invalid when this entails the threat or use of force, which is a violation of the international legal principles embodied in the United Nations Charter.

After the invalidity of a treaty has been established, it loses its legal force. Each signatory has the right to demand that the situation that was changed as a result of the execution of the treaty be restored as far as possible.

If the treaty is invalid as a result of a contradiction with an existing peremptory norm of international law, then its signatories are obliged, as far as possible, to remove the consequences of any action carried out on the basis of the terms of the treaty and contradicting that norm. If, on the other hand, the treaty is declared invalid as a result of the emergence of a new imperative norm, this does not influence the rights and obligations of the signatories resulting from the treaty before its termination, provided that the rights and obligations themselves do not contradict that imperative norm.

Error

Error may only be invoked by a state if "the error relates to a fact or situation which was assumed by that State to exist at the time when the treaty was concluded and formed an essential basis of its consent to be bound by the treaty."

Error has been invoked almost exclusively in respect of boundary questions. A state which contributed by its behavior to the error, or should have known of a possible error, cannot relieve itself subsequently of its treaty obligations. Errors in the working of the treaty are not a ground for invalidating the treaty. These must be corrected in

accordance with Article 79 of the Convention and by a procedure which may be quite informal.

Fraud and corruption

Article 49 provides that a treaty may be invalidated "if a State has been induced to conclude a treaty by the fraudulent conduct of another negotiating State..." Article 50 provides that a treaty may be invalidated if a state's consent to a treaty "has been procured through the corruption of its representative directly or indirectly by another negotiating State." Neither "corrupts," "fraudulent conduct" nor "corruption" are defined in the Convention or by international jurisprudence.

Coercion

Acceptance of a treaty through coercion, and the threat of coercion against a state "in violation of the principles of international law embodied in the Charter of the United Nations," renders a treaty void. Article 52 reflects modern international law's prohibition on the use of force. The Vienna Convention refers explicitly to the use of force as contained in Article 2(4) of the Charter of the United Nations. Political and economic coercion were not included, in spite of the efforts of the less developed countries. To have extended Article 52 would have been to open the "flood gates" and would have undermined the basic tenet, *pacta sunt servanda*.

Jus cogens

Jus cogens refers to peremptory norms of international law. A peremptory norm is defined, for the purposes of the Convention, as one which is "accepted and recognized by the international community of States as a whole" and from which "no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character." Any treaty which conflicts at the time of its conclusion with such a norm will be deemed void. The Vienna Convention establishes that there are certain rules of international law which are of a superior status and which, as such, can-

fied, or formally approved, by all parties concerned and the ratifications exchanged or deposited at a central location.

4. The council's plans have met with the *a* _____ of local residents.

5. Treaties can be either *b* _____ (between two nations) or *m* _____ (between three or more nations).

6. We have inserted certain *p* _____ into the treaty to safeguard foreign workers.

7. The agreement was terminated by mutual *c* _____.

8. Under the treaty, both sides will *s* _____ away a third of their nuclear weapons.

9. The *c* _____ of the deal/treaty will make the world a safer place for all of us.

10. The UN General Assembly unanimously *a* _____ a treaty making hostage-taking an international crime.

➤ 17. Which of the statements are true to the above text?

1. At multilateral conferences the text of the treaty is adopted by a two-thirds majority of the participants unless other provisions are made.

2. The conclusion of an international treaty consists of three stages.

3. Adoption signifies that the wording of the final document agreed upon.

4. Ratification provides an additional opportunity to carefully consider the rights and obligations of a treaty before consenting to be bound by its terms.

5. Accession is the actual implementation of the treaty's terms.

➤ 18. Complete the following sentences using the required information from the above text.

1) Adoption of the text of the treaty does not conclude the treaty but is one step in a series of steps necessary to

2) Consent may be expressed in many ways:

3) The subject matter of the treaty is composed of the rights

4) "Adoption" is generally defined as

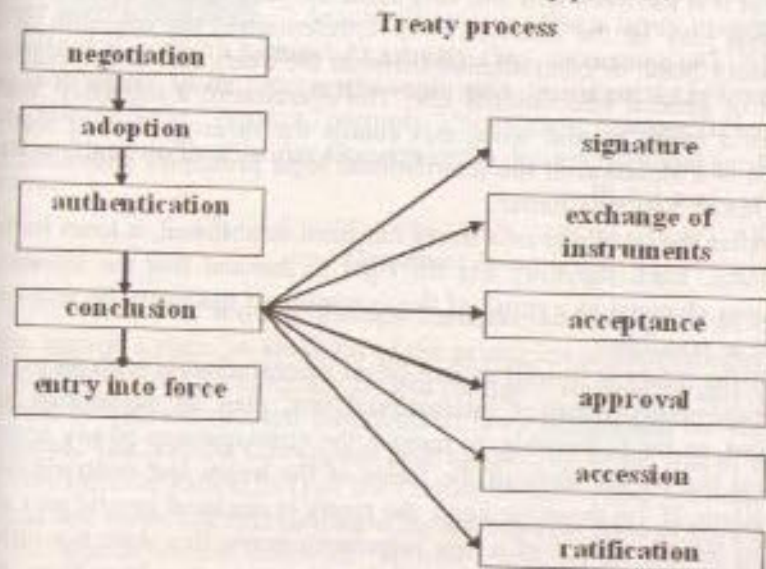
5) Ratification is a check on the treaty-making powers of the executive branch by passing the treaty through

6) Accession is the process by which a state which was not a signatory of the treaty may ...

7) "Acceptance" is an expression of consent to be bound either without a signature or after ...

8) Entry into force often occurs when specific requirements ...

➤ 19. Look at the table and speak on the treaty process.



.....

➤ 20. Read the text and give synonyms for the highlighted words.

The Invalidity of Treaties

A treaty is valid when its contents are legitimate, when it is concluded by parties that have the right to do so, when it comes into force in accordance with a legitimate procedure, and when it has not been terminated in accordance with international law. Under international law, it is presumed that a given treaty is valid: each treaty in force is

C

The signing of the treaty may, by itself, signify the state's definitive consent to be bound when: the treaty states that the signature is a signal of the state's definitive consent; it is otherwise established by the contracting parties; or intent that the signature establishes definitive consent is indicated from the "full powers" document or otherwise expressed during the negotiations.

D

Historically, ratification was the process of verifying the authority given the representatives who had negotiated and signed a treaty, but the modern understanding in many states is that ratification is a check on the treaty-making powers of the executive branch by passing the treaty through the parliamentary/legislative branch of government. Ratification provides an additional opportunity to carefully consider the rights and obligations of a treaty before consenting to be bound by its terms. The law of treaties, as reflected in the Vienna Convention, does not require ratification for a state to be bound by a treaty, and many informal international agreements bind parties on the basis of a signature alone.

E

Accession is the process by which a state which was not a signatory of the treaty may nevertheless become a party to the treaty and be bound to its terms. Parties to a treaty are not given different treatment according to the manner in which they became parties.

F

Article 14 of the Vienna Convention refers to "acceptance" as "an expression of consent to be bound either without a signature or after a non-binding prior signature." Acceptance is not so much an actual method of consent as it is a term seen in treaty provisions, the meaning of which varies according to the context.

G

The term "approval" was introduced into international law to correspond to the internal procedures of states which call for the "approval" of treaties.

H

Entry into force is the actual implementation of the treaty's terms and in the Vienna Convention is governed by article 24. Entry into force often occurs when specific requirements laid out in the treaty have been met.

➤ 14. Complete the table.

noun	verb		noun	verb
consent	consent		.....	approve
exchange	sign
government	accept
authentication	conclude
ratification	accede

➤ 15. Translate the following words and phrases into English and make up sentences using them.

1) принятие; 2) утверждение; 3) выражать согласие; 4) вступить в силу; 5) полномочия; 6) оговорка; 7) окончательное согласие; 8) право международных договоров; 9) дополнительная возможность; 10) подписывать договор.

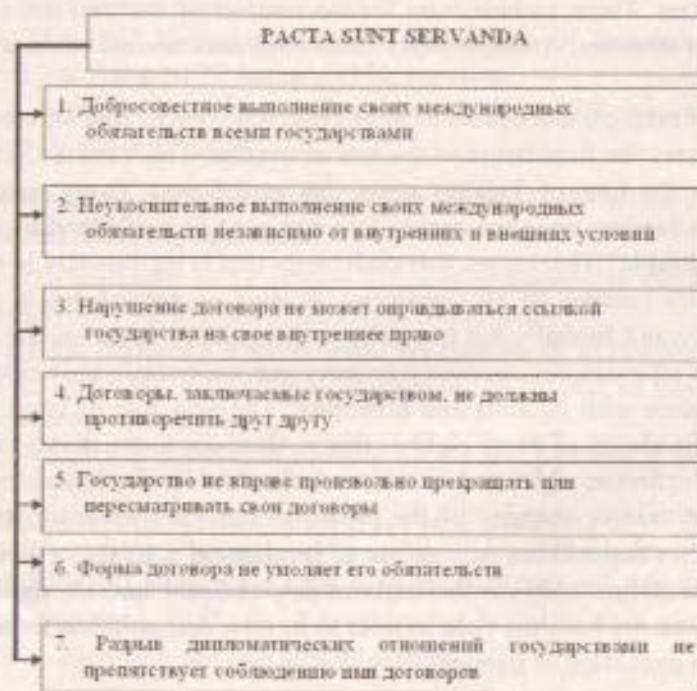
➤ 16. Fill in the missing terms in the sentences below according to the above text.

- Many countries have now *r* _____ the UN convention on the rights of the child.
- The *t* _____ on European union calls for the creation of a single currency by 1999.
- In modern practice a treaty may be signed by agents with *f* _____ *p* _____ to do so, but it is still not valid until it has been rati-

➤ 10. In the above text find the English equivalents for the following words and word combinations and make your own sentences using them.

1) правила ведения военных действий; 2) политический договор; 3) торговый договор; 4) соглашение о разоружении; 4) тариф; 5) права на ловлю рыбы; 6) специализированные учреждения (в ООН); 7) уголовное судопроизводство; 8) международное преступление; 9) предусматривать; 10) выдача (преступника властям); 11) торговая марка; 12) авторское право; 13) содержать; 14) гражданское право; 15) мореплавание; 16) действующий договор; 17) «договоры должны соблюдаться»; 18) исполнять добросовестно; 19) запрещать злоупотребление договорными правами; 20) на основании международного права.

➤ 11. Translate the following table into English and speak about the main principle of the Law of Treaties "Pacta sunt servanda".



➤ 12. Give a brief summary of the above texts.

.....

➤ 13. Read the following text and entitle the paragraphs.

The Conclusion of Treaties

A. Stages in the Conclusion of Treaties

The conclusion of an international treaty consists of two stages:

a) the first stage is a harmonizing of wills of States or of other subjects of international law with regard to rules of conduct, i.e. concerning the text of the treaty. In concluding bilateral treaties this includes negotiations between parties and arriving at accord on the text of the treaty. In concluding multilateral treaties this stage consists in the drafting and adoption of the text of the treaty by the corresponding international conference or organ of an international organization. At multilateral conferences the text of the treaty is adopted by a two-thirds majority of the participants unless other provisions are made.

b) the second stage concerns a harmonizing of the wills of States concerning their recognition of the norms of the treaty as binding and consists of individual actions by States that may differ depending on the relevant terms of specific treaties (signing, ratification, etc).

B

Although the Vienna Convention itself does not provide a definition, "adoption" is generally defined as the formal act signifying that the form and content of the treaty have been agreed upon. Adoption signifies that the negotiations have been completed, disputed points have been resolved, and the wording of the final document agreed upon.

➔ 8. Complete the following sentences using the required information from the above text.

1. "Treaty" is the most common title of an international agreement but the following are also used: ...
2. Treaties concluded in simplified form do not ...
3. There is no universal rule as to what language or what number of languages must ...
4. Although these instruments differ from each other by title, they all have common features and international law has applied ...
5. The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, which has still not entered into force, added rules for ...
6. Main body sets forth ...
7. The preamble states the reasons for the treaty, the names of the negotiating representatives, and the authority ...
8. When a treaty is published in more than one language, the treaty itself should clarify ...
9. The 1969 Vienna Convention on the Law of Treaties, which entered into force on 27 January 1980, contains ...
10. Both the 1969 Vienna Convention and the 1986 Vienna Convention do not distinguish ...

➔ 9. Read the texts below and define which of the terms in bold match the following definitions.

- 1) the surrender of an alleged offender or fugitive to the state in whose territory the alleged offence was committed.
- 2) a tax levied by a government on imports or occasionally exports for purposes of protection, support of the balance of payments, or the raising of revenue.
- 3) the skill or process of plotting a route and directing a ship, aircraft, etc., along it.
- 4) a name or a symbol which is put on a product to show that it is made by a particular producer. The product cannot be legally made by any other producer, and the name or symbol cannot be legally used by any other producer.
- 5) to carry out; put into action; perform.

The Classification of Treaties

Treaties may be classified according to their purpose. Political treaties include alliances, peace settlements, disarmament agreements, and territorial settlements. Commercial treaties deal with **tariffs**, fishing rights, **navigation**, and the opening of consulates and offices of tourism. Some treaties are constitutional or administrative documents. The United Nations Charter is an example. Such treaties establish and regulate international organizations and specialized agencies. There are treaties that deal with criminal justice, that define international crimes such as terrorism, and that provide for **extradition**, or the process by which one state surrenders to another an individual for trial. Treaties pertaining to civil law are conventions for the protection of human rights and for the enforcement of **trademark** and copyright laws. The codifying of international law also comes within the scope of treaties. These include rules for the conduct of war and the settlement of disputes. A single treaty often embraces several of these elements.

The principle that treaties must be observed – *pacta sunt servanda* – constitutes the foundation of the law of treaties. The Vienna Convention on the Law of Treaties states this as follows: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." This means that each treaty that is legitimately in force is legally binding on all signatories. It must be carried out in good faith, i.e. not formally but honestly; each signatory State has the duty to take all measures necessary to carry out the treaty's provisions in accordance with its aims and principles. The principle of good faith prohibits abuses of treaty rights – that is, their use to the disadvantage of the legitimate rights and interests of other States. Finally, an important substantive element of the principle that "treaties must be observed" is that a State may refuse to **implement** a treaty or limit its implementation only on the basis of international law. A signatory State does not have the right to refer to its own domestic law to justify the non-execution of treaties.

national customary law. Since there was a general desire to codify these customary rules, two international conventions were negotiated. The 1969 Vienna Convention on the Law of Treaties ("1969 Vienna Convention"), which entered into force on 27 January 1980, **contains** rules for treaties concluded between States. The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations ("1986 Vienna Convention"), which has still not entered into force, added rules for treaties with international organizations as parties. Both the 1969 Vienna Convention and the 1986 Vienna Convention do not **distinguish** between the different designations of these instruments. Instead, their rules apply to all of those **instruments** as long as they meet certain common requirements.

The Vienna Convention on the Law of Treaties defines a treaty as "an international agreement concluded between States in written form and governed by international law, whether **embodied** in a **single** instrument, or in two or more related instruments and whatever its particular designation."

➡ 4. Give synonyms for the highlighted words.

➡ 5. Match the words with their definitions.

1) an instrument c	a) device impressed on a piece of wax, moist clay, etc., fixed to a letter, document, etc., as a mark of authentication
2) a treaty	b) imposing an obligation or duty
3) to set forth	c) a formal legal document
4) an accession	d) to work or talk (with others) to achieve (a transaction, an agreement, etc.)
5) to revise	e) any international agreement
6) a revision	f) the formal acceptance of a convention or treaty
7) to conclude	g) to look again at (an idea, a piece of writing, etc.) in order to make corrections or improvements to it
8) a seal	h) to arrange finally; settle

9) to negotiate	i) a stated or unstated qualification of opinion that prevents one's wholehearted acceptance of a proposal, claim, statement, etc
10) binding	j) to state, express, or utter

➡ 6. Match the words in column A with the appropriate words in column B.

A	B
1) international d	a) rights
2) to establish	b) representatives
3) modus	c) rules
4) subject	d) instrument
5) negotiating	e) form
6) contracting	f) force
7) customary	g) designation
8) to enter into	h) vivendi
9) written	i) parties
10) particular	j) matter

➡ 7. Read the above text again and answer the checkup questions.

1. What is the most common title of an international agreement?
2. Do treaties comprise 3 parts?
3. Which part of a treaty sets forth the right and obligations of the parties?
4. What languages are used in treaties?
5. When did the Vienna Convention on the Law of Treaties enter into force?
6. Has the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations entered into force?
7. Does the Vienna Convention on the Law of Treaties set forth a basic definition for a treaty?
8. Give the definition of "treaty".

UNIT 4. THE LAW OF TREATIES

"We have consistently maintained that it is a state's sovereign right to enter into treaties and international agreements. Every state must fully comply with its international obligations and commitments and in a transparent manner."
Navtej Sarna

➡ 1. What do you know about the Law of Treaties? Choose the right answer.

1) The 1969 Vienna Convention on the Law of Treaties entered into force on 27 January ...

a) 1980; b) 1981; c) 1990

2) ... is the process by which a state which was not a signatory of the treaty may nevertheless become a party to the treaty and be bound to its terms.

a) Acceptance; b) Approval; c) Accession

3) ... signifies that the negotiations have been completed, disputed points have been resolved, and the wording of the final document agreed upon.

a) Ratification; b) Accession; c) Adoption

4) A treaty is terminated only in accordance with ...

a) the norms of international law; b) the norms of domestic law; c) judicial decisions

5) The term *amendment* refers to the ... legitimate termination of a treaty in accordance with terms that are not contained in the treaty.

a) bilateral; b) unilateral; c) multilateral

➡ 2. Consult your dictionary for the right stress in the following words and memorize their meaning.

concordance; compromise; mutual; authentic; designation; authoritative

➡ 3. Read the text and give opposites for the words in bold.

Treaties

Over the past centuries, state practice has developed a variety of terms to refer to international instruments by which states establish rights and obligations among themselves. "Treaty" is the most **common** title of an international agreement but the following are also used: convention, act, general act, protocol, agreement, modus vivendi, concordance, charter, declaration, and compromise. Although there is no officially correct form, treaties generally **comprise** four parts: the title, the preamble, the main body, and the final part.

a. Title: A description of the type of treaty and the subject matter, the title often also **includes** the names of the contracting parties. Treaties concluded in **simplified** form do not usually have titles.

b. Preamble: Following the title and serving as an introduction, the preamble states the reasons for the treaty, the names of the negotiating representatives, and the authority with which the representative is cloaked.

c. Main body: This sets forth the rights and **obligations** of the parties.

d. Final part: The final part comprises the provisions setting forth the guidelines for entry into force, **termination** of the treaty, revisions, accessions, reservation, publication, and languages in which the text will be written. The treaty finally concludes with the date and place of conclusion and the signatures and seals of the contracting parties.

Language: There is no **universal** rule as to what language or what number of languages must be **utilized** for the text of the treaty. Rather, the language of the treaty is selected by the contracting parties. When a treaty is published in more than one language, the treaty itself should **clarify** which text is to be the authentic and authoritative one.

Although these instruments differ from each other by title, they all have common features and international law has applied basically the same rules to all of these instruments. These rules are the result of long practice among the States, which have accepted them as binding norms in their mutual relations. Therefore, they are regarded as inter-

- 3) matters ... the competence;
- 4) Preamble ... the Charter;
- 5) recommendations ... issues ... the areas ... expertise;
- 6) responsibility ... the maintenance ... international peace;
- 7) to attain ... common ends;
- 8) to come ... force;
- 9) to impair friendly relations ... nations;
- 10) to meet ... special sessions;
- 11) to recommend ... the GA;
- 12) to refrain ... the threat ... force
- 13) to carry ... agreements
- 14) to declare ... a trade embargo
- 15) to fulfill ... good faith;

2) III. Translate the following sentences into Russian

1) A member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

2) In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

3) Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

2) IV. Translate the following sentences into English

1) Все Члены Организации Объединенных Наций разрешают свои международные споры мирными средствами таким образом, чтобы не подвергать угрозе международный мир и безопасность и справедливость;

2) Все Члены Организации Объединенных Наций воздерживаются в их международных отношениях от угрозы силой или ее применения как против территориальной неприкосновенности, или политической независимости любого государства, так и каким-либо другим образом, несовместимым с Целями Объединенных Наций;

3) Организация Объединенных Наций не устанавливает никаких ограничений в отношении права мужчин и женщин участвовать в любом качестве и на равных условиях в ее главных и вспомогательных органах.

справедливости; отказа в международных отношениях от угрозы силой или ее применения как против территориальной неприкосновенности или политической независимости любого государства, так и каким-либо др. образом, несовместимым с целями ООН; оказания всемерной помощи ООН во всех ее действиях, предпринимаемых в соответствии с Уставом и отказа в помощи любому государству, против которого она предпринимает действия превентивного или принудительного характера; обеспечения того, чтобы государства, не являющиеся ее членами, действовали в соответствии с принципами ООН, поскольку это может оказаться необходимым для поддержания международного мира и безопасности; невмешательства ООН в дела, по существу входящие во внутреннюю компетенцию государств.

Главными органами ООН являются: Генеральная Ассамблея ООН, Совет Безопасности ООН, Экономический и Социальный Совет ООН, Совет по Опек, Международный Суд ООН и Секретариат ООН во главе с Генеральным секретарем ООН. Вместе с 14-ью специализированными учреждениями ООН образует т. наз. систему ООН. ООН и ее должностные лица пользуются привилегиями и иммунитетами, которые необходимы для достижения ее целей и для самостоятельного выполнения ими своих функций, связанных с деятельностью Организации. Постоянные представительства государств при ООН и их персонал пользуются полными дипломатическими привилегиями и иммунитетами.

➔ 32. Summarize the information of the unit and be ready to speak on the UN. The first step to be done is to write the plan of your future report.

TEST

2 I. Fill in the missing words.

- 1) The name "United Nations" was coined by United States President
- 2) The Charter on 26 June 1945 by the representatives of the 50 countries.
- 3) The Charter contains 19 ... comprising 111
- 4) The Charter provides for ... principal organs.
- 5) The General Assembly meets in regular ... sessions which open on the third Tuesday in September.
- 6) Decisions of the General Assembly on important issues are made by a of the members present and voting.
- 7) A central task of the United Nations is the ... of international disputes by peaceful means.
- 8) Resolutions of the General Assembly have the character of
- 9) Maintaining world peace and security is the responsibility of the
- 10) The Trusteeship Council was created under the ... to oversee a trusteeship system.
- 11) The International Court of Justice normally sits in plenary
- 12) The Court consists of 15 Judges elected by the and the
- 13) The International Court of Justice is the principal ... organ of the United Nations.
- 14) The Secretariat of the UN consists of the and his staff.
- 15) Under the Charter, all Members of the United Nations agree to accept and carry out the ... of the Security Council.

2 II. Fill in the prepositions where necessary

- 1) Commission ... Social Development;
- 2) decisions ... procedural matters;

global norm against weapons of mass destruction, end the sale of small arms to non-State groups, eliminate landmines, improve the protection of nuclear and chemical facilities, and increase vigilance against cyberterrorist threats.

– *Что делает ООН с целью положить конец распространению оружия?*

– With UN support, multilateral negotiations, such as those in the Conference on Disarmament, have resulted in a wide range of agreements, including the Nuclear Non-Proliferation Treaty, the Comprehensive Nuclear-Test-Ban Treaty, and treaties to establish nuclear-free zones. In the past decade, some 2 million children were killed and 5 million disabled in conflicts involving small arms and light weapons – including revolvers, assault rifles, mortars, hand grenades and portable missile launchers. Through unscrupulous arms dealers, corrupt officials, drug trafficking syndicates, terrorists and others, such weapons can bring death and mayhem into streets, schools and towns worldwide. The UN is working to curb the illicit trade in these, the weapons of choice for terrorists, criminals and irregular forces.

– *Почему ООН не может применить силу в целях обеспечения мира?*

– The UN does not have the capacity to impose peace by force. It is not a world government. It has no standing army, no military assets. It is not an international police force. The effectiveness of the UN depends on the political will of its Member States, which decide if, when and how the UN takes action to end conflicts.

– *Что делает ООН для охраны окружающей среды?*

– The UN helps bring about environmental treaties which, for example, helped to cut oil pollution from ships by 60 per cent during the 1980s; to curb cross-border pollution in North America and Europe; and to stop production in both industrialized and developing countries of many of the gases that destroy the ozone layer. Since the

first UN conference on the environment in 1972, UN agencies and programmes have helped broker more than 300 international treaties and agreements relating to endangered species, marine pollution, ozone depletion, hazardous waste, biological diversity, climate change, desertification, fisheries, and industrial chemicals and pesticides.

➤ *31. Render the text into English.*

ОРГАНИЗАЦИЯ ОБЪЕДИНЕННЫХ НАЦИЙ

Организация объединенных наций (ООН) – универсальная международная организация по обеспечению мира, безопасности и международного сотрудничества. Создана в 1945 г. по инициативе ведущих стран антигитлеровской коалиции (СССР, США, Китая, Англии и Франции).

Цели ООН: поддержание международного мира и безопасности; принятие эффективных коллективных мер для предотвращения и устранения угрозы миру и подавления актов агрессии или др. нарушений мира; разрешение мирными средствами международных споров или ситуаций, которые могут привести к нарушению мира; развитие дружественных отношений между народами; осуществление международного сотрудничества в разрешении международных проблем экономического, социального, культурного и гуманитарного характера; поощрение и развитие уважения к правам человека и основным свободам для всех, без различия расы, пола, языка и религии; быть центром для согласования действий государств в достижении целей, стоящих перед Организацией.

Для достижения этих целей члены ООН обязались действовать в соответствии с принципами: суверенного равенства; добросовестного выполнения обязательств по Уставу ООН; разрешения международных споров мирными средствами таким образом, чтобы не подвергать угрозе международный мир, безопасность и

29. Match the Russian phrases in A with their English equivalents in B. Learn the following collocations.

A	B
1) Совет по Опеке	a) within the Charter;
2) главные органы ООН	b) to hold a general debate;
3) главный совещательный орган;	c) to have no legally binding force;
4) Международный Суд ООН;	d) to impair friendly relations among nations;
5) специальные учреждения ООН;	e) to adopt a resolution by acclamation or take it by roll-call;
6) требовать большинства в 2/3 голосов	f) a simple majority;
7) простое большинство (голосов);	g) under the Charter;
8) принимать решение;	h) the main deliberative organ
9) функции и полномочия;	i) to require a two-thirds majority;
10) разоружение и регулирование вооружений;	j) lack of unanimity of permanent members;
11) в пределах Устава;	k) principal organs of the UN;
12) в соответствии с Уставом (по Уставу);	l) the UN specialized agencies
13) нанести ущерб дружественным отношениям между нациями;	m) under the resolution
14) на основании резолюции;	n) to approve the UN budget;
15) отсутствие единства среди постоянных членов;	o) the International Court of Justice
16) утвердить бюджет ООН;	p) to restore international peace and security;
17) принимать резолюцию простым одобрением или поименным голосованием;	q) functions and powers;
18) не иметь обязательной юридической силы;	r) the Trusteeship Council;
19) проводить общие прения;	s) to adopt a decision;
20) восстановить международный мир и безопасность	t) disarmament and arms regulation

30. Translate the following dialogue.

– Какую работу проводит ООН в интересах мира?

– The UN promotes peace in a multitude of ways, both directly and indirectly. In situations of manifest or simmering conflict, the UN employs tools ranging from mediation to the dispatch of peacekeeping forces. In the preventive sphere, the UN works to heal the economic and social causes of war. As a centre for diplomacy and debate, the UN provides a framework for the peaceful settlement of disputes, a means of defusing conflicts before they begin. In times of international crisis, it serves as a focal point for easing tensions and beginning negotiations. The UN also promotes peace through its development of a growing body of international law, as well as through development assistance.

– Что делает ООН для предотвращения конфликтов?

– For the United Nations, preventing conflict is as important as keeping the peace. Prevention has many aspects: it involves early warning, diplomacy, disarmament, preventive deployment and the use of sanctions when necessary. But above all, effective prevention addresses the structural faults that predispose a society to conflict.

– Что делает ООН в целях борьбы с терроризмом?

– Following the 11 September 2001 attacks on the United States, the Security Council played its part in this new global coalition. On 28 September, it adopted a wide-ranging resolution under the enforcement provisions of the UN Charter to prevent the financing of terrorism, criminalize the collection of funds for such purposes, and immediately freeze terrorist financial assets. Twelve global conventions on the issue have been negotiated under UN auspices, including the 1979 Convention against the Taking of Hostages, the 1997 Convention for the Suppression of Terrorist Bombings and the 1999 Convention for the Suppression of the Financing of Terrorism – and work is in under way on a comprehensive anti-terrorism treaty to fill any gaps left by the earlier texts. The UN is also working to strengthen the

The 7) юрисдикция of the Court covers all questions which States refer to it, and all matters provided for in the United Nations Charter or in treaties or conventions in force. States may bind themselves in advance to accept the jurisdiction of the Court, either by signing a 8) договор or convention which provides for referral to the Court or by making a declaration to that effect. Such declarations accepting compulsory jurisdiction may exclude certain classes of cases.

The Court consists of 15 Judges 9) избираются by the General Assembly and the Security Council, voting independently. They are chosen on the basis of their qualifications, not on the basis of nationality, and care is taken to ensure that the principal legal systems of the world are presented in the Court. No two Judges can be from the same country. The Judges serve for a nine-year term and may be re-elected. They cannot engage in any other occupation during their term of office.

The Court normally sits in 10) пленарное заседание, but it may form smaller Units called chambers if the parties so request. Judgments given by chambers are considered as rendered by the full Court. The Court also has a Chamber for Environmental Matters and forms 11) ежегодно a Chamber of Summary Procedure.

A central task of the United Nations is the settlement of international disputes by peaceful means. Among the methods of peaceful settlement, the Charter specifies, in Article 33, arbitration and 12) урегулирование в судебном порядке.

26. Translate the table into English.



27. Speak on the International Court of Justice

28 Read the text and give a brief summary of it.

Trusteeship Council

Chapters XI, XII and XIII cover the range of issues relating to territories where the people have not yet achieved a full measure of self-government. Chapter XI contains a comprehensive Declaration on Non-Self-Governing Territories, which urges self-government for people who live in such Non-Self-Governing Territories, and their political, educational and social advancement.

Member States recognize that the interests of the inhabitants of those territories are paramount and accept as a "sacred trust" the "obligation to promote to the utmost" the well-being of the inhabitants. Under Article 73 of the Charter, countries administering non-self-governing territories accept a series of commitments to this effect as well as agree to transmit to the Secretary-General information on the economic, social and educational conditions in the territories for which they are responsible.

The Trusteeship Council was created under Chapter XIII to oversee a trusteeship system whereby the United Nations would supervise the administration of trust territories. Trust Territories were Non-Self-Governing Territories which had been voluntarily placed under this system through individual agreements between the United Nations and the administering authorities. The Trusteeship Council has formally suspended operations after nearly half a century, with the last Trust Territory – the island of Palau, formerly administered by the United States – having achieved self-government in October 1994.

.....

as the United Nations family of organizations. It works **under the authority** of the General Assembly and reports to it. The Economic and Social Council is assisted by its own commissions and by independent specialized agencies.

The functions and powers of the Economic and Social Council are:

- To serve as the **central forum** for discussing international economic and social issues, and for formulating policy recommendations addressed to Member States and to the United Nations system;
- To make or initiate studies and reports and **make recommendations** on international economic, social, cultural, educational, health and related matters;
- To promote respect for, and observance of, human rights and fundamental freedoms;
- To call international conferences and prepare **draft conventions** for submission to the General Assembly;
- To coordinate the activities of the specialized agencies, through consultations with and recommendations to them, and through recommendations to the General Assembly and the Member States;
- To consult with **non-governmental** organizations concerned with matters with which the Council deals.

⇒ 23. In the above text find the English equivalents for the following words and word combinations and make your own sentences using them.

1) Экономический и социальный совет; 2) специализированные учреждения; 3) консультироваться с неправительственными организациями; 4) готовить проекты конвенций; 5) созывать международные конференции; 6) координировать экономическую и социальную деятельность; 7) служить центральным форумом для обсуждения международных экономических и социальных проблем; 8) выработать рекомендации; 9) поощрять уважение и соблюдение прав человека; 10) неправительственные организации;

⇒ 24. Study the table, use ex. 22, 23 and speak on the Economic and Social Council.



⇒ 25. Study the text below and give English equivalents for the words and phrases in bold.

International Court of Justice

The International Court of Justice, based at The Hague, the Netherlands, is the principal 1) **судебный** organ of the United Nations. It 2) **урегулирует** legal disputes between States parties and gives 3) **консультативные заключения** to the United Nations and its specialized agencies. Its Statute is an integral part of the United Nations Charter.

The Court is open to the parties to its Statute, which automatically includes all Members of the United Nations. A State which is not a United Nations Member may become a party to the Statute, as is the case for Switzerland and Nauru. The Court is not open to 4) **частным лицам**.

Both the General Assembly and the Security Council can ask the Court for a(n) 5) **консультативное заключение** on any legal question; other organs of the United Nations and the specialized agencies, when authorized by the Assembly, can ask for 6) **консультативные заключения** on legal questions within the scope of their activities.

resolve or contain international crises. Additionally, the Secretary-General is in an important position to mark or possibly to influence developments. The publication of *An Agenda for Peace* by Dr Boutros-Ghali, the then Secretary-General, for instance, constituted a significant point in the evolution of the organisation, with its optimistic and challenging ideas for the future.

In many disputes, the functions assigned to the Secretary-General by the other organs of the United Nations have enabled him to increase the influence of the organisation. One remarkable example of this occurred in the Congo crisis of 1960 and the subsequent Council resolution authorizing the Secretary-General in very wide-ranging terms to take action. Another instance of the capacity of the Secretary-General to take action was the decision of 1967 to withdraw the UN peacekeeping force in the Middle East, thus removing an important psychological barrier to war, and provoking a certain amount of criticism.

20. Solve the crossword puzzle using the information from the above text.

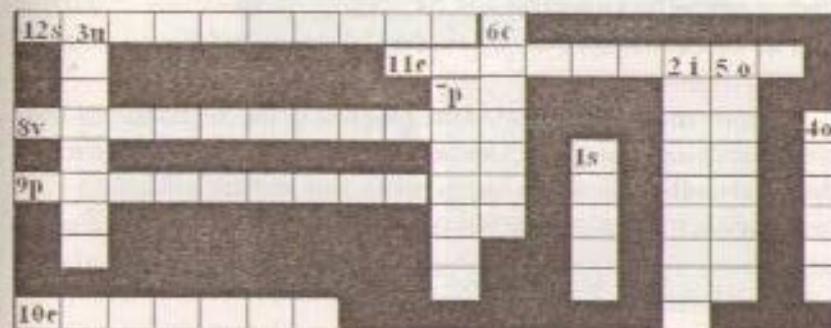
Down

- 1) the officers appointed to assist a commander, service, or central headquarters organization in establishing policy, plans, etc;
- 2) adherence to moral principles; honesty;
- 3) occurring before the expected, normal, or proper time;
- 4) a position of trust, responsibility, or duty, esp. in a government or organization;
- 5) a person, thing, etc., holding a position or place;
- 6) to keep within limits; not to allow to spread;
- 7) to cause (a reaction, esp. a negative one);

Across

- 8) in effect though not in fact; practically; nearly;
- 9) an important or distinguished person;

- 10) to give or delegate power or authority to; authorize;
- 11) a gradual development, esp to a more complex form;
- 12) occurring after; succeeding;



21. Complete the following sentences using the required information from the above text. Then speak on the Secretariat.

- 1) The Secretary-General is in an important position to mark or
- 2) Another instance of the capacity of the Secretary-General to take action was the decision of 1967 to withdraw
- 3) The staff are appointed by article 101 upon the basis of
- 4) The Secretariat of the UN consists of
- 5) The role of Secretary-General has extended beyond the various
- 6) The Secretary-General has an important role in exercising good
- 7) In many disputes, the functions assigned to the Secretary-General by the other organs of the United Nations have enabled him to
- 8) The essence of the Secretary-General's authority is contained in article 99 of the Charter, which empowers him to

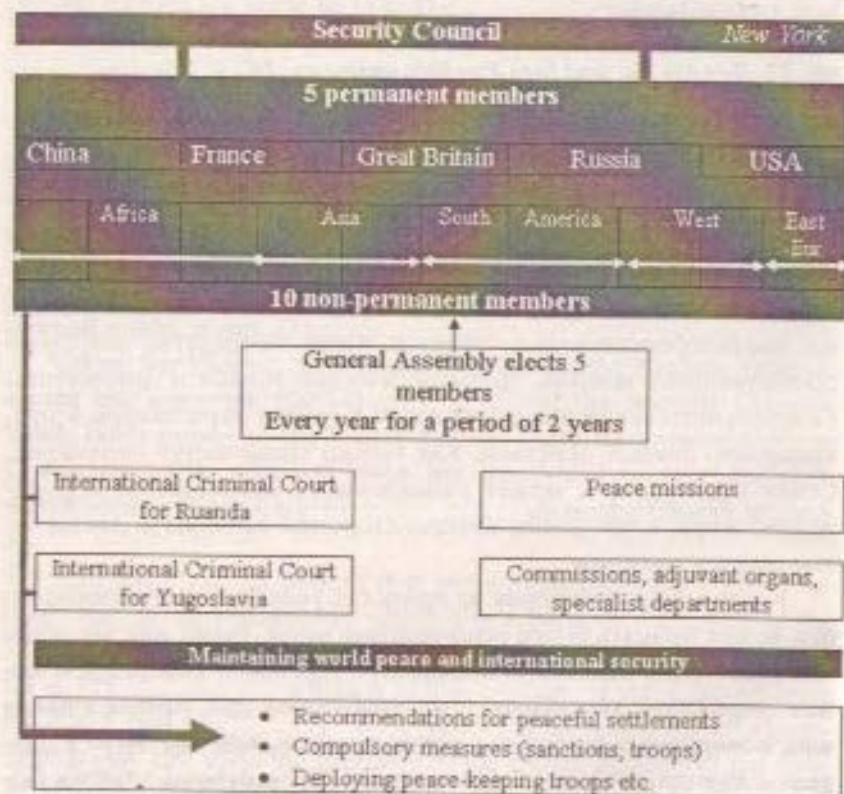
22. Read the text and explain the words and phrases in bold.

Economic and Social Council

The Charter established the Economic and Social Council as the **principal** organ to coordinate the economic and social work of the United Nations and the specialized agencies and institutions – known

государств, принимались в целях восстановления суверенитета Кувейта (1991 год); законного правительства в Гаити (1994 год); обеспечения мира и безопасности в Центральноафриканской Республике (1997 год); а также с целью положить конец разгулу насилия в Восточном Тиморе (1999 год) после проведения референдума по вопросу о самоопределении.

➔ 18. Study the table, use above texts and speak on the Security Council.



.....

➔ 19. Read the following text and give synonyms for the highlighted words.

The Secretariat

The Secretariat of the UN consists of the Secretary-General and his staff, and constitutes virtually an international civil service. The staff are appointed by article 101 upon the basis of efficiency, competence and integrity, 'due regard' being paid 'to the importance of recruiting the staff on as wide a geographical basis as possible'. All member states have undertaken, under article 100, to respect the exclusively international character of the responsibilities of the Secretary-General and his staff, who are neither to seek nor receive instructions from any other authority but the UN organisation itself. This provision has not always been respected.

Under article 97, the Secretary-General is appointed by the General Assembly upon the unanimous recommendation of the Security Council and constitutes the chief administrative officer of the UN. He (or she) must accordingly be a personage acceptable to all the permanent members and this, in the light of effectiveness, is vital. Much depends upon the actual personality and outlook of the particular office holder, and the role played by the Secretary-General in international affairs has especially energetic part was performed by Dr Hammarskjöld in the late 1950s and very early 1960s until his untimely death in the Congo," but since that time a rather lower profile has been maintained by the occupants of that position.

Apart from various administrative functions, the essence of the Secretary-General's authority is contained in article 99 of the Charter, which empowers him to bring to the attention of the Security Council any matter which he feels may strengthen the maintenance of international peace and security, although this power has not often been used. In practice, the role of Secretary-General has extended beyond the various provisions of the Charter. In particular, the Secretary-General has an important role in exercising good offices in order to

is set up to function continuously; thus a representative of each of its members must be present at all times at UN headquarters. The Council is 4) by a president, chosen from among the Council members. This presidency changes monthly.

The Council has 15 members: five 5) members – China, France, the Russian Federation, the United Kingdom and the United States – and ten 6) by the General Assembly for two-year terms.

Each Council member has one 7) Decisions on procedural matters are made by (a)n 8) vote of at least 9 of the 15 members. Decisions on 9) matters require nine votes, including the concurring votes of all five permanent members. This is the rule of "great Power unanimity", often referred to as the "veto" power. If a permanent member does not agree with a decision, it can 10) a negative vote, and this act has 11) of veto. All five permanent members have exercised the 12) of veto at one time or another. If a permanent member does not support a decision but does not wish to block it through a veto, it may 13)

Under the Charter, all Members of the United Nations agree to accept and carry out the 14) of the Security Council. While other organs of the United Nations make recommendations to Governments, the Council alone has the power to take decisions which Member States are 15) under the Charter to carry out.

Any 16), even if it is not a member of the United Nations, may bring a dispute to which it is a party to the notice of the Security Council. The first response of the Council is always to search for a 17) solution to the conflict. If the Council finds there is a real 18) to peace, or an actual act of aggression, it may call upon the members of the United Nations to cut communications with the countries concerned or 19) trade relations. If these methods prove inadequate, the charter states that the Council may take 20) action against the offending nation by air, sea, and land forces of the United Nations.

➤ 16. Translate the following phrases into Russian and learn them.

maintaining international peace and security; to exert pressure on; parties to a conflict; mediation missions; warring parties; world opinion; diplomatic efforts and initiatives; an end to fighting; a truce is in place; peacekeeping operations; to carry out agreements; to impose economic sanctions; to declare a trade embargo; to establish international tribunals; persons accused of war crimes; to use all necessary means; enforcement actions; to restore the sovereignty; referendum on self-determination.

➤ 17. Render the text into English, using ex. 16.

Совет Безопасности несет особую ответственность за поддержание международного мира и безопасности. Совет может оказывать дипломатическое и политическое давление на стороны в конфликте или создавать возможности для урегулирования споров, включая миссии по установлению фактов или посреднические миссии. Генеральная Ассамблея может воздействовать на противоборствующие стороны через посредство мирового общественного мнения. Дипломатические усилия и инициативы Генерального секретаря могут вести к началу переговоров и прекращению боевых действий. Как только заключается перемирие, Совет Безопасности может разворачивать операции по поддержанию мира, с тем чтобы помочь сторонам выполнять достигнутые ими соглашения.

Когда меры убеждения не приносят успеха, Совет Безопасности может принять более решительные меры, такие, как введение экономических санкций и объявление торгового эмбарго. Он может учреждать международные трибуналы для преследования лиц, обвиняемых в военных преступлениях, как это было в случаях с Руандой и бывшей Югославией. В некоторых случаях Совет уполномочивал государства-члены применять «все необходимые средства», включая силу, с целью добиться прекращения вооруженного конфликта. Такие принудительные меры, которые осуществлялись под контролем участвующих в их реализации

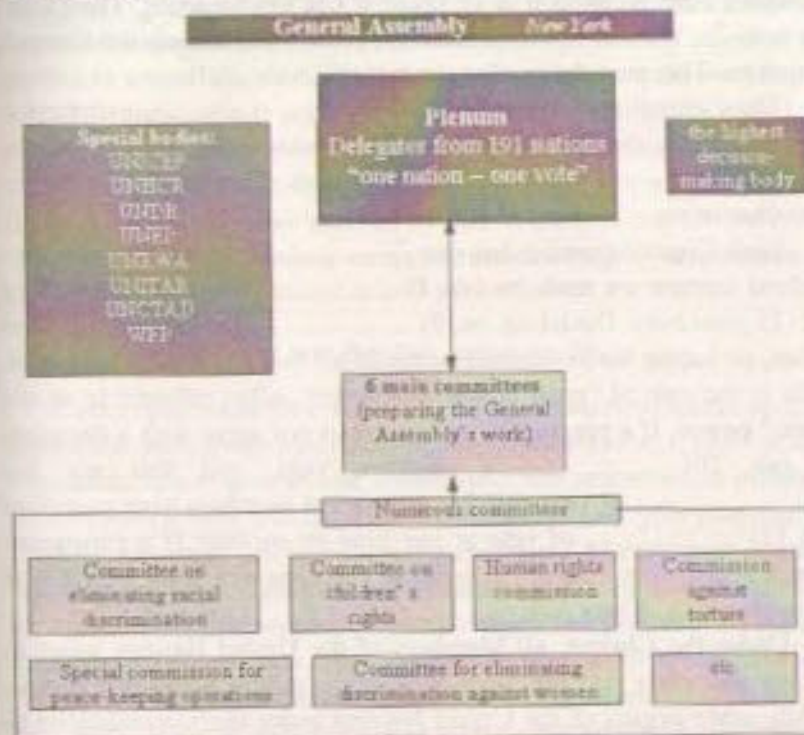
12. Match the words with their definitions.

A	B
1) to convoke <i>b</i>	a) the collection into one body of the principles of a system of law
2) assembly	b) to call (a meeting, assembly, etc.) together; summon
3) Charter	c) to check, limit, curb, or regulate; restrain
4) codification	d) a number of people gathered together, esp. for a formal meeting held at regular intervals
5) to elect	e) to continue or retain; keep in existence
6) to approve	f) to interchange regularly or in succession
7) to control	g) to choose (someone) to be (a representative or a public official) by voting
8) to maintain	h) the fundamental principles of an organization; constitution
9) to disarm	i) to authorize or sanction
10) to alternate	j) (of a nation, etc.) to decrease the size and capability of one's armed forces

13. Match the words in column A with the appropriate words in column B. Make sentences using them.

A	B
1) subsidiary <i>g</i>	a) issue
2) important	b) peace
3) plenary	c) member
4) working	d) regulation
5) to maintain	e) cooperation
6) arms	f) development
7) permanent	g) organ
8) progressive	h) organ
9) international	i) language
10) highest	j) session

14. Study the table and speak on the General Assembly.



15. Choose the words from the group below to complete the text. It may be necessary to change the form of the given words.

military, substantive, abstain, power, permanent, break off, responsibility, accept, head, elect, affirmative, vote, right, cast, member, decision, obligate, peaceful, threat, state

The Security Council

Maintaining world peace and security is the 1) of the Security Council. Every 2) of the United Nations is pledged to 3) and carry out the Council's decisions. The Council

- D. The General Assembly's powers on questions of international peace and security are considerably limited in favour of the Security Council.
- E. In addition, at the request of the Security Council or of a majority of the members of the United Nations, special sessions or extraordinary special sessions may be convoked.

The General Assembly

The General Assembly is the only organ in which all the member-states are represented. [1 - B]. The General Assembly possesses wide powers. According to Article 10 of the United Nations Charter, it may discuss any questions or any matters except for those considered by the Security Council. The General Assembly is the highest organ of the United Nations in ensuring international cooperation in the economic, social, cultural and humanitarian sphere. It encourages the progressive development of international law and its codification (Article 13). The General Assembly possesses a number of important powers as regards the internal affairs of the United Nations: it elects non-permanent members of the Security Council and members of the Economic and Social Council, appoints the Secretary-General (upon the recommendation of the Security Council), elects, together with the Security Council, members of the International Court of Justice, approves the budget of the United Nations, and controls its financial activities.

[2]. In the first place the General Assembly considers general principles of cooperation in maintaining international peace and security, including principles governing disarmament and arms regulation. However, any question on which military or non-military action is necessary is referred by the General Assembly to the Security Council (Article 11).

Each member of the United Nations may send to each session a delegation consisting of not more than five delegates and five alternate delegates, as well as the necessary number of advisors and experts. Each State has one vote.

The General Assembly's official and working languages are Arabic, Chinese, English, French, Russian and Spanish.

The work of each session of the General Assembly takes the form of plenary sessions and sessions of committees. There are seven major committees, namely, the Political and Security Committee (the First Committee); the Special Political Committee; the Economic and Financial Committee (the Second Committee); the Social, Humanitarian and Cultural Committee (Third Committee); the Trust and Non-Self-Governing Territories Committee (Fourth Committee); the Administrative and Budgetary Committee (Fifth Committee); and the Legal Committee (Sixth Committee). [3].

Decisions of the General Assembly on important issues are made by a two-thirds majority of the members present and voting. Such issues include: recommendations with respect to the maintenance of international peace and security, budgetary questions, and the admission of new members to the United Nations. [4].

Resolutions of the General Assembly have the character of recommendations. Decisions on organizational, administrative and budgetary matters are binding.

The General Assembly has a number of subsidiary organs, including the International Law Commission, the Disarmament Commission, the Committee on the Peaceful Uses of Outer Space and others.

10. Give synonyms for the highlighted words.

11. Complete the table.

noun	verb	adjective
possession	possess	possessed
alternate	.....	.....
.....	elect	.....
.....	.....	disarming
restructuring	.....	.....
.....	budget	.....
organization	.....	.....

государств; 12) воздерживаться от угрозы силой; 13) принцип равноправия и самоопределения народов; 14) разрешать международные проблемы экономического характера; 15) достижение общих целей.

➡ 7. Answer the following questions, then speak on the UN.

- 1) Who and when coined the name United Nations?
- 2) Where was the United Nations Charter drawn up?
- 3) How many countries signed the UN Charter?
- 4) What do you know about the signing of the UN Charter by Poland?
- 5) When is the UN Day celebrated?
- 6) What is the UN Charter?
- 7) Any country that becomes a Member of the United Nations automatically becomes a party to the Statute of the Court, doesn't it?
- 8) What are the four purposes of the UN as set in the Charter?
- 9) Can you mention the six principles the UN acts on?
- 10) The Charter contains 19 Chapters comprising 111 Articles, doesn't it?

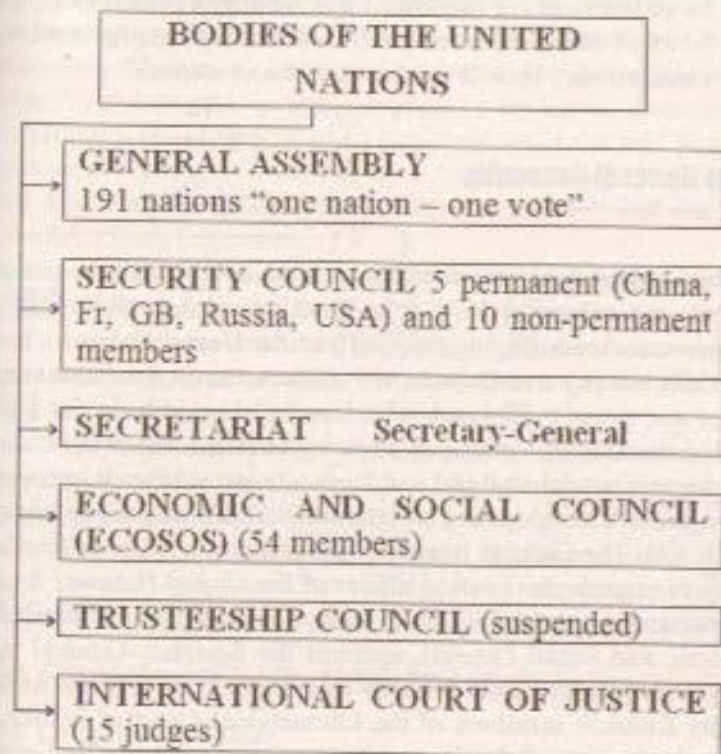
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➡ 8. Read the following text, study the table and speak on the organs of the UN.

Organs of the United Nations

The organizational structure of the United Nations has a specific feature; there are two types of its organs – principal and subsidiary. The Charter provides for six principal organs, which have since created approximately 300 subsidiary organs. The principal organs are the General Assembly, the Security Council, the Economic and Social Council; the Trusteeship Council, the International Court of Justice and the Secretariat. While all belong to the same category of principal organs, they differ in terms of their importance and legal status. The most important of them are the General Assembly and the Security

Council. The Economic and Social Council and the Trusteeship Council function under the General Assembly and submit the results of their work for its final approval.



➡ 9. Read the text and choose the most suitable sentence from the list (A-F) for each gap. There is one extra sentence which you do not need to use. There is an example at the beginning.

- A Decisions on other questions are made by a simple majority of the members present and voting.
- B Each of them possesses an equal status irrespective of its size, power or importance.
- C All the members of the United Nations are represented on major committees.

The United Nations Charter

The Charter is a constitution that sets out the purposes and principles upon which the Organization of the United Nations is based, it is also a **treaty** that a country signs and agrees to respect when it becomes a Member of the Organization. The Charter contains 19 Chapters comprising 111 Articles. The original version has been deposited with the United States National Archives.

The Statute of the International Court of Justice, although it is a separate treaty, is an integral part of the Charter. Any country that becomes a Member of the United Nations automatically becomes a party to the Statute of the Court.

The Purposes of the United Nations, as set forth in the Charter, are:

- To maintain international peace and security;
- To develop friendly relations among nations based on respect for the principle of equal rights and **self-determination** of peoples;
- To achieve international cooperation in solving international economic, social, cultural, or humanitarian problems, and in promoting and encouraging respect for human rights and for **fundamental freedoms**;
- To be a centre for harmonizing the actions of nations in the attainment of these common ends.

The United Nations acts in accordance with the following principles:

- It is based on the sovereign equality of all its Members;
- All Members are to fulfill in good faith their Charter obligations;
- They are to settle their international disputes by peaceful means and without endangering international peace and security, and justice;
- They are to **refrain** from the threat or use of force against any other State;
- They are to give the United Nations every assistance in any action it takes in accordance with the Charter, and shall not assist States against which the United Nations is taking preventive or enforcement action;

- Nothing in the Charter is to authorize the United Nations to **intervene** in matters which are essentially within the domestic jurisdiction of any State.

4. Complete the tables with the appropriate verb or noun forms.

noun	verb		noun	verb
achievement	achieve		.....	intervene
development	.....		.....	authorize
maintenance	.....		.....	determine
assistance	.....		.....	ratify

5. Fill in the correct prepositions, then choose any five items and make sentences.

1) to fulfill ... good faith; 2) cooperation ... solving international problems; 3) to intervene ... matters; 4) to set ... the purposes; 5) to be deposited ... the United States National Archives; 6) to become a party ... the Statute; 7) to come ... existence; 8) to set forth ... the Charter; 9) principle ... equal rights; 10) ... the basis of proposals; 11) to be a centre ... harmonizing; 12) to be based ... the sovereign equality; 13) to be drawn ... by the representatives; 14) to refrain ... the threat; 15) assistance ... any action

6. In the above text find the English equivalents for the following words and word combinations and make your own sentences using them.

1) развивать дружественные отношения между нациями; 2) член ООН; 3) действия принудительного или превентивного характера; 4) поддерживать международный мир и безопасность; 5) разрешать международные споры мирными средствами; 6) суверенное равенство; 7) добросовестно выполнять обязательства по уставу; 8) подвергать угрозе международный мир и безопасность; 9) быть центром для согласования действий; 10) Устав международного суда; 11) внутренняя компетенция

UNIT 3. THE UNITED NATIONS ORGANISATION

*"The United Nations is our one great hope
for a peaceful and free world"*

Bunche Ralph

➡ 1. What do you know about the UN? Choose the right answer.

- 1) The name "United Nations" was coined by...
a) Franklin Delano Roosevelt b) Winston Churchill c) Joseph Stalin
- 2) The name "United Nations" was first used in the...
a) Statute of the international Court of Justice b) Declaration by United Nations c) United Nations Charter
- 3) The United Nations Charter was drawn up by the representatives of ... countries at the United Nations Conference on International Organization.
a) 52 b) 51 c) 50
- 4) The Charter was signed on
a) 26 July 1945 b) 23 June 1945 c) 26 June 1945
- 5) ..., which was not represented at the Conference, signed the United Nations Charter later.
a) Poland b) the Soviet Union c) China

➡ 2. Consult your dictionary for the right stress in the following words and memorize their meaning.

effort, victorious, expand, mandate, agenda, deliberate, constituting, concurring, sovereign, to dispute, a dispute, Arabic, assembly, equitable, coincidence, mankind

➡ 3. Read the following text and explain the words and phrases in bold.

The History of the United Nations Organization

The United Nations is an international association of independent states that was founded by the victorious nations of World War II to keep the peace their efforts had won. Its supreme goal was to end war, but by the end of the 20th century the organization had expanded its **mandate** to cover a varied **agenda** that included issues such as human rights, public health, and environmental concerns. Membership was eventually extended to almost every country on Earth, growing from the initial 51 member nations in 1945 to 190 by 2002.

The name "United Nations", coined by United States President Franklin D. Roosevelt, was first used in the "Declaration by United Nations" of 1 January 1942, when **representatives** of 26 nations pledged their Governments to continue fighting together against the **Axis Powers** during the Second World War.

The United Nations Charter **was drawn up** by the representatives of 50 countries at the United Nations Conference on International Organization, which met in San Francisco from 25 April to 26 June 1945. Those delegates **deliberated** on the basis of proposals worked out by the representatives of China, the Soviet Union, the United Kingdom and the United States at Dumbarton Oaks in August-October 1944. The Charter was signed on 26 June 1945 by the representatives of the 50 countries. Poland, which was not represented at the Conference, signed it later and became one of the original 51 Member States.

The United Nations officially **came into existence** on 24 October 1945, when the Charter had been ratified by China, France, the Soviet Union, the United Kingdom and the United States and by a majority of other **signatories**. United Nations Day is celebrated on 24 October each year.

13) The OSCE has established a variety of Missions to assist in ... settlement and has been assigned a role in the Bosnia peace arrangements.

14) All functions of international organizations must be performed in ... with their charters.

15) The ... function has developed considerably after the Second World War.

2) II. Fill in the prepositions where necessary.

- 1) to be created ... the basis ... treaties;
- 2) to be established ... the framework ... the United Nations;
- 3) The Helsinki Final Act laid ... a series ... basic principles;
- 4) intervention ... internal affairs;
- 5) the Secretariat based ... Prague;
- 6) The High Commissioner ... National Minorities;
- 7) The GATT arose ... an international conference held ... Havana.
- 8) The organisation did not come ... being.
- 9) to be held ... the auspices ... the GATT
- 10) round commenced ... 1986;

2) III. Translate the sentences from English into Russian.

1) Decisions by international organizations are recommendations, with the exception of decisions relating to their internal activities, which their charters usually qualify as mandatory.

2) Budgets of international organizations are replenished through contributions by member-states. Each organization establishes its own procedure for allocating contributions to its budget.

3) Member-states may contribute both to the regular budget and no voluntary funds that may be established to finance specific types of activity. Contributions to the regular budget finance all administrative activities.

2) IV. Translate the sentences from Russian into English.

1) Международными межгосударственными универсальными организациями являются такие организации, цели и предмет деятельности которых представляют интерес для всех государств мира.

2) Особое значение среди региональных организаций имеют организации, цель которых состоит в поддержании международного мира и безопасности и создание которых предусмотрено гл. VIII Устава ООН.

3) Один из важнейших принципов международных организаций – принцип суверенного равенства государств-членов.

государств по содействию решению многообразных проблем политического, экономического, социального и культурного характера, которые внутри государств относятся к ведению соответствующих правительственных учреждений и ведомств. При этом все определеннее проявляется тенденция развития международных отношений последних лет, когда все большее число вопросов, которые традиционно относились к *внутренней компетенции государств*, становятся предметом рассмотрения на международном уровне, что в свою очередь ведет к появлению новых международных межправительственных организаций. Функции и полномочия организации и ее органов обычно определяются по соглашению государств т. наз. конституционным документом этой организации (уставом, *статутом, конвенцией, соглашением* и т. д.). Международные межправительственные организации обычно имеют следующую структуру: периодически созываемое собрание представителей всех государств-членов, исполнительный орган (совет, исполнительный комитет и др.), а также, как правило, постоянный секретариат.

Специфическими чертами международных межправительственных организаций являются постоянный или регулярный характер деятельности, метод функционирования (многосторонние переговоры, открытое обсуждение вопросов), процедура разработки и принятия решений (обсуждение и голосование) и характер принимаемых решений, не имеющих, как правило, обязательной силы и основанных на принципе "одна страна – один голос" или на финансовом взносе и экономическом положении соответствующих государств-участников. Международные межправительственные организации – важная составная часть системы межгосударственных отношений на современном этапе. Различают международные межправительственные организации всемирные (ООН, ЮНЕСКО, МОТ, МСЭ, ВМО и др.) и региональные (ЛАГ, ОАЕ и др.). Государства участвуют в деятельности таких организаций путем направления делегации или назначения специальных представителей соответствующих министерств и ведомств. При ряде организаций существуют специальные представительства государств (напр., Постоянное представительство

России при ООН и др.). РФ активно участвует в деятельности международных межправительственных организаций, являясь членом большинства из них.

➡ 30. *Summarize the information of the unit and be ready to speak on International organizations. The first step to be done is to write the plan of your future report.*

TEST

1. Fill in the missing words.

- 1) The Treaty basis means that a treaty is the ... instrument and charter of the international organization.
- 2) An international organization possesses a ... of organs and rights and duties that are distinct from those of the member-states.
- 3) An international ... is an association of States.
- 4) The Cold War led to the formation of a number of closed ... groupings.
- 5) The United Nations is a ... organization for maintaining international peace and security.
- 6) The UN Charter ... in June 1945 at a conference held in San Francisco.
- 7) The first permanent political international organization, ... was established in 1919.
- 8) International ... were actually the first permanent international organizations.
- 9) The ... of Paris for a New Europe signed in 1990 provided for the first standing institutions.
- 10) The Organization of American States was formed as a ... organization.
- 11) The OAS's General Secretariat is headed by a ... elected for a term of five years.
- 12) The OSCE was originally created in 1975 following the Helsinki ... of European powers (plus the US and Canada).

15) intergovernmental political organizations	о. общественно-политическая организация
16) general international organization	р. Организация экономического сотрудничества и развития, ОЭСР;
17) creation of international organizations	д. всеобщая международная организация;
18) office of an international organization	г. правовая организация международного сообщества
19) legal organization of the international community	с. межправительственные политические организации
20) member organizations	т. политическая организация
21) international non-governmental organization organizations	и распустить организацию
22) political organization	в. отделение международной организации;
23) public organizations	ш. внешнеторговые организации
24) regional organizations	х. выйти из (состава) организации
25) socio-political organization	у. функционирование организации; руководство организацией

➔ 28. Translate the following text into Russian.

The Organization of American States (OAS)

The OAS was created on the basis of the Pan American Union. In 1947, an Inter-American Treaty of Reciprocal Assistance was signed in Rio de Janeiro, and in 1948 the OAS Charter was adopted in Bogota. In 1967, a number of alterations were introduced. At present the OAS includes 35 States.

The Organization of American States was formed as a regional organization. Its Charter contains provisions for the collective security of its member-states. An act of aggression by any State against the territorial integrity or political independence of any one of its members is viewed as an act of aggression against all other members as well, and provides grounds for the use of armed force.

The OAS has the following organizational structure.

The General Assembly is its highest body in which all member-states are represented. It is convened annually. The General Assembly determines the policy, activities and budget of the Organization and the structure and functions of its organs.

A Consultative Meeting of Foreign Ministers was established to consider urgent problems of concern to all member-states. This could be an armed attack on a member-state of OAS, and for this reason, an Inter-American Defense Board was created within that body.

The OAS's executive body is its Permanent Council, which consists of representatives of all the member-states, and which has set up a number of subsidiary councils and committees.

The OAS's General Secretariat is headed by a Secretary-General elected for a term of five years.

A considerable number of regional specialized agencies function within the OAS. Its headquarters are located in Washington.

29. Render the following text into English.

МЕЖДУНАРОДНЫЕ МЕЖПРАВИТЕЛЬСТВЕННЫЕ ОРГАНИЗАЦИИ

Международные межправительственные организации – постоянные объединения государств, созданные на основе разработанного и одобренного государствами международного соглашения или иного учредительного акта в целях координации усилий правительств по решению определенных международных проблем и содействия развитию всестороннего сотрудничества государств с различным социальным строем. Международные межправительственные организации обладают рядом специфических особенностей, позволяющих выделить этот сравнительно новый институт международного права. Прежде всего в деятельности органов таких организаций участвуют официально назначенные правительствами представители и делегации их государств-членов, а сами органы международных межправительственных организаций занимаются обсуждением и согласованием усилий

Н. В. Алонцева

АНГЛИЙСКИЙ
ДЛЯ СТУДЕНТОВ ФАКУЛЬТЕТОВ
ПРАВА И МЕЖДУНАРОДНЫХ
ОТНОШЕНИЙ

INTERNATIONAL LEGAL ENGLISH
FOR STUDENTS OF LAW
AND INTERNATIONAL RELATIONS

Минск
«ТетраСистемс»
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чески варьировать различные виды учебной деятельности, а также предоставляет широкие возможности для организации учебных дискуссий по обсуждаемым темам. В конце каждого раздела содержится тест, который служит средством контроля усвоения материала. Первая часть пособия снабжена ключами, что позволяет использовать его как на аудиторных занятиях, так и в рамках самостоятельной работы.

Во вторую часть пособия включены дополнительные тексты на английском и русском языках для реферирования и перевода.

При составлении пособия автор использовал материалы из трудов Г.И. Тункина, П. Верри, В.Н. Додонова, В.П. Панова, О.Г. Румянцев, М. Шо, а также документы Организации Объединенных Наций.

Материалы данного учебного пособия прошли апробацию на занятиях со студентами старших курсов отделения международного права факультета международных отношений Белорусского государственного университета.

Автор выражает искреннюю признательность рецензентам: зав. кафедрой иностранных языков филологического факультета РУДН, доктору филологических наук, академику МАН ВШ *П.Ф. Михеевой* и зав. кафедрой профессионально ориентированной английской речи БГЭУ кандидату филологических наук, доценту *Н.А. Новик*. А также благодарит за помощь в подготовке данного пособия кандидата филологических наук, доцента, зав. кафедрой английского языка гуманитарных специальностей ФМО БГУ *Т.В. Караичеву*, кандидата филологических наук, доцента *И.Н. Ивашикевич*, а также старшего преподавателя кафедры английского языка гуманитарных специальностей ФМО БГУ *Ю.А. Ермошина*.

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PART I

UNIT 1. THE CONCEPT OF INTERNATIONAL LAW

"Insofar as international law is observed, it provides us with stability and order and with a means of predicting the behavior of those with whom we have reciprocal legal obligations"
J. William Fulbright

➤ 1. What do you know about International Law? Choose the right answer.

- 1) ... belong to the category of *non-sovereign subjects*.
 - a) International intergovernmental organizations and specific state-like formations
 - b) International intergovernmental organizations and also nations and peoples struggling for independence
 - c) States and also nations and peoples struggling for independence
- 2) At present a specific international legal status attaches to ...
 - a) Danzig
 - b) San Marino
 - c) the Vatican
- 3) ... belong to the category of *primary subjects* of International Law.
 - a) States and international intergovernmental organizations
 - b) States and nations and peoples struggling for independence and for the creation of independent States
 - c) States and specific state-like formations
- 4) The sources of international law are ...
 - a) treaties, international custom, the general principles of law, judicial decisions and the teachings of the most highly qualified publicists
 - b) advisory resolutions of international organizations; international custom
 - c) treaties; judicial decisions and the teachings of the most highly qualified publicists of the various nations

5) ... do not create norms that are binding in relations (they are subsidiary means in defining norms of IL).

a) The general principles of law b) Judicial decisions, teachings of most highly qualified publicists c) International custom

➤ 2. Consult your dictionary for the right stress in the following words and memorize their meaning.

chaos, inimical, consciousness, inexplicable, to pursue, adherence, permissive, coercive, to infringe, to obtrude, adjunct, myriad, asylum, extent, to salute, solely, courtesy, discipline

➤ 3. Read the following text and give synonyms for the highlighted words.

The Nature of International Law

In the long march of mankind from the cave to the computer a central role has always been played by the idea of law – the idea that order is necessary and chaos **inimical** to a just and stable existence. Every society has created for itself a framework of principles within which to develop. What can be done, what cannot be done, **permissible** acts, forbidden acts, have all been **spelt out** within the consciousness of that community. Progress, with its inexplicable leaps and bounds, has always been based upon the group as men and women combine to pursue commonly accepted goals.

Law is that element which binds the members of the community together in their **adherence** to recognized values and standards. It is both **permissive** in allowing individuals to establish their own **legal** relations with rights and duties, as in the creation of contracts, and **coercive**, as it punishes those who infringe its regulations. Law consists of a series of rules regulating behavior, and reflecting, to some extent, the ideas and preoccupations of the society within which it functions.

And so it is with what is termed international law, with the important difference that the principal subjects of international law are

states, not individual citizens. There are many contrasts between the law within a country (municipal law) and the law that operates outside and between states, international organizations and, in certain cases, individuals.

International law itself is divided into conflict of laws (or private international law as it is sometimes called) and public international law (usually just termed international law). The former deals with those cases, within particular legal systems, in which foreign elements obtrude, raising questions as to the application of foreign law or the role of foreign courts. For example, if two Englishmen make a contract in France to sell goods situated in Paris, an English court would apply French law as regards the validity of that contract. By contrast, public international law is not simply an adjunct of a legal order, but a separate system.

Public international law covers relations between states in all their myriad forms, from war to satellites, and regulates the operations of the many international institutions. It may be universal or general, in which case the stipulated rules bind all the states (or practically all depending upon the nature of the rule), or regional, whereby a group of states linked geographically or ideologically may recognize special rules applying only to them, for example, the practice of diplomatic asylum that has developed to its greatest extent in Latin America. The rules of international law must be distinguished from what is called international comity, or practices such as saluting the flags of foreign warships at sea, which are implemented solely through courtesy and are not regarded as legally binding. Similarly, the mistake of confusing international law with international morality must be avoided. While they may meet at certain points, the former discipline is a legal one both as regards its content and its form, while the concept of international morality is a branch of ethics. This does not mean, however, that international law can be divorced from its values.

➡ 4. Complete the table.

noun	verb	adjective
coercion	coerce	coercive
validity	.....	.....

.....	adhere	.....
.....	.....	punishable
obtrusion	.....	.....
.....	apply	.....
regulation	.....	.....
.....	.....	binding
development	.....	.....
.....	.....	legal

➡ 5. Match the words in column A with the words in column B.

A	B
1) stable d	a) relations
2) forbidden	b) citizens
3) inexplicable	c) forms
4) accepted	d) existence
5) international	e) rules
6) diplomatic	f) system
7) stipulated	g) order
8) myriad	h) comity
9) separate	i) subject
10) legal	j) courts
11) foreign	k) asylum
12) municipal	l) law
13) individual	m) leaps
14) principal	n) goal
15) legal	o) acts

➡ 6. Do a crossword puzzle.

g	m	a	g	c	g	l	h
d	u	t	y	g	d	a	t
m	n	g	d	g	o	w	m
b	i	n	d	i	n	g	a
a	c	o	e	r	c	e	v
r	i	g	h	t	e	j	a
d	p	o	d	v	o	l	l
h	a	h	e	v	b	m	i
a	l	d	g	h	i	e	d

1) to compel or restrain by force or authority without regard to individual wishes or desires;

2) a rule, usually made by a government, that is used to order the way in which a society behaves, or the whole system of such rules;

3) considered fair or morally acceptable by most people;

4) a task or action that a person is bound to perform for moral or legal reasons;

5) legally acceptable;

6) of or relating to a town, city, or borough or its local government

7) imposing an obligation or duty

➡ 7. Are the following statements true or false?

1) The rules of international law must be distinguished from what is called international comity which are implemented solely through courtesy and are not regarded as legally binding.

2) Law isn't that element which binds the members of the community together in their adherence to recognised values and standards.

3) Law consists of a series of rules regulating behaviour, and reflecting the ideas and preoccupations of the society within which it functions.

4) Every society has created for itself a framework of principles within which to develop.

5) Private international law covers relations between states in all their myriad forms, from war to satellites, and regulates the operations of the many international institutions.

6) International law itself is divided into conflict of laws (or private international law as it is sometimes called) and public international law (usually just termed international law).

7) Public international law deals with those cases, within particular legal systems, in which foreign elements obtrude, raising questions as to the application of foreign law or the role of foreign courts.

8. Read the text and give synonyms for the highlighted words.

The General Character of Modern International Law

Unlike all the earlier historical types of international law modern international law is not imposed by force and dictated by the strongest States. Its norms continue to be created through agreements. Accordingly, they cannot be imposed on a State without its consent.

There have been fundamental changes in the general nature of international law. Such principles and institutions of old international law as the right of a State to wage war, the rights of victors, the institutions of conquest and war indemnities have ceased to exist.

The new and extremely important principles and institutions of international law include above all the following principles: the peaceful coexistence of States, the non-use of force or threat of force in international relations; the equality and self-determination of nations and peoples; disarmament; respect for human rights; the responsibility of States for aggression and for such other international crimes as genocide, racial discrimination and apartheid and the international criminal responsibility of individuals for crimes against humanity.

At the same time there occurred a further development and strengthening of such old democratic principles and norms of international law as the principle of the sovereign equality of States, of non-interference into domestic affairs, and complying with international obligations in good faith. The elimination of old institutions, princi-

ples and norms together with the appearance of new progressive principles facilitated the further development of the democratic content of the progressive principles of old international law. This has sharply altered the overall character of international law.

Modern international law prohibits recourse to war and the use or threatened use of force. The States must resolve their disputes only through peaceful means and severe sanctions are envisaged for States that unleash and conduct aggressive wars that may include the occupation of the aggressor State. In addition, individuals who unleash and conduct aggressive wars are made criminally responsible for these actions. International law has thus become an instrument in the struggle for peace and international cooperation.

Old international law included norms and institutions that sanctioned and lent legal force to colonial exploitation, colonial regimes and other forms of dependence. In particular, they included the right to occupy "no man's" territories (in such situations the rights of native populations of underdeveloped countries were ignored), the right of military conquest and colonies, protectorates, spheres of influence and unequal treaties. These norms and institutions coexisted with the democratic principles and norms of old international law and were in sharp contradiction with them.

A fundamental principle of modern international law is that of the equality and self-determination of nations and peoples. It protects the freedom and independence of peoples and outlaws colonialism.

⇒ 9. Find in the text above the English equivalents for the following phrases. Make sentences using them.

1) объявлять колониализм вне закона; 2) развязывать и вести агрессивную войну; 3) мирное сосуществование государств; 4) право государства на войну; 5) право победителей; 6) уголовно ответственный; несущий уголовную ответственность; 7) принцип неприменения силы и угрозы силой в международных отношениях; 8) институты завоевания и контрибуции; 9) разрешать споры только мирными средствами; 10) исторические типы права; 11) быть навязанным государству без его согласия; 12) оккупация территории государства-агрессора; 13) равноправие и самоопределение народов; 14) уважение прав человека; 15) ответ-

ственность государств за агрессию; 16) принцип суверенного равенства государств; 17) международная уголовная ответственность государств; 18) преступления против человечества; 19) принцип невмешательства во внутренние дела; 20) добросовестно выполнять международные обязательства.

⇒ 10. Gather extra information and speak about the nature and character of International Law.

•••••

⇒ 11. Read the following text and entitle the paragraphs.

The Subjects of Modern International Law

1.

Subjects of international law may be defined as independent entities that are not subordinated in their international relations to any political power, and that possess a legal capacity to carry out independently the rights and obligations defined by international law.

2.

The following possess international legal personality: 1) States; 2) nations and peoples struggling for independence and for the creation of independent States; 3) international intergovernmental organizations; 4) specific state-like formations.

A more general classification of subjects of international law divides them into only two categories, namely, sovereign subjects (primary) and non-sovereign (secondary, derivative).

Sovereign subjects are States and also nations and peoples struggling for independence. The legal personality of States and of nations and peoples struggling for independence is not established by any external will and not predetermined by any international act or recognition.

International intergovernmental organizations and also specific state-like formations (in the past free cities and so-called free territories and today the Vatican) belong to the category of non-sovereign subjects. They have a specific legal nature: their independent international legal status is based not on their sovereignty, for they do not possess it, but on agreements by sovereign States. The basis and prerequisite of their legal personality is provided by an international agreement and/or international recognition.

3.

States are sovereign subjects of international law. State sovereignty refers to the supremacy of a State over its territory and to its independence in the sphere of international relations. Respect for state sovereignty is an immutable principle of international law.

4.

All States possess identical legal personalities. They have a legal capacity to possess and carry out rights associated with their participation in international relations. In the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations it is stated that "each State enjoys the rights inherent in full sovereignty"

The following basic rights of States are especially important: 1) the right to enter into relations with other States and other subjects of international law; 2) the right to engage in diplomatic and consular relations with other States and to have representatives at international organizations in which they participate; 3) the right to conclude international treaties or participate in other ways in the creation of international legal norms; 4) the right to be members of international intergovernmental organizations and to participate in international conferences; 5) the right to protect their legal personality as well as to apply sanctions to violators of international legal norms.

The basic rights and obligations of States are determined by the basic principles of international law.

All States possess identical basic rights and obligations irrespective of economic, social, political or other differences. But the principle of the sovereign equality of States does not preclude differences in the scope and contents of derivative individual rights and obligations acquired and assumed in accordance with the terms of international treaties that States may conclude.

5.

As they struggle for liberation from colonialist nations and peoples, realizing their right to self-determination, appear as independent participants in international relations. The nature of their international legal personality is close to that of States for, like the latter, it is independent of the wills and dispositions of other subjects and of their recognition.

A political and legal basis of the international legal personality of nations is their national sovereignty. But national sovereignty provides such a basis for independent international status only to those nations and peoples that do not yet possess their own statehood and that have not yet realized their right to self-determination either by creating a sovereign State or by voluntarily joining some other State. *An objective prerequisite for an independent international status of nations and peoples is their struggle against colonial regimes in asserting that independence.* Such struggling nations and peoples are not only protected by international law but also exercise their international rights and obligations through their own actions.

In the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the United Nations General Assembly on 14 December 1960 it is stressed that peoples play a decisive role in achieving their independence and that through their right to self-determination they establish their political status in accordance with their freely expressed will.

In the course of its struggle for independence a nation enters into legal relations with such subjects as States, and international organizations. These relations largely concern issues bearing on the formation of a sovereign State. Accordingly the basic rights of a struggling nation or people follow directly from the principle of self-

determination. They include the following rights: 1) to enter into relations with States and international organizations; 2) to send official representatives to engage in negotiations with States and participate in the work of international organizations and international conferences; 3) to participate in the creation of international legal norms and to implement operating norms independently; 4) to receive international legal protection in the course of its struggle, as well as needed assistance from States, international organizations and other struggling nations and peoples.

➔ 12. Match the words with their definitions.

1) capacity	a) to take part; participate
2) will	b) supreme and unrestricted power, as of a state
3) implement	c) something required as a prior condition
4) recognition	d) to make impossible, esp. beforehand
5) sovereignty	e) anything decided upon or chosen, esp. by a person in authority; desire; wish
6) enjoy	f) the right of a nation or people to determine its own form of government without influence from outside
7) preclude	g) formal acknowledgment of a government or of the independence of a country
8) self-determination	h) to have the benefit of; use with satisfaction
9) prerequisite	i) to carry out, put into action; perform
10) engage	j) the total amount that can be contained or produced, or the ability to do a particular thing

➔ 13. Fill in: into, to, of, over, in, with, then make sentences using the phrases.

1) to divide smth ... two categories; 2) to belong ... the category ... non-sovereign subjects; 3) the supremacy ... a State ... its territory; 4) to enjoy the rights inherent ... full sovereignty; 5) to enter ... relations ... other States; 6) to engage ... diplomatic relations; 7) to

apply sanctions ... violators ... international legal norms; 8) ... the scope and contents ... individual rights; 9) to engage ... negotiations ... States.

➔ 14. Match the synonyms.

1) permits	d	a) category
2) independence		b) status
3) kind		c) freely
4) position		d) have
5) participate		e) help; support
6) voluntarily		f) partake
7) assistance		g) sovereignty

➔ 15. Complete the following sentences using the required information from the above text.

- Subjects of international law may be defined as ...
- All States have a legal capacity to possess and carry out rights associated with their participation in ...
- The basic rights and obligations of States are determined by ...
- Sovereign subjects are ...
- The basic rights of a struggling nation or people follow directly from the principle of ...
- International intergovernmental organizations and also specific state-like formations belong to the category of ...
- All States possess identical basic rights and obligations irrespective of ...
- The legal personality of States and of nations and peoples struggling for independence is not established by any external ...
- They have a specific legal nature: their independent international legal status is based not on their sovereignty, for they do not possess it, but on ...
- A political and legal basis of the international legal personality of nations is their national ...

•••••

➔ 16. Read the following text and give opposites for the highlighted words.

The Legal Personality of International Organization

International intergovernmental organizations belong to the category of secondary or derivative subjects of international law. Their legal personality derives from an expression of wills of founding States and is recorded in their founding acts, which are usually called Charters.

1. *The Specific Character of International Legal Personality.* International organizations are secondary, derived subjects of international law.

A specific feature of international organizations as subjects of international law derives above all from the fact that they do not possess sovereignty. In terms of their legal nature the rights of international organizations and the powers enjoyed by their supreme organs differ from the sovereign rights of States and their supreme organs: they stem from treaties and are the result of a concordance of the wills of the sovereign States that have created the international organization.

Another specific feature of international organizations as subjects of international law is that they need not possess territory and a population and, hence, exercise territorial supremacy. Yet for sovereign States, these are indispensable elements without which they cannot exist.

The specific character of international organizations as subjects of international law is also expressed in the nature of their international rights. In particular, an international organization cannot be a party to an issue laid before the UN International Court of Justice; representation at international organizations is unilateral.

As subjects of international law, international organizations possess their will. It is a result of the concordance of wills of the member-states, exists in parallel with their wills (but does not take precedence over them), and manifests itself in particular actions by the corresponding organs of the international organisation that implement its

will. The direction and basic contents of the will of an international organization are always conditioned by the contents of the wills of the member-states.

2. *International organizations and their officers possess privileges and immunities* that are of a functional nature.

3. *Representation of States at international organizations and missions of permanent observers.* At the present time there are permanent missions at a number of international organizations (for example, the United Nations, UNESCO). In addition to permanent missions of member-states, at some organizations there are also permanent missions of observers from non-member States.

4. *The legal capacity of international organizations to conclude treaties.* One of the basic rights of international organizations as subjects of international law is the right to conclude treaties.

5. *International organizations may be subjects of international responsibility.* However, the fact that they are secondary subjects of international law that do not possess sovereignty, territory or population reduces the sphere of possible breaches of the law and the grounds on which they are subject to legal responsibility.

➔ 17. Complete the tables.

noun	verb	noun	verb
<i>difference</i>	<i>differ</i>	.....	possess
existence	enjoy
issue	manifest
breach	subject
condition	implement

➔ 18. Match the words in column A with the words in column B.

A	B
1) international	a) territory
2) legal	b) personality
3) to possess	c) organization
4) international legal	d) treaties

5) derivative	e) responsibility
6) to possess	f) capacity
7) intergovernmental	g) mission
8) to conclude	h) privileges
9) indispensable	i) element
10) permanent	j) subject

➡ 19. Choose the words from the group below to complete the text. It may be necessary to change the form of the given words.

status, to possess, supreme, permanent, participant, to establish, to maintain, dependent, relation, to be, to attach, to derive, status, agreement, member

Specific Subjects of International Law

Specific state-like entities may also be 1) ... participants in international legal 2) Unlike States they do not 3)... sovereignty but are endowed with a special although limited international 4)

History knows free cities and free territories, whose international legal personality was of a derivative nature and was 5) ... and guaranteed by a group of States.

At present a specific international legal status 6) ... to the Vatican.

The international legal personality of the Vatican, officially described as a city-state, 7) ... from the role of the Papacy as the 8) ... centre of the Catholic Church. Traditionally, the Vatican 9) ... diplomatic relations with many States, primarily those in which the influence of Catholicism 10) ... substantial. It has concluded bilateral 11)... (concordats) with a number of such States on questions relating to the 12)... of the Catholic Church. More recently the Vatican has expressed interest in the resolution of global international issues and in such a context has become a 13) ... in a number of general multi-lateral treaties. It is a 14)... of several international intergovernmental

organizations, has a 15) ... observer at the United Nations, and participated in the Conference on Security and Cooperation in Europe.

➡ 20. Answer the following questions.

1. How may the subjects of International Law be defined?
2. Does a more general classification of subjects of international law divide them into three categories?
3. Are sovereign subjects States and also nations and peoples struggling for independence?
4. International intergovernmental organizations and also specific state-like formations belong to the category of non-sovereign subjects, don't they?
5. Does State sovereignty refer to the supremacy of a State over its territory?
6. List the basic rights of States.
7. Don't all States possess identical legal personalities?
8. What is an objective prerequisite for an independent international status of nations and peoples?
9. When was the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted?
10. Do international organizations possess sovereignty?
11. International organizations possess territory and a population and, hence, exercise territorial supremacy, don't they?
12. Can international organizations be a party to an issue laid before the UN International Court of Justice?
13. What right do international organizations enjoy?
14. Does the Vatican maintain diplomatic relations with States?
15. What rights do specific state-like entities enjoy?

➡ 21. Make a report covering the information acquired.

.....

⇒ 22. Read the text and give synonyms to the highlighted words.

The Concept of Sources of International Law

The sources of international law are the final outcome of the norm-creating process. The problem of sources of international law is of considerable practical importance, since it refers to the issue concerning where international legal norms should be sought, and hence which international norms are legally binding and which are not. It is very important that all States agree on this issue and in a general form this is expressed in the Statute of the International Court of Justice. Article 38 of that Statute says: "The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

"a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting States;

"b. international custom, as evidence of a general practice accepted as law;

"c. the general principles of law recognized by civilized nations;

"d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law."

At present sources of international law also include those normative resolutions of international organizations that are, according to their charters, mandatory for all member-states. It is true, however, that their role is relatively limited.

Treaties

The overwhelming majority of norms of modern international law are created by treaties among States. These include universal treaties, in which all or nearly all States participate; multilateral treaties, in which several states participate; and also bilateral treaties.

While sixty years ago nearly all treaties were treaties among States today there are also treaties among international organizations and also between international organizations and States. Nevertheless, treaties among States continue to play a leading role, for States are the basic subjects of international law.

As a source of international law the treaty is a clearly expressed agreement between subjects of international law to create norms defining mutual rights and obligations they accept as legally binding.

This implies a clear distinction between two separate stages in the process of arriving at a concordance of wills of subjects of international law. The first stage is the process of arriving at a concordance of wills with regard to the text of a treaty. It is concluded when that text is adopted by an international conference, an organ of an international organization, or simply through the consent of participating States. The second stage is a concordance of wills with regard to recognizing the rules recorded in the text as legally binding. It consists of such actions on the part of States as signing the treaty, its ratification, and depositing instruments of ratification.

While all legitimate treaties are equally binding on participating States, their role in international relations varies. Above all, their actual significance is determined by the issues to which they relate, and by their actual effectiveness. Beyond this, the number of participants in a treaty is generally important. From the legal point of view, the United Nations Charter prevails over other international treaties. Article 103 states: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

International Custom

Customary norms of international law originate in the practice of international relations. As a result of a repetition of certain actions by States a rule may emerge that they generally follow. Such a rule is not yet a norm of international law but simply a customary usage. This marks, the first stage of a concordance of wills of States leading to the

formation of corresponding norms of international law. There are many such customs in international relations, especially in diplomacy and in maritime communications. For example, a newly arrived ambassador in a country is met by a representative of the Ministry of Foreign Affairs. This is a rule, not a legal norm, but it is always rigorously followed by all States.

International custom may remain just that and never become a norm of international law. But should the process of creating a customary norm of international law be continued there will be a transition to a second stage in the concordance of wills of States, namely, an agreement to recognize the custom as legally binding. The transformation of a custom into a customary norm of international law possesses two aspects: on the one hand, there is an increasing recognition that the custom is legally binding (*opinio juris*); and on the other hand, a growing number of States recognize the custom as a norm of international law.

General Principles of Law

The general principles of law can only be legal postulates and logical rules that are characteristic of both all national legal systems and international law. Examples of such rules include the principles that *lex specialis derogat generali* (a special law nullifies a general law), *lex posteriori derogat priori* (a later law nullifies an earlier one), *nemo plus juris transferre potest quam ipse habet* (no man can transfer to another more rights than he himself possesses). Propositions of this type are employed when applying and interpreting norms of international law.

23. Do a crossword puzzle.

- 1) an international agreement second only to a treaty in formality;
- 2) a practice which by long-established usage has come to have the force of law;
- 3) a state or condition of agreement or harmony;
- 4) acquiescence to or acceptance of something done or planned by another; permission;

- 5) a formal legal document;
- 6) to write (one's name) as a signature to (a document, etc.) in attestation, confirmation, ratification, etc.;
- 7) to impose legal obligations or duties upon (a person or party to an agreement);
- 8) a moral or legal requirement; duty;
- 9) to render legally void or of no effect;
- 10) to clarify or explain the meaning of; elucidate.

d	a	b	t	c	o	n	c	o	r	d	a	n	c	e	s	o	n
a	s	i	g	n	l	k	e	s	d	a	s	d	o	b	m	n	u
d	o	n	d	o	b	l	i	g	a	t	i	o	n	e	a	s	l
c	n	d	d	m	g	o	h	a	h	c	g	a	s	k	n	o	l
o	e	n	y	i	p	i	n	t	e	r	p	r	e	t	y	k	i
m	g	c	j	c	o	n	v	e	n	t	i	o	n	l	p	a	f
a	k	o	m	c	v	c	z	l	i	c	u	s	t	o	m	c	y
i	n	s	t	r	u	m	e	n	t	l	p	a	i	y	y	a	s

24. In the above text find the English equivalents for the following words and phrases, make your own sentences using them.

- 1) вспомогательные средства; 2) процесс создания норм;
- 3) специальный закон отменяет общий закон; 4) нормы международного права; 5) международные конвенции; 6) международный обычай; 7) последующий закон отменяет предыдущий;
- 8) спорящие государства; 9) общие принципы права; 10) цивилизованные нации; 11) судебные решения и доктрины наиболее квалифицированных специалистов по публичному праву различных наций; 12) никто не может передать другому больше прав, чем он сам имеет; 13) подавляющее большинство; 14) многосторонние договоры; 15) признание обычая юридически обязательным; 16) играть ведущую роль; 17) согласование воли субъектов международного права; 18) подписывать договор; 19) ратификация; 20) сдавать на хранение ратификационные грамоты; 21) Устав ООН; 22) члены ООН; 23) согласно настоящему Уставу; 24) морские сообщения; 25) представитель министерства иностранных дел.

► 25. Complete the following sentences using the required information from the above text.

1. The sources of International law are...
2. The general principles of law can only be legal postulates and logical rules that are characteristic of both all ...
3. At present sources of international law also include those normative resolutions of international organizations that are ...
4. The treaty is a clearly expressed agreement between subjects of international law to create norms defining mutual ...
5. From the legal point of view, the United Nations Charter prevails....
6. Judicial decisions and the teachings of the most highly qualified publicists of the various nations are subsidiary ...
7. Customary norms of international law originate in ...
8. The overwhelming majority of norms of modern international law are created by ...
9. The transformation of a custom into a customary norm of international law possesses two aspects...
10. The sources of international law are the final outcome of ...

26. Translate the following text into Russian.

Auxiliary Means in Defining Norms of International Law

Decisions of the United Nations' International Court of Justice

The significance of various decisions of the International Court is not similar. Decisions that correspond to international law carry considerable weight and they are often cited, while decisions that reflect one-sided views of lawyers do not influence the development of international law and international practice.

International Legal Doctrines

Article 38 of the Statute of the International Court of Justice provides that in its decisions the Court may also apply "the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of norms of law". Accordingly, international legal doctrines are officially recognized as a subsidiary source of international law.

But as the actual practices of States become increasingly accessible through various types of publications and diplomatic and other government documents as well as decisions of international organizations and of international courts, the role of doctrines in establishing norms of international law and interpreting them has greatly declined.

Advisory Resolutions of International Organizations

When establishing or interpreting norms of international law, States are referring increasingly often to resolutions of the United Nations General Assembly and sometimes to resolutions of international organizations as well. There is accordingly every reason for asserting that today advisory resolutions of the United Nations General Assembly (and to a lesser extent those of international organizations) not only play a substantial role in creating new norms of international law but are increasingly recognized as a means for establishing or interpreting international legal norms that are currently in force.

National Legislation and Decisions of National Courts

The legislation of individual States and their court decisions are not, of course, sources of international law, i.e. they do not create norms that are binding in interstate relations.

It is true that legislation and court practice of individual States may and should be taken into consideration in characterizing their international legal position on particular issues. Beyond this, the existence of similar legislation and court practice in many States may serve, together with other forms of evidence, as an auxiliary means

for establishing the existence of particular customary norms of international law.

Also because national laws and court practice influence the international legal position of States, they can also influence the development of international law.

⇒ 27. *Speak on the Sources of International Law.*



⇒ 28. *Render the text into English.*

МЕЖДУНАРОДНОЕ ПРАВО

Международное право – особая правовая система, состоящая из договорных и обычных норм и принципов, регулирующих отношения между его субъектами. Соблюдение М.п. обеспечивается индивидуальным или коллективным принуждением со стороны государства, пределы и формы которого определяются ими в процессе совместного нормотворчества. М. п. – это особая система правовых норм, не входящих в какую-либо национальную систему права и не включающих нормы национального права. М. п. не является системой, абсолютно обособленной от национального права участников международного общения, т. к. прогрессивные нормы государств каждой новой исторической эпохи оказывают соответствующее влияние на развитие М. п., как и нормы М. п. каждой новой исторической общественной формации оказывают прогрессивное влияние на развитие демократических основ национального права тех государств, которые сохраняют еще пережитки отмирающих правовых систем. Нормы М. п. регулируют отношения государств в условиях и в сфере как сотрудничества, так и борьбы. К этой области отношений относятся нормы и принципы, регулирующие порядок разрешения споров, поведение государств во время вооруженных

конфликтов, устанавливающие формы и виды ответственности за правонарушения, и т. п. М.п. делится на публичное и частное. Публичное М. п. регулирует отношения между государствами и политическими образованиями государственно-правового характера, обладающими способностью осуществлять публичную власть в той или иной стране, а также между создаваемыми ими международными организациями и между такими организациями, с одной стороны, и государствами – с другой. Международное частное право регулирует гражданско-правовые отношения с иностранным элементом и по своему характеру отличается от публичного М. п.

Публичное М. п. принципиально отличается также от национального права любого государства. Так, субъектами М. п. выступают государства, субъектами национального права – физические и юридические лица и органы данного государства; объектом регулирования в М. п. являются международные (межгосударственные) отношения, в национальном праве – общественные отношения внутри страны; нормативные источники в М. п. создаются государствами на основе соглашения, а источники национального права составляют закон и подзаконные акты высших органов власти и государственного управления; соблюдение норм национального права обеспечивается специальным аппаратом государственного принуждения, тогда как обеспечение норм М. п. происходит путем применения международного индивидуального или коллективного принуждения, пределы и формы которого определяются специальными принципами и нормами международного права.

⇒ 29. *Summarize the information of the unit and be ready to speak on the Concept of International Law.*

⇒ 30. *Choose any question (topic, problem) relating to this unit and make a 5 – 7 minute report in class.*

TEST

I. Fill in the missing words.

- 1) International law itself is divided into ... of laws and public international law.
- 2) ... international law deals with those cases, within particular legal systems, in which foreign elements obtrude, raising questions as to the application of foreign law or the role of foreign courts.
- 3) ... international law covers relations between states and regulates the operations of the many international institutions.
- 4) Modern international law ... recourse to war and the use or threatened use of force.
- 5) The States must resolve their disputes only through ... means
- 6) A fundamental principle of modern international law is that of the equality and ... of nations and peoples.
- 7) ... subjects are States and also nations and peoples struggling for independence.
- 8) International intergovernmental organizations and also specific state-like formations belong to the category of ... subjects.
- 9) All States possess identical ... personalities.
- 10) States have a legal capacity to possess and carry out rights associated with their participation in ... relations.
- 11) The basic rights and ... of States are determined by the basic principles of international law.
- 12) A political and legal basis of the international legal personality of nations is their national ...
- 13) The overwhelming majority of norms of modern international law are created by ... among States.
- 14) While all legitimate treaties are equally ... on participating States, their role in international relations varies.
- 15) The ... of individual States and their court decisions are not sources of international law.

II. Fill in the prepositions where necessary.

- 1) to be distinguished ... international comity;
- 2) respect ... human rights;
- 3) responsibility ... States ... aggression;
- 4) international organizations stem ... treaties;
- 5) to carry ... the rights and obligations;
- 6) to be established ... recognition;
- 7) the supremacy of a State ... its territory;
- 8) States enjoy the rights inherent ... full sovereignty;
- 9) the right to enter ... relations ... other States;
- 10) to apply sanctions ... violators ... legal norms;
- 11) the right to engage ... consular relations;
- 12) to struggle ... liberation ... colonialists;
- 13) struggle ... colonial regimes;
- 14) to receive international legal protection ... the course ... struggle;
- 15) to engage ... negotiations ... States.

III. Translate the sentences from English into Russian.

- 1) The process of creating norms of international law is the one of the concordance of wills of States resulting in an agreement concerning the rules of behavior in its acceptance as legally binding.
- 2) The basic task of international law is to contribute to a normal functioning of the international system and to ensure peace and a resolution of international problems through legal means, on the basis of agreements among sovereign and equal States.
- 3) International law does not govern relations arising within States, although it often does influence them through the national law of these States.

IV. Translate the sentences from Russian into English.

1) Государства обладают реальной силой, в том числе вооруженной, они создают путем соглашения нормы международного права, от их действий зависит функционирование международной системы и международного права.

2) Субъектами международного права выступают главным образом суверенные государства, над которыми нет никакой власти, нации и народы, борющиеся за создание самостоятельных государств, межгосударственные организации и некоторые государственно-подобные образования.

3) В процессе образования норм международного права государства выступают как суверенные и равноправные субъекты.

UNIT 2. INTERNATIONAL ORGANIZATIONS

An empowered organization is one in which individuals have the knowledge, skill, desire, and opportunity to personally succeed in a way that leads to collective organizational success.

Stephen Covey

1. What do you know about the history of international organizations? Choose the right answer.

1) The first permanent political international organization, the League of Nations, was established in ...

- a) 1919 b) 1924 c) 1898

2) In the ..., economic development gave rise to a need to rely on international law in regulating a wide range of new spheres of interstate relations.

- a) 20th century b) 19th century c) 18th century

3) In ... the OAS Charter was adopted in Bogota.

- a) 1968 b) 1948 c) 1946

4) ... was signed in 1947 to promote trade and was replaced in 1995 by the World Trade Organization.

a) The International Bureau of Weights and Measures b) The International Union for the Protection of Industrial Property c) The General Agreement on Tariffs and Trade.

5) ... was originally created in 1975 following the Helsinki Conference of European powers (plus the US and Canada).

- a) the OSCE b) the OAU c) the ASEAN

2. Read the following text and explain the words and phrases in bold.

The History of International Organizations

In the mid-19th century, economic development gave rise to a need to rely on international law in regulating a wide range of new spheres of **interstate relations**. Initially, this was accomplished through bilateral treaties, but then States began to conclude multilateral agreements, whose implementation has produced a substantial number of international organizations called international administrative **unions**.

The earliest major international administrative unions include the International Telecommunication Union (1865), the Universal Postal Union (1874), the International Bureau of Weights and Measures (1875), the International Union for the Protection of Industrial Property (1883).

International administrative unions were actually the first **permanent** international organizations. In terms of their competence they were of a non-political character.

The first permanent political international organization, the League of Nations, was established in 1919. Its Covenant was drafted at the Paris Peace Conference, and was a component part of the 1919 Peace Treaty of Versailles. The aim of the League of Nations was to maintain peace and security. In 1940, the League of Nations actually ceased to exist, which was formalized in 1946.

The creation of the United Nations Organization marked a **decisive stage** in the history of international organizations. The UN Charter was signed in June 1945 at a conference held in San Francisco. The United Nations is a universal political organization for maintaining international peace and security.

Simultaneously with the creation of the United Nations, a number of intergovernmental organizations appeared that were called special-

ized agencies. They are linked with the United Nations by special agreements. They include the World Health Organization (WHO), the International Civil Aviation Organization (ICAO), etc.

The Cold War led to the formation of a number of closed military groupings. They included; the North Atlantic Treaty Organization (NATO), the South-East Asia Treaty Organization (SEATO), the Central Treaty Organization (CENTO), Australia-New Zealand-US Defence Pact (ANZUS), and SEATO, which was established in 1954 in accordance with a treaty on the defence of South-East Asia, and which comprised the United States, Britain, France, Australia, New Zealand, Pakistan, Thailand and the Philippines. It ceased to exist in 1974.

The abolition of colonial system and the resulting formation of a large number of newly-independent sovereign States have not only greatly increased the membership of the world's major organizations, but also led to the formation of a number of new international organizations, such as the Organization of African Unity (OAU).

The continuing internationalization of economic life and the intensification of international economic, scientific and technical relations, as well as the growing importance of today's global problems whose solution requires joint efforts by all States, are all **factors** that tend to increase the number of international organizations and enhance their role in the system of international relations.

3. Complete the table.

noun	verb	noun	verb
union	unite		defend
organization			exist
establishment			abolish
cease			increase
enhancement			internationalize

4. Match the synonyms.

A	B
1) growth	a) set up
2) permanent	b) stop
3) establish	c) intensify
4) maintain	d) constant
5) cease	e) nullification
6) enhance	f) in concordance with
7) abolition	g) keep up
8) in accordance with	h) development

5. Look up the organization in a dictionary/ on the Internet to read out the abbreviations and translate them into Russian. What do you think each organization does?

- 1) WHO 2) ICAO 3) NATO 4) SEATO 5) CENTO 6) ANZUS 7) OAU

6. Complete the following sentences using the required information from the above text. Put them into correct order and speak on the history of international organizations.

- The first permanent political international organization, the League of Nations, was established ...
- The earliest major international administrative unions include ...
- In the mid-19th century, economic development gave rise ...
- The abolition of colonial system has greatly increased the ...
- International administrative unions were actually the first ...
- In 1940, the League of Nations actually ...
- Simultaneously with the creation of the United Nations, a number of intergovernmental organizations ...
- The UN Charter was signed in ...
- The United Nations is a universal political organization for ...
- The "cold war" led to the formation of a number of ...



7. Read the text and give synonyms for the highlighted words.

The Concept of International Organizations

An international (intergovernmental) organization is an association of States established on the basis of a treaty and in accordance with international law in order to achieve specific objectives. It possesses a system of organs and rights and duties that are distinct from those of the member-states.

One may thus refer to the following five attributes of the concept of an international organization: 1) its treaty-based character; 2) specific purposes; 3) an organizational structure; 4) independent rights and duties; and 5) its creation in accordance with international law.

The Treaty basis means that a treaty (usually a multilateral one) is the constituent instrument and charter of the international organization.

There are cases, however, of international organizations being created not on the basis of treaties, but of corresponding resolutions by organs of international organizations. The United Nations Conference on Trade and Development (UNCTAD), and the United Nations Industrial Development Organization (UNIDO) were established in this way within the framework of the United Nations. These organizations were formed in accordance with the right of the United Nations General Assembly (Article 22 of the United Nations Charter) to establish subsidiary organs.

Specific purposes are an important attribute of the concept of an international organization. The purposes of an international organization are important in establishing its legitimacy, the legitimacy of its organizational structure and of the competence that it has been granted.

The organizational structure refers to a system of standing organs constituting the mechanism through which States cooperate within the framework of the international organization.

The *independent rights and duties* are distinct from the rights and duties of member-states. In the constituent instrument (charters) of international organizations, some articles are addressed directly to the member-states, while others are addressed to the particular international organization as represented by its organs.

The *ability* of an international organization to have rights and duties distinct from those of individual member-states establishes it as a legal person possessing its own legal will. It also makes it a derivative subject of international law, providing that these rights are directly linked with its international legal personality. In particular, these rights include the right to conclude international agreements, the right to privileges and immunities, and to representation.

Creation in accordance with international law refers to the legitimate character of the international organization and to the correspondence of its Charter and activities to the generally recognized principles and norms of international law, and especially those of *jus cogens*.

⇒ 8. Do a crossword puzzle.

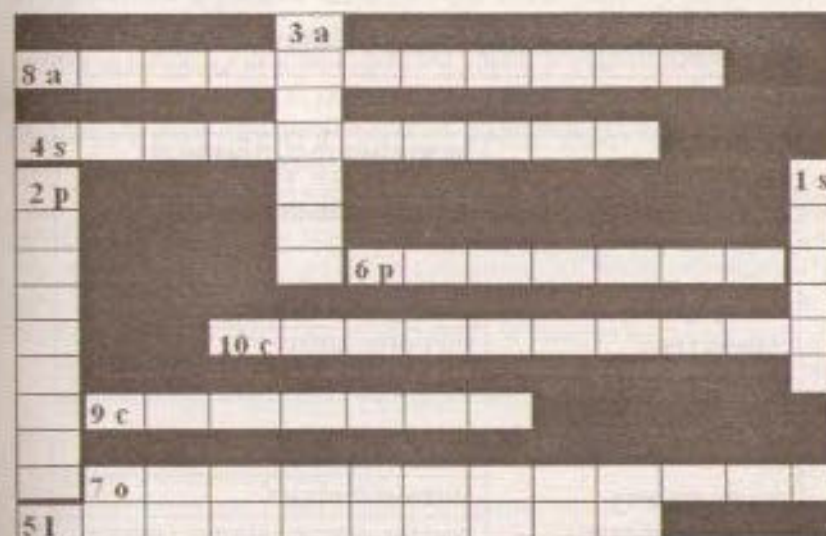
Down

1. a group or combination of interrelated, interdependent, or interacting elements forming a collective entity;
- 2 a benefit, immunity, etc., granted under certain conditions;
3. to bring to a successful conclusion; accomplish; attain;

Across

4. serving to aid or supplement; auxiliary;
5. authorized, sanctioned by, or in accordance with law;
6. the reason for which anything is done, created, or exists subsidiary serving to aid or supplement; auxiliary;
7. a body of administrative officials, as of a political party, a government department, etc;
8. a group of people having a common purpose or interest; a society or club;

9. a formal document from the sovereign or state incorporating a city, bank, college, etc., and specifying its purposes and rights;
10. the state of being legally competent or qualified;



⇒ 9. Find in the above text the English equivalents for the following words and word combinations. Make sentences using them.

- 1) Конференция ООН по торговле и развитию (ЮНКТАД);
- 2) международная межправительственная организация;
- 3) право на привилегии и иммунитеты;
- 4) договорная основа;
- 5) система постоянных органов;
- 6) права и обязанности государств-членов;
- 7) право на представительство;
- 8) правомерный характер международной организации;
- 9) международная правосубъектность;
- 10) учреждение в соответствии с международным правом;
- 11) учредительный акт (документ);
- 12) Организация Объединенных Наций по промышленному развитию (ЮНИДО);
- 13) создавать вспомогательные органы;
- 14) право на заключение международных договоров;
- 15) в рамках международной организации

⇒ 10. Translate the following table into English and speak on the Classification of International Organizations.

Классификация международных организаций

по виду статуса	межправительственные
	неправительственные
по сфере и характеру деятельности	универсальные
	региональные
	локальные
по предмету деятельности	политические
	экономические
	специализированные (наука, культура и др.)

⇒ 11. Study the text below and give English equivalents for the words and phrases in bold.

The organizational structure of international organizations

An international organization 1) **обычно состоит из следующих звеньев**: the highest organ; an executive organ; an administrative organ; committees and commissions on special issues. Certain organizations also provide for 2) **создание юридических органов**.

The highest (plenary) organs are represented by all member-states. In 3) **общих международных организациях** each State generally 4) **имеет один голос**, irrespective of the size of its popula-

tion or of its economic power. The highest organ considers all important issues relating to the activity of the organization, including 5) **выборы исполнительных органов, генерального секретаря, утверждение бюджета организации**.

Executive organs. In universal organizations, membership in these organs is limited. Their members are States. Elections to these organs 6) **осуществляются в соответствии two criteria**: 7) **критерий справедливого географического распределения и критерий специфических интересов**.

Administrative Organs – secretariats. Secretariats 8) **возглавляется генеральным секретарем (директором)**. Secretariat staff members are divided into three categories: a) senior administrative officials, b) specialists, c) service personnel. The Secretary-General is selected by the highest organ for a term of three to six years, with the possibility of re-election. Other members of the secretariat are appointed by the Secretary-General. The selection of the staff 9) **должен производиться на широкой географической основе с учетом их квалификации**.

Committees and commissions on special issues. Some of these are provided for in charters. Others are created as 10) **вспомогательные органы**, either on a temporary basis or as permanent bodies. The composition of their members varies in number and character.

⇒ 12. Read the text and give opposites for the highlighted words.

Some Legal Aspects of International Organizations

The sphere of competence of international organizations

International organizations are created by States to serve concrete purposes and tasks. They are accordingly given a strictly specified competence that is recorded in their constituent instrument.

Activities of an organization are lawful when they fall within its sphere of competence. The competence of an international organiza-

tion is expressed in that of its organs. Two aspects of competence of international organizations and of their organs should be distinguished, namely, their object competence, which determines the range of issues falling within their competence, and their jurisdictional competence, which determines the legal force of their acts with respect to individual issues within its object competence.

Since the constituent instrument of an international organization, which forms the basis for its sphere of competence, is an international treaty, any change in its competence, or the redistribution of that competence among its organs must take place on the basis of a treaty in accordance with corresponding rules provided for in the constituent instrument.

Resolutions of international organizations

The resolutions of organs of international organizations usually fall into two types, depending on whether or not they are mandatory: binding decisions and recommendations.

Decisions are taken on issues relating to an organization's internal activities, such as the adoption of rules of procedure, the approval of the budget and the distribution of expenditure among the members, admission to membership, expulsion from membership, and elections to its bodies, etc. In all international organizations decisions on organizational issues are binding on all member-states.

As for resolutions on matters concerning the substance of an organization's activities, they are generally recommendations. For example, in accordance with Article 10 of the United Nations Charter, resolutions of the United Nations General Assembly are recommendations. This does not, of course, affect the political and moral force of General Assembly resolutions.

Functions of International Organizations

It is important to distinguish between such concepts as the purposes, tasks and functions of international organizations.

The purposes of international organizations differ. The United Nations was created to maintain international peace and security; ICAO – to study problems of international civil aviation, elaborate

international norms and rules for civil aviation, and contribute to the safety of flights on international airlines; and the World Intellectual Property Organization (WIPO) – to provide international protection of copyright, etc. The concrete tasks that follow from such purposes are carried out by international organizations through specific actions whose aggregate constitutes the functions of these international organizations. They include information, norm-creating, control and operational functions.

The information function is one of the oldest functions of international organizations. It has two aspects: first, each organization publishes a series of documents relating directly to its structure, purposes and basic lines of its activity; second, it publishes special materials, such as papers, surveys and abstracts on matters with which it is concerned.

The norm-creating function has two meanings: 1) the direct participation by an international organization in the creation of norms of international law, 2) the participation by an international organization in the norm-creation process of States. Today the participation by international organizations in the norm-creating process of States is widespread. Many intergovernmental organizations of the United Nations system are engaged in this type of norm creation.

The control function has developed considerably after the Second World War. There are many international legal acts – charters, multilateral conventions, pacts, covenants – establishing various forms of control over the implementation of the norms contained in these documents, and also providing for the creation of special organs to exercise this control.

The operational function is a new function of international organizations, and one that is a particular characteristic of the United Nations and specialized agencies. The operational functions of the United Nations include United Nations operations in maintaining international peace and security; the provision of technical assistance by the United Nations and specialized agencies to newly-independent, developing States, etc.

A specific characteristic of the operational function of an international organization compared with other functions, is that the latter include measures intended to induce States to promote its objectives

by exerting on them a certain political pressure, while in performing operational functions it itself pursues its own objectives, mainly with the help of manpower and material resources at its own disposal. The appearance of international organizations, such as INMARSAT and INTELSAT, possessing specific commercial-operational functions, indicates that the operational function of international organizations is developing.

All functions of international organizations must be performed in accordance with their charters.

⇒ 13. Match the words with their definitions.

1) competence <i>f</i>	a) to have a positive opinion
2) mandatory	b) acceptance for a position, office, etc
3) approve	c) to work out in detail; develop
4) expend	d) formed of separate units collected into a whole; collective; corporate
5) admission	e) (the act of) forcing someone, or being forced, to leave somewhere
6) expulsion	f) the ability to do something to a level that is acceptable
7) elaborate	g) help; support
8) aggregate	h) to share or give (something) out to several people, or to spread, scatter or supply (something) over an area
9) assistance	i) to use or spend (esp. time, effort or money)
10) distribute	j) obligatory; compulsory

⇒ 14. Give the word families of the following words.

e.g. to mutilate(v) – mutilation(n) – mutilated (adj)

competence(n)	mandate (n)
jurisdiction (n)	distribute (v)
aggregate (v)	expend (v)
elaborate (adj)	disposal (n)

⇒ 15. Answer the following questions.

- 1) Why do States create international organizations?
- 2) The resolutions of organs of international organizations usually fall into three types, don't they?
- 3) What does object competence mean?
- 4) What does jurisdictional competence mean?
- 5) Are in all international organizations decisions on organizational issues binding on all member-states?
- 6) What was the United Nations created for?
- 7) What are the tasks of the International Civil Aviation Organization?
- 8) What was the World Intellectual Property Organization created for?
- 9) The information function is one of the oldest functions of international organizations, isn't it?
- 10) How many aspects does the information function have?
- 11) What is the norm-creating function?
- 12) Many intergovernmental organizations of the United Nations system are engaged in the type of norm creation, aren't they?
- 13) When did the control function begin to develop?
- 14) Is the operational function a new function of international organizations?
- 15) Must all functions of international organizations be performed in accordance with their charters?

•••••

⇒ 16. Consult your dictionary for the right stress in the following words and memorize their meaning.

Uruguay, barrier, licensing, guidance, plurilateral, subsume, subsidy.

⇒ 17. Read the following text and explain the meaning of the words and phrases in bold.

International Economic Organisations

The GATT arose out of an international conference held at Havana in 1947 at which it was decided to establish an International Trade Organisation. The organisation did not in fact come into being. However, a General Agreement on Tariffs and Trade (GATT) had been agreed shortly before the conference, involving a series of tariff **concessions** and trade rules, and this originally temporary instrument continued. The arrangement operated on the basis of bilateral approach to trade negotiations coupled with unconditional acceptance of the most **favoured nation** principle (by which the most favourable **benefits** obtained by one state are passed on to other states), although there were special conditions for developing states in this respect. A series of **tariff** and trade negotiating rounds were held under the auspices of the GATT, which thus offered a package approach to trade negotiations, and a wide variety of tariff reductions was achieved, as well as agreement reached on mitigating non-tariff barriers. The eighth such round, termed the Uruguay round, commenced in 1986 and concluded with the signing at Marrakesh on 15 April 1994 of a long and complex agreement covering a range of economic issues, such as agriculture, textiles and clothing, rules of origin, import licensing procedures, **subsidies**, intellectual property rights, and procedures on dispute settlement. In addition, the agreement provided for the establishment of the World Trade Organisation on 1 January 1995 as a permanent institution with its own secretariat. The organisation consists of a Ministerial Conference, consisting of representatives of all members meeting at least once every two years; a General Council composed of representatives of all members meeting as appropriate and exercising the functions of the Conference between sessions; Councils for Trade in Goods, Trade in Services and Trade Related Aspects of Intellectual Property Rights operating under the general guidance of the General Council; a Secretariat and a Director-General. The organisation's main aims are to administer and implement the multilateral and plurilateral **trade agreements** together making up the WTO, to act as a forum for multilateral trade negotiations, to try and settle trade disputes and to **oversee** national trade policies.

The GATT of 1947 continued until the end of 1995, when it was effectively subsumed, with changes, as GATT 1994 within the WTO system.

➤ 18. Match the words in column A with the appropriate words in column B.

A	B
1) intellectual	a) settlement
2) trade	b) state
3) dispute	c) property
4) package	d) concessions
5) developing	e) reduction
6) trade	f) barriers
7) tariff	g) rule
8) tariff	h) procedure
9) non-tariff	i) approach
10) licensing	j) negotiation

➤ 19. Fill in the correct prepositions, then choose any five items and make sentences.

1) to arise ... the situation; 2) to come ... being; 3) ... the basis ... smth; 4) trade negotiations coupled ... unconditional acceptance; 5) benefits obtained ... one state are passed ... other states; 6) ... this respect; 7) to be held ... the auspices ... the GATT; 8) the round commenced ... 1986; 9) the round concluded ... the signing ... Marrakesh ... 15 April 1994 ... an agreement; 10) General Council composed ... representatives ... all members;

➤ 20. Which of the statements are true to the above text?

1) The GATT arose out of an international conference held at Ottawa in 1947 at which it was decided to establish an International Trade Organisation.

2) A series of tariff and trade negotiating rounds were held under the auspices of the GATT.

3) The agreement provided for the establishment of the World Trade Organisation on 11 February 1995 as a permanent institution with its own secretariat.

4) The World Trade Organisation consists of a Ministerial Conference, consisting of representatives of all members meeting at least once every three years.

5) The GATT of 1947 continued until the end of 1996.

.....

⇒ 21. Read the text and choose the most suitable sentence from the list (A -G) for each gap. There is one extra sentence which you do not need to use. There is an example at the beginning.

- A The Permanent Committee was set up in Vienna in 1993 to assist in regular decision-making.
- B There is also an Office for Democratic Institutions and Human Rights, which is responsible for the promotion of human rights and democracy in the OSCE area.
- C It played no meaningful part in the Gulf wars and crises from 1980 to 2003.
- D The OSCE has established a variety of Missions to assist in dispute settlement and has been assigned a role in the Bosnia peace arrangements.
- E To complete the transformation of the CSCE, it was renamed the Organisation for Security and Cooperation in Europe as from 1 January 1995.
- F *The Final Act was not a binding treaty but a political document, concerned with three areas or 'baskets', being security questions in Europe: co-operation in the fields of economics, science and technology, and co-operation in humanitarian fields.*
- G It was only really after the changes in Eastern Europe in the late 1980s that the CSCE began to assume a coherent structure.

The Organisation for Security and Cooperation in Europe (OSCE)

The Organisation was originally created in 1975 following the Helsinki Conference of European powers (plus the US and Canada). The Helsinki Final Act laid down a series of basic principles of behaviour among the participating states, including sovereign equality; prohibition of the threat or use of force; inviolability of frontiers; territorial integrity of states; peaceful settlement of disputes; non-intervention in internal affairs and respect for human rights. [1 - F]. The Conference itself (at the time termed the CSCE) was a diplomatic conference with regular follow-up meetings to review the implementation of the Helsinki Final Act, together with expert meetings on a variety of topics including human rights, democratic institutions, the environment and the peaceful settlement of disputes. [2 -].

The Charter of Paris for a New Europe signed in 1990 provided for the first standing institutions. These were the Conflict Prevention Centre in Vienna, the Office for Free Elections in Warsaw (now renamed the Office for Democratic Institutions and Human Rights) and the Secretariat based in Prague. The Paris Conference also established a system of consultation and decision-making bodies being regular summit meetings of Heads of State or Government; the Council of Ministers, consisting of the Foreign Ministers of participating states, and the Committee of Senior Officials to deal with day-to-day business. In December 1992, the post of Secretary General was created, while a strengthened Secretariat was established in Vienna. [3 -].

Further institutional steps were taken at the Budapest Summit in 1994. [4 -]. The Council of Ministers (now termed the Ministerial Council) constitutes the central decision-making and governing body of the Organisation, while the Senior Council has the function of discussing and setting forth policy and broad budgetary guidelines. The Permanent Council is the regular body for political consultation and decision making and can also be convened for emergency purposes and is composed of the permanent representatives of the participating

states meeting in Vienna. There is also a Forum for Security Cooperation which meets weekly in Vienna to discuss and make decisions regarding military aspects of security in the OSCE area, in particular confidence- and security-building measures, and the Senior Council/Economic Forum which convenes once a year in Prague to focus on economic and environmental factors that affect security in the OSCE area [5].

Overall responsibility for executive action is exercised by the Chairman-in-Office, who is assisted by the Troika (i.e. the present, preceding and succeeding Chairmen). The High Commissioner on National Minorities was appointed in 1992 and there exist a variety of personal representatives of the Chairman-in-Office and ad hoc steering groups in order to help the work of the Organisation. [6]. A Parliamentary Assembly was established in 1991. In March 1995, the Final Conference on the Pact on Stability in Europe adopted a Final Declaration, which together with some 100 bilateral and regional co-operation agreements, constitutes an attempt to mitigate tensions in the region. The Declaration contains a commitment to act against intolerance and discrimination, while the agreements include those dealing with cross-border co-operation, economic, environmental and minority protection issues. The Pact is supplemented by measures to be taken by the European Union and is integrated within the OSCE system. It has been agreed that in the event of difficulties over observance of the agreements, the states participating in the Pact would rely on existing OSCE institutions and procedures for settling disputes peacefully, including the Court of Conciliation and Arbitration. There are currently fifty-five participating states in the organisation.

➡ 22. Solve the crossword puzzle using the information from the above text.

- 1) a state or other political entity with political, industrial, or military strength – **POWER**
- 2) the region of a country bordering on another or a line, barrier, etc., marking such a boundary;
- 3) unity; wholeness;
- 4) a meeting of chiefs of governments or other high officials;

- 5) a group of three people, esp. government officials;
- 6) to have a conversation about; consider by talking over; debate;
- 7) to act or work together for a particular purpose, or to help someone willingly when help is requested;
- 8) a method of helping the parties in a dispute to reach agreement, esp divorcing or separating couples to part amicably;
- 9) a situation or condition of hostility, suspense, or uneasiness;
- 10) to get information or advice from (a person or book with special knowledge on a particular subject).

c	o	n	c	i	l	i	a	t	i	o	n
o	h	n	a	t	v	c	z	r	m	u	u
o	c	i	t	e	n	s	i	o	n	j	e
p	o	w	e	r	r	a	e	i	k	a	n
e	n	i	r	a	o	s	o	k	p	l	u
r	s	n	q	m	e	f	g	a	a	y	l
a	u	w	i	d	i	s	c	u	s	s	o
t	l	s	m	o	n	e	o	m	g	u	l
e	t	d	n	n	t	i	t	a	e	s	u
i	c	s	u	l	e	l	u	i	h	u	p
u	z	a	t	u	g	l	k	o	e	m	o
z	n	d	d	i	r	o	a	t	o	m	i
o	c	d	r	e	i	e	h	u	h	i	n
g	f	r	o	n	t	i	e	r	o	t	r
o	p	e	r	e	y	h	r	y	m	b	y

➡ 23. Match the synonyms.

A	B
1) mitigate b	a) establish
2) prohibit	b) lessen
3) set up	c) liable

4) assist	d) safety
5) responsible	e) coordinated
6) promotion	f) bigotry
7) security	g) encouragement
8) coherent	h) assign
9) appoint	i) forbid
10) intolerance	j) aid

⇒ 24. Complete the tables with the appropriate verb or noun forms.

noun	verb		noun	verb
assignment	to assign			save
dispute				consult
security				convene
provision				measure
strength				supplement

⇒ 25. In the above text find the English equivalents for the following words and word combinations and make your own sentences using them.

1) Организация по безопасности и сотрудничеству в Европе;
 2) демократические учреждения/институты; 3) соблюдение прав человека; 4) встреча в верхах (на высшем уровне); 5) министр иностранных дел; 6) верховный комиссар; 7) соглашение о сотрудничестве; 8) невмешательство; 9) внутренние дела (страны); 10) территориальная неприкосновенность, территориальная целостность; 11) нерушимость границ; 12) суверенное равенство; 13) ряд основных принципов; 14) Заключительный акт Хельсинки; 15) Европейские державы; 16) когерентная структура; 17) глава государства; 18) руководящий орган; 19) акт исполнительной власти; 20) триумvirат.

⇒ 26. Use ex. 25 and speak on the Organisation for Security and Cooperation in Europe.

•••••

⇒ 27. Match the English phrases in A with their Russian equivalents in B. Learn the following collocations.

A	B
1) regulations of the organization	a. суверенное равенство всех членов организации;
2) running of the organization	b. ОПЕК Организация стран-экспортёров нефти, ОПЕК
3) sovereign equality of all the members of the organization	c. правила организации
4) permanent head of an organization	d. межправительственные организации
5) Organization. for Economic Cooperation and Development, OECD	e. межправительственные военные организации;
6) to join an organization	f. создание международных организаций;
7) to disband an organization; to walk out of an organization	g. постоянный глава организации;
8) Organization of Petroleum Exporting Countries, OPEC	h. международные неправительственные организации
9) to walk out of an organization	i. межправительственные административные организации;
10) consultative organizations	j. участвующие организации, организации-члены
11) foreign trade organizations	k. общественные организации
12) intergovernmental organizations	l. региональные организации
13) intergovernmental administrative organizations	m. консультативные организации
14) intergovernmental military organizations	n. вступить в организацию, присоединиться к организации;