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Legal Dimensions of States' Withdrawal from International Organizations with Emphasis on the European Union

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Withdrawal is an act by which a member state of an international organization voluntarily terminates its membership. The right to withdraw from international organizations is explicitly stated in the constitutions of most of these organizations, and the conditions related to the right of withdrawal vary depending on the organization. The aim of this paper is to explain the responsibility of withdrawal and the reasons that arise from the will of states to exit international organizations. This study employs qualitative methods based on bibliographical research related to international organizations, with a particular focus on the right and procedures concerning states' withdrawal from international organizations. Additionally, some information was gathered from reliable online sources that provide valuable insights into states' withdrawal from international organizations and the reasons behind these decisions. The research results show that since the emergence of international organizations, decisions by states to withdraw from these organizations have existed and continue to exist, arising from countries' reluctance to transfer parts of their sovereignty to international organizations. The conclusion of this paper aims to enhance understanding of the true meaning of the processes of states' withdrawal from international organizations.

Keywords: *States, international organizations, withdrawal, processes.*

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1. Introduction

This paper addresses a very important topic in international relations, namely the termination of states' membership in international organizations through withdrawal. The latter poses a significant challenge for both states and international organizations because withdrawal is a process that is accompanied by serious consequences. The main objectives of this research are: to elucidate the key characteristics of international organizations, to define the concept of states' withdrawal from international organizations, and to describe the various instances of states' withdrawal from specific organizations that play a significant role.

Bilateral and multilateral relations between states have a long history, but the establishment of international public organizations functioning as entities is primarily a development of the late nineteenth century. The nineteenth century has been described as the "Age of Preparation for International Organizations," a period from 1815 to 1914, while the years following the significant events of 1914 should be regarded as the "Era of Establishment." International organizations, in this regard, are considered a phenomenon of the twentieth century. An international organization is defined as an

organization created based on a treaty or another document governed by international law, which possesses its own legal personality under international law. International organizations may, in addition to states, admit other entities as members. The Peace of Westphalia in 1648, the Congress of Vienna in 1815, the Berlin Congress in 1871, the Hague Conferences in 1899 and 1907, and the Treaty of Versailles in 1919 were international conferences held before the establishment of international organizations. In 1919, following the tragedy and suffering caused by World War I, and after the Treaty of Versailles, the League of Nations was created in 1920 with the aim of establishing a political organization with an open and global personality. The League of Nations was a novel concept in the history of international relations (Kaiser & Schot, 2014). No organization of such scale, covering all areas of international cooperation, had ever existed. The organization was designed "to promote international cooperation and achieve peace and security" based on open, fair, and honorable relations between nations. After the outbreak of World War II in September 1939, the operations of the League in Geneva were suspended, and it continued its existence in the United States and Canada, but it played no significant role in international relations. At the end of the war, plans were made to replace it with a new, stronger international organization. As a result, the United Nations was established in 1945 (Léonard & Kaunert, 2022; Martin, 2016; Möldner, 2012).

The number of international organizations has dramatically increased, especially after World War II, and continues to grow to this day. Analysts have pointed to many precursors of contemporary institutions such as the United Nations, the World Trade Organization, or the European Union, which have played a key role in shaping the modern global order. In recent years, political science has often evaluated the growing influence of international organizations on national policy, often under the label of "global governance." In many areas of policy, international organizations have developed activities that shape national perceptions and responses to political, economic, and other issues. In such processes, methodological nationalism—seeking explanations within the nation-state as the determining entity—is increasingly challenged. It is no longer possible to consider the nation as the dominant organizing principle of politics. Instead, conditions at the international level and the interdependence of countries are becoming increasingly interconnected. It could be argued that the shift in global power is not from the West to the East, but from the state to international organizations and other non-state actors. States' withdrawal from international organizations is also one of the events that may occur. Therefore, this research aims to examine the legal dimensions of states' withdrawal from international organizations with a focus on the European Union.

2. Theoretical Foundations

2.1. Classification of International Organizations

There are various elements in the classification of international organizations. We distinguish between voluntary, transnational organizations created by companies (sometimes governmental) with substantial authority for experts, or those created by experts themselves, and treaty-based international organizations with a more formal role for states. Thus, the primary classification of international organizations is into intergovernmental international organizations, where states operate based on international treaties, and non-governmental international organizations, which encompass a broad range of groups and individuals from different countries (d'Aspremont, 2007). One important component of the classification of international organizations is the geographical scope, according to which international organizations are divided into global organizations, such as the United Nations and its specialized agencies, or regional organizations, such as the European Union or the African Union. Additionally, various methods exist for classifying international organizations. This classification can be based on the purpose of the organizations. Some organizations have specific goals, for example, international whaling regulations regarding the International Whaling Commission, health in the case of the World Health Organization, monetary and financial stability for the International Monetary Fund, or collective defense for the North Atlantic Treaty Organization (NATO). On the other hand, some organizations may have broader objectives, such as the United Nations, the World Trade Organization, or the Organization of Islamic Cooperation. They may also be categorized based on membership,

especially whether the organization is global or limited. Membership may be confined to countries within a particular geographic region, such as the Organization of American States and the Association of Southeast Asian Nations, or based on religion, as with the Organization of Islamic Cooperation, or be historically limited. For example, the Commonwealth of Nations consists of a set of completely distinct states, the majority of which have a history of British colonization (Amerasinghe, 2005).

2.2. *Definition of States' Withdrawal from International Organizations: Right and Conditions of Withdrawal*

Termination of membership may occur explicitly with the dissolution of an organization. However, while an organization continues to exist, membership may end through withdrawal (a voluntary act of the member state), expulsion (an action taken by the organization against the member state), or loss of membership. Another reason for withdrawal, which is often not mentioned, is the removal of the member state or the loss of its essential characteristics as a state (Bartels, 2018; Basson, 2017; Klabbers, 2020). The right to withdraw is explicitly mentioned in the charters of most international organizations, and the conditions regarding the right of withdrawal vary. Some organizations impose clear restrictions on withdrawal; in some cases, withdrawal is not allowed during an initial period, allowing the organization an opportunity to establish itself (Schermers & Blokker, 2011; Setayeshpour & Abedini, 2016). While in other cases, a period between the declaration of withdrawal and its execution is specified, providing an opportunity for reconsideration and other possibilities. Another condition sometimes associated with withdrawal is that outstanding obligations must be fulfilled before the withdrawal becomes effective. Generally, specified obligations are primarily financial commitments made as part of budgetary responsibilities, but in some cases, non-financial obligations may also need to be fulfilled. It should be emphasized that when an organization, such as financial organizations, is self-financing, settlement with a withdrawing member becomes more complex. Policy considerations supporting the view that withdrawal is permissible even in the absence of an explicit provision are based on concepts of sovereignty, autonomy, fairness, expediency, and general principles of law. A question arises as to whether a member state can suspend its withdrawal after giving notice. The answer should be no, unless the other members agree.

States' withdrawal from the League of Nations is outlined in Article 1 of the Covenant. This article stated that: "Any member of the Union may withdraw from the Union after two years' notice of its intention to do so, provided that all international obligations and all commitments under this Covenant have been fulfilled at the time of its withdrawal." The League of Nations, from its establishment in 1920 until its dissolution in 1946, saw numerous instances of state withdrawals. The first state to withdraw from the Union was Costa Rica in December 1924, followed by Brazil in June 1926, Japan in March 1933, Germany in October 1933, Paraguay in February 1935, Guatemala in May 1936, Nicaragua in June 1936, and Honduras. The withdrawal of these states was influenced by events before, during, and after World War II (Ginneken, 2006; Tuerk, 2015).

The United Nations Charter does not contain any explicit provisions regarding the prohibition, allowance, or regulation of withdrawal from the organization. However, during the San Francisco Conference, a statement regarding the inclusion of the provisions of Article 1 of the League of Nations Covenant on voluntary withdrawal from the United Nations was accepted. The organization has only been required to address this issue once. The only withdrawal instance that can be referred to is Indonesia's withdrawal in 1965, when the country, protesting Malaysia's election as a non-permanent member of the Security Council, announced and executed its intention to withdraw from the United Nations. The notice of withdrawal was given in a letter to the Secretary-General. Although the Secretary-General, in his response, left the issue of Indonesia's actions' legality open, the United Nations' acceptance of Indonesia's withdrawal, defined as "inactive membership," can be inferred from a series of definitive actions by the organization, such as removing Indonesia from the member list. However, by the end of 1966, Indonesia informed the Secretary-General that it had decided to resume its participation in the organization's activities, starting with the twenty-first session of the General Assembly (Conforti & Focarelli, 2016; Crawford, 2012; Keukeleire & Delreux, 2022). This case, due to its specific characteristics and especially the brief justifications provided by Indonesia for its withdrawal, is evidence of the view that any member state has the full

and unconditional right to withdraw from the United Nations. According to the United Nations Manual on the Final Clauses of Multilateral Treaties, the terms "withdrawal" and "withdrawal of membership" reflect the same legal concept. Withdrawal is a process initiated unilaterally by a state to terminate its legal obligations under a treaty. Nevertheless, two articles of the United Nations Charter should not be overlooked as they pertain to compulsory withdrawal or expulsion of states from the United Nations. Article 5 states that a member of the United Nations, against whom the Security Council has taken preventive or compulsory action, may be suspended from exercising its rights and privileges of membership by the General Assembly on the recommendation of the Security Council. The use of these rights and privileges may be restored by the Security Council. Article 6, on the other hand, states that a member of the United Nations that persistently violates the principles of the Charter may be expelled from the organization by the General Assembly, on the recommendation of the Security Council (Chapter II, United Nations Membership Guide).

2.3. Concept of State Responsibility Acceptance

In order to accept responsibility arising from actions that cause the injured party to rely on the state's accountability, there are multiple foundations. The first basis is to prevent illegal objectives from being achieved because such actions may, in some cases, constitute an intent to exploit. This means that the actions or statements of a member state within an international organization are aimed at exploiting the organization's legal personality and pretending to accept responsibility, in a manner that convinces the injured state to rely on the accountability of the member state.

However, according to the phrasing of Article 62, actions that cause the injured party to rely on state responsibility, even without the intent to exploit, will result in state responsibility. Thus, this issue should not be limited and other considerations should be added to the rationale for this provision. Accordingly, the basis for responsibility arising from actions that cause the injured party to rely on state responsibility should be the principle of good faith and trust of the injured party. In fact, in cases where the injured party relies on the actions of a member state based on good faith, the member state is responsible for the damage caused. The International Law Commission, in its fourth report, stated that "only the member states whose actions cause the injured party's trust are responsible." Although the Commission has supported the good faith of the injured parties through Article 52, Section B, it unfortunately has not set out further regulations to determine what constitutes full reliance. Therefore, the rules proposed to protect the injured party appear to be incomplete and insufficient.

2.4. Estoppel Doctrine

Estoppel is a legal principle that has its origins in Anglo-Saxon law. The rule essentially states that no one can contradict themselves to the detriment of another party. This rule is more commonly applied in international law, but it has an equivalent in the legal systems of most countries (Holesch & Kyriazi, 2022; Jakobi, 2009).

The estoppel rule in law prohibits a party from claiming a right or obligation in a legal matter that contradicts a previous statement or action. For example, after the conclusion of a contract, one party cannot later claim that the contract is illegal. Based on this rule, individuals are prohibited from denying something they have previously emphasized (Martin, 2016).

The basic concept of estoppel is that when person A forces person B to act based on a particular situation, if certain conditions are met, person A is prevented from reverting to their previous statements or actions that induced person B to act. In such cases, Party A is barred from resisting or denying the existence of that specific condition (Martin, 2016).

The essence of estoppel is that one party is compelled to accept a legally real situation that may not necessarily be the factual situation. This impacts the mistaken belief of a party with an interest in challenging it because the other party has either created (usually through representation) or shared it (based on a contract where there is a shared assumption) or has aligned themselves with it without actually sharing it (based on a contract where one party consents to another's mistaken belief).

The reference in Article 62 to actions that cause the injured party to rely on state responsibility means that the actions of a member state cause the injured party to rely on the belief that the state has accepted responsibility for the organization's actions, thereby placing trust and hope in it. This will result in the responsibility of the member states.

2.5. *Secondary Responsibility of Member States in International Organizations*

According to Section 2, Article 62 of the Draft on the Responsibility of International Organizations, any international responsibility of a state that arises from accepting responsibility towards an injured party (Section "A" of Paragraph 1) or from committing an act that causes the injured party to rely on responsibility is considered secondary responsibility (Hobolt et al., 2022; Rosas, 2011).

From the perspective of some legal scholars, "secondary responsibility" or subsidiary responsibility is a type of derivative responsibility. Derivative responsibility is understood in domestic law as responsibility arising from another's actions. This type of responsibility, which is secondary to the main responsibility, applies to the responsibility system of international organizations as well. In this sense, secondary responsibility can be used alongside primary responsibility. Therefore, when an action attributed to a legal entity of an international organization causes harm to individuals, the primary responsibility for compensation lies with the legal personality of the international organization, and alongside the primary responsibility of the organization, the responsibility of the member states arises as secondary responsibility. This means that the secondary responsibility of member states arises to complement the independent responsibility of international organizations in fulfilling their duty of compensation, especially when international organizations are unable to compensate for damages due to issues such as budgetary constraints. The purpose of establishing secondary responsibility for member states of international organizations is to provide an opportunity for compensation through the organization while preserving its independence and ensuring that, in the event of the organization's incapacity or refusal to provide compensation, the injured party can still receive reparation (Wessel, 2018).

Most legal scholars believe that the secondary responsibility of member states in international organizations is a responsibility based solely on membership, without the member state having engaged in any responsible behavior. In other words, the source of secondary responsibility is not the specific behavior of the state, but rather the attribution of responsibility to members simply due to their membership in the international organization. Accordingly, responsibility is imposed on the state without any additional behavior, solely due to its membership in the relevant organization.

With these explanations, the secondary responsibility as presented by scholars, using the term "secondary responsibility" in Article 62 of the draft, appears to be entirely different in terms of scope, as secondary responsibility, from the perspective of legal scholars, refers to responsibility based on membership without any action by the state, whereas Article 52 of the draft requires the state member to perform an action (acceptance of responsibility or an action causing the injured party to rely on the state's responsibility), where in both cases (as in other cases of state responsibility outlined in Articles 58, 59, 60, and 61, which depend on the state's actions), the state has committed an act (d'Aspremont, 2007; Hobolt et al., 2022).

In fact, the Draft on Responsibility, influenced by opponents of secondary responsibility, limits the instances of secondary responsibility to two cases and avoids the responsibility based purely on membership.

3. Collective Responsibility of Member States of International Organizations Towards Each Other

3.1. *Responsibility for Breach of Treaties*

Collective responsibility for the breach of treaties by member states of international organizations towards each other is a concept mentioned in various places, including Chapter VII. Chapter VII starts with Article 39 and continues until Article 51. Article 39 states that if the Security Council determines that a situation constitutes a threat to peace, a breach of peace, or an act of aggression, it may take measures, starting from non-coercive, non-military actions to the possibility of coercive military measures. However, before determining one of these situations, the Security Council requests the conflicting parties to take provisional measures while the Council assesses the situation.

After the request for provisional measures, the Council examines whether the situation in question is a threat, a breach, or an act of aggression. The Security Council has never declared a state to be an aggressor, one major reason being that once a state is declared an aggressor, restoring peace with that state would no longer be possible.

Breach of Peace: Breach of peace has been declared by the Security Council in very rare instances. It has only been declared in five cases: First, in the Korean crisis of 1950, where North Korea was declared to have breached the peace. Second, regarding the Falkland Islands (Malvinas) dispute between the United Kingdom and Argentina, where the Security Council declared a breach of international peace and security. In 1982, during a military dictatorship in Argentina, the country attacked the Falkland Islands to divert public attention, and the British expelled them. The term "breach of peace" was used in this crisis (the conflict between Argentina and the United Kingdom). The third case was the situation between Iran and Iraq, which the Security Council referenced in 10 articles of Resolution 598. The fourth case was Iraq's invasion of Kuwait. The fifth case involved the Bosnia and Herzegovina crisis, which, according to a 1993 Security Council resolution, was declared a breach of international peace and security (Dörr & Schmalenbach, 2018).

In Security Council resolutions, the state violating peace is never identified initially. For example, in the Iran-Iraq situation, it is said that the continuation of the situation constitutes a breach of international peace and security; the crisis in Bosnia is a breach of international peace and security. Therefore, Resolution 598 cannot be referenced to state that Iraq was a violator of international peace and security.

Usually, if there is a threat to peace, the Council does not immediately resort to coercive measures but initially resorts to sanctions and non-coercive actions.

Threat to Peace: Most issues discussed in the Council are typically introduced as threats to peace. For instance, violations of human rights, breaches of humanitarian rights, the absence of legitimate systems in countries, crimes against humanity, the existence of undemocratic regimes, genocide, etc., are all framed as threats to peace. In any case, once a situation of threat, breach, or aggression is declared, the Security Council may begin its actions. The Council's actions are based on Articles 41 and 42. Article 41 concerns non-coercive, non-military measures, while Article 42 concerns coercive military measures (Dörr & Schmalenbach, 2018).

Whenever the Council determines that one of the three situations exists, it tries to isolate the violator state from the international community to compel that state to abandon its actions. For example, it may ask all states to initially sever diplomatic relations and then cut off communication channels such as railways, airways, satellite communications, and wireless links with the offending state. Economic sanctions may also be imposed on the violator state to force it to desist from its unlawful actions. A prominent example of this is the Lockerbie case.

3.2. Responsibility for Withdrawal from an Organization

In recent years, there has been an extraordinary crisis of trust in international institutions. From the decision of the United Kingdom to withdraw from the European Union to the illegal withdrawal of African countries from the International Criminal Court (ICC), states are reconsidering their membership in international institutions in ways that were previously unimaginable. This issue creates multiple challenges in international law, both in terms of the immediate legal issues arising from states' withdrawal processes and deeper questions about how international cooperation will be structured in the future.

Member states may withdraw from an international organization, even though the organization's procedures may not always explicitly foresee this. It has even been argued that a "inherent right of withdrawal" exists based on the sovereignty of a state. However, permanent withdrawal by member states is rarely seen, and in most situations, withdrawal is ultimately a temporary cessation of cooperation. In other cases, states later rejoin the organization or its successor. Furthermore, political, rather than legal, reasons often underlie withdrawal (as clearly seen in the cases of African countries' planned withdrawals from treaties).

3.3. Withdrawal at the Intersection of Treaty Law and Organizational Law

In general, legal thinking about international organizations stems from an institutional (legal) perspective. The scenario of a member state withdrawing from an organization essentially returns to the elementary level of "contractual" relations between states (organizations that are members of other organizations are currently excluded from consideration) (Cogan et al., 2016; d'Aspremont, 2007). This means that, in circumstances like Brexit, the focus is not just on treaty law and institutional laws. This also

implies, as evidenced by contributions to this forum, that the member state withdrawing from international organizations operates definitively within the framework of treaty law and institutional laws.

This somewhat complicates the legal outlook. A few general observations on the formal-legal framework may be useful for understanding the subject of institutions in the process of withdrawal. It is stated that many fundamental treaties contain provisions regarding withdrawal. The interpretation of ICC, as an example, follows this pattern. Additionally, in December 2017, both the United States and Israel informed UNESCO of their intention to withdraw under Article 2(6) of the UNESCO Constitution (amended in 1954). Despite the withdrawal clause in the foundational document, withdrawal falls under the scope of institutional law. However, the question that may arise in such cases is to what extent organizational law covers withdrawal and its legal consequences. What is the scope of related organizational rules—are all general treaty law rules included in the organization's regulations, or only some? The more complex and compact the organization, the more complicated this question may become. This is evident in the Brexit processes, where debates focused on outstanding debts and arrears in the event of Brexit.

In 2017, when the political climate was perhaps tougher than now, the House of Lords (European Union Committee) published a report on Brexit and the EU budget, stating: "Article 50 of the EU allows the United Kingdom to leave the European Union without any responsibility for outstanding financial commitments under the EU budget and related financial instruments, unless a withdrawal agreement is concluded to address this issue." The final possibility of the UK leaving negotiations without assuming financial commitments provides significant context (Möldner, 2012; Odermatt, 2018; Tuerk, 2015).

This report and the UK government referred to Article 70 (Consequences of Termination of Treaties) of the Vienna Convention, which specifies that unless otherwise agreed by the parties or stipulated in the treaty, the termination of a treaty releases the parties from any further obligations under the treaty. Specifically, it states that the termination of a treaty: (a) Releases the parties from any obligations to perform the treaty. (b) Does not affect any rights, obligations, or legal positions created by the performance of the treaty before its termination...

The question is whether Article 50 of the EU Treaty also satisfies the specific legal requirement, considering the issues stated in paragraph (b). Even though Article 50 primarily refers to timeframes and negotiation procedures and does not explicitly address arrears. However, for various interpreters, this conclusion was not entirely convincing, while the interaction of Article 70 of the Vienna Convention and Article 50 of the EU Treaty was more nuanced. Of course, if and when a separation agreement (third-layer norm) is achieved under Article 50, the residual rule of Article 70 (1)(b) of the Vienna Convention would no longer apply. The definitive distinction between "treaty law" (with its parties) and "organizational law" (with its members) creates a specific legal space where, in an instant, actors and stakeholders may exit an intergovernmental agreement.

States voluntarily enter the United Nations and can voluntarily withdraw from it. A state wishing to withdraw from the League of Nations must give two years' notice, during which time it must fulfill all its obligations. It is important to note that non-participation and non-attendance differ from withdrawal. Non-participation is typically due to financial incapacity, while non-attendance is usually due to dissatisfaction.

Withdrawal from the League of Nations is akin to acceptance, and the authority to withdraw lies within the Assembly. However, withdrawal from the League of Nations does not imply withdrawal from its affiliated international bodies. For example, if a country withdraws from the League of Nations, it may still retain its membership in the Court of Justice.

3.4. *Collective Responsibility of the Member States of the European Union (EU)*

This section examines the collective responsibility of the member states of the European Union (EU) and investigates the contextual role of states. The European Union is a unique organization because its member states have created shared institutions to which they delegate some of their sovereignty, allowing for democratic decision-making on matters of common interest at the European level. This integration of sovereignty is also referred to as "European integration." Although the original treaty of the European Union did not contain any human rights provisions, as these matters were addressed within the Council of Europe,

the EU has long been committed to human rights. One of the primary goals of European integration was to prevent the repetition of the crimes of World War II. The first European Union convention, established in 1957, contained human rights provisions such as the prohibition of discrimination, freedom of movement, and the right to equal wages.

European integration has come a long way since it was first proposed by Robert Schuman, the French Foreign Minister, on May 9, 1950. Initially, the European Union consisted of only six countries: Germany, Belgium, France, Italy, Luxembourg, and the Netherlands. Denmark, Ireland, and the United Kingdom joined in 1973, Greece in 1981, Spain and Portugal in 1986, and Austria, Finland, and Sweden in 1995. This expansion also included eight Central and Eastern European countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia), along with Cyprus and Malta. In January 2007, the enlargement continued with Bulgaria and Romania joining as member states. Today, the European Union comprises 27 countries with a combined population of about 500 million people. Croatia, Macedonia, Montenegro, Albania, Iceland, Serbia, and Turkey have applied for membership (Ladrech, 2022).

This association is not a human rights body that sets standards and monitors compliance with human rights treaties. It is a supranational (sovereign) structure established primarily to create a common market. Member states have transferred parts of their national sovereignty to the European Union. This power must be exercised in accordance with human rights law. The bodies mentioned do not possess sovereignty themselves, but instead, they oversee its observance. The EU can take action in international forums to encourage and assist in the adherence to human rights.

From 1993 to 2009, the "three-pillar" system formed the foundational structure of the European Union. This system divided issues into pillars based on decision-making processes within the EU. The enactment of the Lisbon Treaty abolished this structure and reformed the distribution of competences between the Union and its member states. This treaty also granted the EU "legal personality," allowing it to enter into international agreements and operate in a more coherent manner on the global stage (Hobolt et al., 2022).

In the EU, five major bodies play significant roles in shaping human rights policy: the European Council, the Council of the European Union, the European Commission, the European Parliament, and the Court of Justice. The Fundamental Rights Agency is tasked with providing relevant expertise on fundamental rights to the EU institutions and member states, to support them when taking actions or developing policies related to human rights. The European Ombudsman oversees the administration of the Union (Hobolt et al., 2022).

Human rights protection is primarily the responsibility of each individual member state. As parties to various treaties, they bear the primary international obligations to protect and promote human rights. They are directly accountable to international monitoring mechanisms for such commitments. However, the EU has agreed to act collectively on certain human rights issues, such as fighting racism and discrimination. It should be noted that, in addition to the governments and parliaments of the EU member states, non-governmental organizations (NGOs) and individuals play a vital role in the practical implementation of decisions made at the European level. NGOs and individuals are not only effective in gathering data and raising awareness about human rights violations but also lend legitimacy and the necessary research support to EU programs, ensuring their success (Cini & Borragán, 2022).

The European Council sets the overall political direction and priorities of the EU. It brings together the heads of state or government of the EU member states, its president, and the president of the European Commission. The High Representative of the Union for Foreign Affairs and Security Policy also participates in its work. The Council meets primarily four times a year to provide the necessary impetus for EU development, approve important documents, and engage in treaty amendment negotiations, as well as to lead foreign policy. Additionally, the European Council is responsible for proposing the president of the European Commission and, in agreement with the Commission's president, appointing the High Representative for Foreign Affairs and Security Policy, who also serves as the vice-president of the Commission. The High Representative is, in effect, the Union's foreign minister. The presidency of the European Council is held by its president, a position determined by the Lisbon Treaty. The president is elected for a two-and-a-half-year term by qualified

majority and can be re-elected only once. The president's tasks include coordinating the Council's work and reporting to the European Parliament after each meeting. The president also represents the EU on the global stage (Gootjes & de Haan, 2022).

In December 2004, the European Council created a position to help ensure the cohesion and continuity of the EU's human rights efforts in the field of Common Foreign and Security Policy (CFSP) by appointing a Personal Representative of the Secretary-General/High Representative for Human Rights. The task of the Personal Representative is to mainstream human rights throughout the EU's policy areas (Keukeleire & Delreux, 2022; Ladrech, 2022; Léonard & Kaunert, 2022).

The Council of the European Union, previously known as the Council of Ministers, consists of 27 national ministers from all EU member states. The Council has both legislative and executive powers and is the main decision-making body of the Union. Its presidency rotates every six months, though the current presidency operates in a joint program across all three presidencies. The Council is a single body but organizes its work in different "configurations" based on the subject matter being discussed, where the ministers from member states and relevant European committees meet. The ministers represent their national governments and are accountable to their national political systems. Decisions are made either by majority or unanimity, with votes allocated based on population size. Since the Lisbon Treaty, the Council meets in ten configurations, including the General Affairs and Justice and Home Affairs Councils. The Council on Foreign Relations is unique within the Council, as its presidency is held by the High Representative for Foreign Affairs and Security Policy. Regardless of the configuration, the Council as a whole makes decisions. Decisions are prepared by a structure composed of hundreds of working groups and committees made up of representatives of the member states. They resolve technical issues and submit the files to the Committee of Permanent Representatives (COREPER), made up of ambassadors from the member states to the EU. This committee ensures the quality of the work and resolves technical-political issues before presenting the file to the Council. The main working group responsible for human rights issues in the EU's external relations is the Human Rights Working Group (COHOM). Generally, decisions in the Council are made based on proposals from the European Commission and in collaboration with the European Parliament, either through specific legal procedures (e.g., in social security, foreign policy, police cooperation, and taxation) or by ordinary legislative procedures—joint decision-making with Parliament by qualified majority in the Council (such as in justice and home affairs). Human rights issues in international affairs are typically handled by the Council of Foreign Affairs. Other Council meetings that may discuss and make decisions on human rights issues at the EU level include the Council of Ministers for Employment, Social Policy, Health, and Consumer Affairs.

3.5. Actions Involving Responsibility of European Union Member States (UP)

Most international organization documents include provisions regarding withdrawal from the organization; however, some do not. The United Nations, UNESCO until 1954, are prominent examples of organizations that have organizational tools lacking such a provision. Nonetheless, the United Nations received a withdrawal notice from Indonesia in 1965. In 1949, the Soviet Union issued a notice of withdrawal from the organization, followed by several countries in the Soviet political sphere. Prior to the inclusion of a withdrawal clause in their constitutions in 1954, UNESCO received withdrawal notifications from Czechoslovakia, Poland, and Hungary. The procedure concerning the consequences of these notifications is not entirely definitive, but it can be said that such a withdrawal is unlawful or, at the very least, lacks legal effect. In this case, legal relations revert to treaty law, particularly Article 56 of the Vienna Convention, which addresses withdrawal from a treaty that lacks provisions regarding termination, annulment, or withdrawal. If no basis for agreement is found, withdrawal from an organization constitutes unilateral withdrawal from the founding treaty, i.e., termination of the treaty without the consent of the contracting parties. Such a withdrawal can only occur under exceptional circumstances, where Articles 60 to 62 of the Vienna Convention are successfully invoked, resulting in the violation of the fundamental rule of pacta sunt servanda (agreements must be kept) (Cini & Borragán, 2022).

3.6. *Responsibility for Breaching the Defined Duties of European Union Member States (UP)*

While the status of agreements concluded by the Union may be clear, the question arises as to how far the agreements concluded by member states are part of the Union's legal order, which in turn makes separation from that order potentially more complex than mere withdrawal of a member state. While it is evident that the European Union, due to the breadth of integration and interconnection of the Union's legal order and the legal mandates of its member states, constitutes a unique case. Member states of an organization are simultaneously parties to a fundamental treaty. This means that, at least as a starting point, the applicable law is international treaty law, as outlined in the Vienna Convention on the Law of Treaties, or customary international law, which generally shares the same normative content. The freedom of states to create specific institutional regimes is explicitly protected by Article 5 of the Vienna Convention, which includes a general provision for treaties establishing international organizations. Thus, the Vienna Convention automatically applies to a fundamental treaty, but it reserves the possibility for an organization to impose its own specific laws on the same fundamental treaty, covering issues such as amendment, conditionality, and withdrawal.

3.7. *Responsibility for Withdrawal from the European Union (UP)*

One of the most intriguing legal issues arising from the departure of member states from institutions is whether departing states actually have obligations regarding their exit. This is particularly important in the case of the European Union, as the Union is a member of a wide array of international documents.

While it was always assumed that the European Union could be dissolved with the agreement of all member states and that individual withdrawal was permissible, most commentators, prior to the entry into force of the Lisbon Treaty in 2009, believed that the European treaties did not allow unilateral withdrawal, given the explicit provisions that these treaties were concluded for an indefinite period. The Lisbon Treaty was the first to define the possibility of voluntary withdrawal of a member state from the European Union under Article 50, which states that: if a member state decides to withdraw from the Union, it must initially notify the European Council of its intention. The Union will then negotiate and agree with that country on the arrangements for its withdrawal and outline the framework for future relations with the European Union. This agreement will be concluded on behalf of the Union by a qualified majority and after obtaining the consent of the European Parliament. If no agreement is reached within two years of the withdrawal notification, the Union, in agreement with the member state, will unanimously decide to extend the period ("Lisbon Treaty - Article 50"). Brexit, a term combining "Britain" and "exit," refers to the referendum held on June 23, 2016, in the United Kingdom, where 51.9% voted in favor of leaving the European Union ("EU Referendum Results," 2016). The UK government confirmed its decision to activate Article 50 on March 29, 2017, and the European Commission confirmed the decision to begin Brexit negotiations on May 22, 2017. The European Council made a decision to extend the period under Article 50, based on the UK's intention to withdraw from the European Union. This was the third extension of Brexit, which continued until January 31, 2020, in order to provide more time for the approval of the withdrawal agreement (Glogoveţan et al., 2022; Gootjes & de Haan, 2022).

The Brexit case illustrates that the UK must start from scratch in redeveloping its international relations, as many of these relations were governed by European Union law. At the same time, the EU laws regarding the division of competences, as well as the principles of sincere cooperation and priority, make it difficult for the UK to fully prepare its future relations with third countries before the day of exit. A special transitional arrangement for the UK, either during the negotiation period or afterward, is being negotiated to address this issue.

Brexit also demonstrates that, given the numerous existing international agreements concluded by an international organization (in this case, the European Union), there are legal barriers that prevent a former member state from simply rejoining the organization. In most cases, renegotiation occurs, or—like in the case of mixed multilateral agreements—at least notifications are made to inform other parties of changes in the distribution of competences. It could be argued that in the case of the European Union, the organization merely concluded agreements "on behalf of" its member states,

and therefore, after returning competences, the UK will remain bound. For example, in relation to the World Trade Organization agreement, where the EU is a party but the UK is not, it has been argued that “upon leaving the European Union, the UK would succeed in acting independently, in accordance with customary international law regarding state succession in treaties.” However, this is not always self-evident. First of all, regarding the idea that the European Union acts "on behalf of" its member states, this idea appears to contradict the EU's separate international legal status and its independent position as a global actor. As is the case with most international organizations, the European Union must be seen as a separate international actor, and over the years, almost all countries in the world have accepted this. Furthermore, the text of agreements concluded solely by the EU (so-called "EU-only agreements," rather than "mixed agreements") does not regard the UK (or any other member state) as a contracting party.

Finally, as Odermat also pointed out in this context, regarding the idea of "succession," it is unclear whether international law accepts the succession of international organizations by former member states. For example, the Vienna Convention applies only "to the effects of state succession in relation to treaties between states," and it is clear that the European Union is not a state.

In cases where the actions of a member state party to the treaty fall within the framework of the organization's activities, it may be argued that the member state regains its standing upon leaving the organization. Using the EU experience, the implementation of many agreements to which the UK is a party has been based primarily on EU law, in close alignment with the laws and policies of the European Union. This may include multilateral international agreements in the maritime or fisheries sector, where the UK is a member of international organizations (such as ILO or IMO), which have until now largely or partially acted as agents in those contexts. The recent statement from the International Tribunal for the Law of the Sea (ITLOS) is indicative of this issue:

"In cases where an international organization, in exercising its exclusive competence on fisheries matters, enters into a fisheries access agreement with a member country of the Fisheries Commission, which allows vessels flying the flags of its member states to access fisheries in that country's exclusive economic zone, the flag state’s obligations are transformed into obligations of the international organization."

4. Conclusion

The 21st century faces three crises: economic, energy, and ecological. This explains why states are increasingly dependent on economic, energy, and environmental programs, which also challenge international security. International organizations are a key part of efforts to address such issues. However, these organizations significantly challenge states, which remain the determining entities. Some countries, hesitant about transferring parts of their sovereignty to international organizations, opt for withdrawal, meaning a voluntary action by a member state to leave its membership in the organization. The right of withdrawal is explicitly mentioned in the treaties of most international organizations, and the conditions related to this right vary. Generally, the specific obligations of a state deciding to withdraw are predominantly financial commitments. Some international organizations emphasize in their statutes the procedures that must be followed by countries that decide to withdraw, while others only follow the grounds for expelling states. While a provision regulating state withdrawals was part of the Covenant of the League of Nations, at the conclusion of the San Francisco Conference, a statement was made accepting the inclusion of Article 1 of the Covenant of the League of Nations regarding voluntary withdrawal from the United Nations.

International organizations such as the International Monetary Fund (IMF), the Organization of Islamic Cooperation (OIC), NATO, the Council of Europe, the European Union (EU), the Organization of American States (OAS), and others have faced or are facing decisions by their member states to withdraw. With the exception of the League of Nations, a significant portion of state withdrawals from international organizations occurred during the Cold War, a period characterized by ideological conflicts. However, the 21st century presents serious threats from some of the world’s most politically and economically significant countries, which may choose to exit from international organizations—both global and regional—that play major roles on the international stage.

The United Kingdom’s decision to leave the European Union, known as "Brexit," is one of the most complex

cases of a state withdrawing from any international organization in the current century. The complexity of Brexit arises from the fact that its consequences will not only affect the UK and the European Union but will also have global repercussions. The European Union is not a global international organization in the sense of having global legal personality, but it is the largest actor on the global trade stage, while the United Kingdom has a very significant political, economic, and military role in the world. The retreat and the threat of states withdrawing from international organizations demonstrate that even in the current century, the power of nationalism should not be underestimated, and the power of international organizations should not be disregarded, despite the increasing interdependence between states.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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