

# General International Function Its Law and its Importance

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**ABSTRACT** This research deals with the topic at the General International function. In at is legal adaptation, and the nature at it is rules in terms at, source, adaptation and linkage even between employees within the organization with the organ at the organization in said, and also between the organization and member states in another side. We also clarify the relationship with non-member states, as well as the relationship with international and regional organizations. Which necessitates touching on the nature at the nature at that relationship direct, and presenting the opinions at authors, explanation and scientists secondly. By focus on the importance at the goal that law in achieving the goal establishing the organization, and the continuity at its work in a continuous and stable manner. And clarifying the legal guarantees for employees in asides to ensure the enjoyment at their rights and protections to the duty assigned to them by each at them according to jurisdiction.

**Keywords:** General International Function, Law, Importance.

## INTRODUCTION

The permanency and continuity of the work of international organizations in a manner that is stable on the ground of reality and not discontinuity from the international community at large depend mainly on the general international function, which is the basic mechanism of the Organization's existence through the association of staff based on the organs of the Organization with an administrative system linked to the rules of general international law. On the other hand, the law and the local administrative system, and the fact that staff are bound by clear rules of law in the form of obligations on the one hand, and certain rights and guarantees on the other, are guaranteed. this Administrative Association that distinguishes an international employee from others who make or contribute to an international conference, celebration or anything else.

## METHODS

The present study's research method is library research and description and analysis. Although this is not a relatively recent issue, it was raised with international organization at the beginning of the twentieth century. It has been approached from more than one perspective by scholars and writers (and the proposal), but this subject and its sub-headings or related subjects are still subject to a controversy in its definition, basis and connection to this moment.

## RESULTS

This is what we will try to highlight it.  
So the research plan will include the following Topics:

### **The first topic: the nature of the of Public International function law**

The Second topic: The importance of public international employment law.

The first topic: What is the nature of the law of Public International function.

No doubt that the jurisprudence acknowledged the difficulty of talking or research in nature and this law, especially if his rules are derived from internal law or from international law, as this problem is in itself and still raises a wide jurisprudential debate (Ezz El-Din, 1964).

But there are some limitations that the researcher can keep in mind when going through the nature of this law, which can help him to crystallize a sound idea or vision on the subject: The nature of the Organization's relationship with its personnel arising from the public function is radically different from the nature of the Organization's relationship with its member States, which means that the relationship between the Organization and its staff is essentially an individual one.

Secondly, since public international law is originally one of the branches of public domestic law, it is not surprising that the first draws inspiration from its rules from the second, which means that the international public office is a type of the internal public office (Abdel & Abdel Ghaffar, 2008).

And that's why we need to divide this research into two demands, as follows:

#### **First requirement:**

The interrelationship between the law of the international public function and the law of international organizations

#### **Second requirement: Legal adaptation of the nature of international administrative law**

First requirement: The interrelationship between the law of the international public function and the law of international organizations.

It must be said that the law of international organizations governing international organizations is divided into rules governing the external activity of these organizations, and regulates their internal activity, is more general than the law of the international public service, or, more specifically, the law of international public office is part of the law of international organizations (Ahmed Fouad, 2014).

The rules governing the internal activity of the organization are called the internal law of the organization to govern all legal ties and situations that arise within the framework of the International Organization.

Since the international public function is one of these legal links and conditions, it is thus one of the subjects of the internal law of the organization. It is distinguished within the framework of rules relating to the organization & jobs organization, called the international public function law, which governs the relationship of the organization with its employees and provides guarantees to support it (Taha Nada, 1968).

However, there is a clear trend that the law of the international public function is part of international administrative law (Amimir Naima, 2007), which in turn is part of a broader law, the internal law of the international organization. Some scholars of the definition of international administrative law have turned to the direction in which it is perceived as the law of public administration within the Organization and its organizational structure, and the relationship defines the function that links the Organization with the staff to serve its objectives (Abu al-Wafa, 1995).

Thus, it is clear that the internal law of the international organization is not only about regulating the organization's relationship with its workers, but also includes several issues, including international public office, administrative, financial and other matters.

In other words, the law of the international public function regulates the relationship of the organization with its employees, while the internal law of the organization governs all activities in it, while international administrative law deals with the subject of organic Administrative Organization on the one hand and the regulation of functional activity on the other (Sami Abdul Hamid, 2018) and (Farhan Shehat & Abu Youssef, 2004).

Second requirement: Legal adaptation of the nature of international administrative law.

There are several doctrinal views on adapting the nature of international administrative law and by returning to this debate the basis of the internal law of international organizations, where the difference is divided into four different directions. He sees the first and undeniable trend of the existence of this law, which appeared in the early stages of the development of international administrative law, particularly by Italian and German scholars such as m. auadri or M. Couderi, who are no longer popular.

The second trend, which sees international administrative law as part of general international law, was adopted by one of the Arab writers such as Saleh Mohammed Badr al-Din (Mohammed Badr El-Din, 2007).

The third direction, which is seen as a modern branch of internal administrative law.

The fourth trend is that it is of a special nature: Law It is a composite and thus a separate legal development.

It seems that jurisprudence tends to favor the second and third opinion, as they are the two prominent trends according to the opinion of their supporters, such as the Horio, whose opinions were influenced by both Dr. Ali Moukrad Al-Madhi and Dr. Subaih Makkoui.

### **First, the trend that supports belonging to international law**

Scholars who adopt this view (including Jason Philip, and Waldeck, and Faust GIS) (JESSUPE, 1960) many arguments that support their direction and my agencies:

- 1- Supporters of this approach require that there be an international agreement established for an international organization that includes provisions of the international public function that define the elements of the international staff legal system and which are prepared by international provisions (Maskoni, 1986).

However, opponents of this trend responded to the argument of supporters that the international requirement of the founding agreement of the Organization was not necessary, since the international function system was not necessarily international, especially since the Organization's enjoyment of the legal personality gave it the right to manage its internal affairs, including the establishment of the provisions and rules of that function.

These rules are therefore part of the internal law of the organization and the difference in the law of international function from one organization to another is inconsistent with the statement that it constitutes part of international law (Mustafa Makarem, 1975).

- 2- To say that the organization is developing its own domestic law does not mean that its rules belong to a separate legal system, but rather that it is an addition to the traditional evidence of international law (Talaat Al-Ghunaimi, 1971) and (Mansour Al-Shademesh, 2010).
- 3- The basis of the Organization's domestic law is international agreement, not domestic law, because it is a treaty law (Sarhan, 1967).
- 4- The international treaty establishing the organization, which includes its legal system, in addition to containing the rules governing its external activity, it also contains rules governing its internal activity (DETTTER, 1965).

Opponents such as the Friedman, Wolfgang, and the Grosseus Vattros also added arguments concerning the distinction between rules that concern the organization's relations with other subjects of general international law, which is part of it. By its very reverse, the legal rules governing the internal relations of the Organization, such as rules of procedure or organization of work with its employees, are internal and are not part of international law (Al-Far, 1979).

### **Second: The trend that is in favor of belonging to internal law, and this is what was adopted by the Friedman, Wolfgang, and the Grosseus Vattros**

1. It is difficult to justify the characterization of the administrative law of international organizations as international, and the similarity of this law to international law in comparison with its many similarities to administrative law, which has led international administrative courts to prefer (WOLFGANG et al., 1957) and (Talaat Al-Ghunaimi, 2016).

2. International administrative law constitutes the special aspect of international law as it relates more to public administration within the organization than to traditional principles of public international law (Muhammad Sarhan, 1990).

3. The origin of the idea of the international public utility and the legal system of the international public function is the idea of public utility and public function in the internal administrative law of States (Badr al-Din, 2015).

4. The national and international administrations do not differ in their source, as both are forms of public administration (Fawzi, 1990).

5. The rules governing the life of international organizations are originally linked to the science of public administration and are at the heart of the internal administrative law of States, in particular rules and procedures allowing the international staff member to complain about and to defend him from any abuse of the authority of the Organization (Mohamed Abdel Qader, 2002).

6. The guarantees established for staff in both posts are similar in kind, but are narrowly and wide in favor of the national function.

7. The International administrative decision is similar to the national administrative decision and only differs in terms of its issuance (Kamel Emara, 1991).

8. International administrative law is a modern branch of internal administrative law and its effect is that international courts, in the absence or ambiguity of the text, resort to the borrowing of judgments applied within States as peremptory and stable legal solutions (Fawzi, 1991).

9. The connection of the international function and the international staff member in most respects with the national post and staff member, whose themes are dealt with in the same way and mechanisms, although their differences stem from the nature of the environment in which they are located.

This was evidenced by the fact that some in Western jurisprudence have cited the strengthening of the Secretariat of international organizations as a substitute for national service personnel (Muhammad Ahmad Zanati, 1995).

10. The nature of the work of human cadres in the Department is essentially a mechanism and dynamic one of domestic law and of international law, security in that organizations (particularly those) use this mechanism to regulate and conduct their internal affairs, and not international law has regulated these matters but rather invoked its provisions of domestic law.

Although these doctrinal trends are reviewed in various aspects and the diversity of their arguments in favor and against, it must be said that, by drawing their rules from the national administrative law, the administrative law of international organizations implies that they are free to independence by drawing inspiration from any national system, whether of their member or non-member States (Safi Youssef, 2006) and (Abu Al-Assaad Atouh, 2010).

Nor does it mean that an international official could be based on the provisions of national law in the event of any dispute between him and an organization that has international personality and possesses its domestic legal system, which should be invoked in the event of a dispute (Ahmed Khalifa, 2008).

Since the individual is not considered a subject of public international law to this moment and the individual (international employee), by having moved from the national sphere where the rules of domestic law prevail, to the periphery of the international organization over which those national rules lose control, is bound to abide by the rules of international law (Abdel Rahman Ismail Ali al-Dhari, 2012).

This character (international employee) becomes a legal capacity through which he / she can adapt to the reality of international employment law with the duties and rights it imposes (Abu Al-Wafa, 2015).

The relevance of the law of the international public function to public international law cannot be denied. The first law had its foundation in the international treaty establishing the Organization (Muhammad Hamza Abd al-Muti, 2012).

In short, we support the doctrinal view that the law of international public office is a law of a dual, special and distinct nature, which is indispensable to the drawing of its rules of law, whether internal or international. To ensure that the stable and steady path of international organizations is achieved to the goal for which they were established.

## **The second topic: the importance of international public function law**

To talk about the life and stability of organizations to ensure their functioning and sustainability, in communicating with and not discontinuing the international environment, it is necessary to talk logically about the law of the international public function as the mechanism or means to achieve the life and work of the Organization through its administrative organs and structures on the one hand. The work of its employees and the nature of their association with those bodies.

Therefore, this research will be divided into the following two requirements:

First requirement: personal importance or membership in the structural construction of the administrative apparatus in international organizations.

The second requirement: the substantive, functional or procedural importance of the organs of the International Organization.

### **First requirement: personal importance or membership in the structural construction of the administrative apparatus in international organizations**

International organizations have a legal or moral character, cannot express the will and which is the basis for establishing legal actions, whether by bearing obligations or enjoying rights, or what we call it the obligation of obligation, security through natural persons acting on their behalf. And those who form or compose the organization's administrative apparatus, which is the tool that the higher administrative head should use in performing the tasks entrusted to him by the mechanism of the organization's charter, law

or regulations on one hand, in addition to his implicit responsibilities by virtue of his job on the other hand (Rabih Hashem jad, 2000).

Therefore, international staff is one of the most essential elements of the organic structure of the International Organization along with its member states (al-Muizz Abd al-Ghaffar Negm, 2006).

The importance of the human element is reflected in the organization's means of possessing an autonomous functional character and which reinforces and emphasizes the manifestations of the international legal personality of the Organization. This element is the best tool for the international organization to express its independent will for the intervention of its member States (Saeed Dakkak, 1993).

Also, what distinguishes the organic link of the organization is the link between the international function and the legal personality of the organization and the importance of both to the other. As the international employee has a role in strengthening the legal personality as one of its manifestations. Also, her enjoyment of personality is necessary for her eligibility to employ and employ those who serve her and take care of her interests (Adel al Shaher, 2008).

The most important aspect of that relationship was the principle of continuity, which required the continued presence of staff in offices, facilities or fields of operation to facilitate the Organization's uninterrupted operation, and that was the element that had brought about the evolution of the organization of a State from the periodic to non-periodic international conferences to the international organization stage.

The importance of the administrative apparatus in the structure of the organization is that it comes within its main organs rather than subsidiary organs.

### **The second requirement: the substantive, functional or procedural importance of the organs of the International Organization**

The administrative machinery, which is a task for international staff to be able to take their place and importance, is important by the staff's continuous and continuous communication with the rest of the Organization's organs internally, with Member States externally, with other organizations or institutions, or between the branches and organs of the Organization and following up the implementation of decisions. To respond to official books, cooperate and coordinate with each other's organs or with other institutions and organizations and to prepare draft resolutions, as well as to conduct day-to-day financial and administrative matters (Muhammad Badawi Metwally, 2004).

## **DISCUSSION**

Therefore, international employees have become one of the prominent features of the international organization element as they are the tools of the organization in achieving cooperation in various sectors of international life, as they are considered the first engine of international management activity, through which organizations can translate their principles and programs to the ground and turn into works with a tangible, tangible and apparent impact The target groups touch it (Aman Allah Aziz, 2010) And through which the importance of this administrative apparatus appears, the value and effectiveness of the organization is appreciated (Alawi Amjad, 2002).

Thus, the importance of this organ in the development of the organization is demonstrated not only in its composition, but also that the work of the staff member is ultimately aimed at serving the interest of the international community, which cannot be imagined without international organization, which means the existence of organizations with their specialized and active administrative apparatus and the movement of permanent international staff who manage their affairs and take into account their interests (Said Al-Sunni, 2001).

We conclude that the functional importance or functional association of the administrative machinery of the Organization with its staff is to achieve the purpose and purpose of the Organization as a whole in such a way as to serve the interest and interests of the service target group on the one hand and serve the interests of the international community on the other. It is not possible to study and give attention to the elements of the international organization without the employees being part of these basic elements of the organization as a whole and the international organization as a whole.

## CONCLUSION

The few lines of this paper, which dealt with a fundamental and important topic of the life of international organizations, have been revealed, and many writers, prescriptures, and scholars have come to be described in the past and in the present, as it is evolving as a result of this development of the international community. There is still a polemical debate about the definition of international administrative law and administrative international law, which is one of them and there are those who consider the definitions to be different. To help the law function of Public International is still controversial doctrinal among commentators and scholars as it belongs to domestic law or to international law. The nature of the rules of the law of international public function is still not agreed doctrinally, although we tend to have a dual nature, especially distinct from other rules. The international staff is undoubtedly one of the most important elements of the international organization, as we have discussed, but some of the shrewd, scholars and writers, especially Arabs, exclude international employees from studying the elements of the international organization, and this is in a way that shows that the life, life, survival and activity of the organization is related to its employees and administrative system.

## Conflict of interest

The authors declare no conflict of interest.

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