

The Responsibility of The United States Against Arrears in the Membership of UNESCO A Case Study of The United States out From UNESCO

Muhammad Erizal Nurwansyah^{1,*}, Ida Kurnia²

¹Faculty of Law, Tarumanagara University, Jl. Letjen S. Parman 1, Jakarta 11440, Indonesia

²Lecturer at Faculty of Law, Tarumanagara University, Jl. Letjen S. Parman 1, Jakarta 11440, Indonesia

*Corresponding author. Email: muhammaderizal95@gmail.com

ABSTRACT

Every country in the world has a sense of dependence between developed and developing countries, therefore the two types of countries manifest themselves in an international organization, basically an international organization consisting of a group of countries from all over the world in which there is no subordinate relationship but a coordinative relationship which established in international organizations, one of which is UNESCO. Every country that joins UNESCO is obliged to comply with the applicable law, namely the responsibility that must be fulfilled to pay dues, this obligation also applies if the country concerned wants to withdraw from UNESCO membership, the absence of the United States or any other country that has a lot of power is a loss. . Especially in order to promote ideal conditions such as in the field of education and culture by using funds originating from contributions within the organization. This creates problems if a member of the organization does not pay the agreed dues. In this study, the authors used normative legal research methods. America, which previously contributed about 22 percent of the total UNESCO budget, has been in arrears for 600 million dollars to be paid, this is also one of the reasons for America's resignation from UNESCO. Based on, the law in the United States budget is obliged to pay its dues arrears while in UNESCO membership, this is reinforced by the applicable Regulations including the Draft Responsibility Wrongful Acts 2001 and the UNESCO Articles of Association, where both regulations clearly have elements of rights and obligations. country that must be filled.

Keywords : *Responsibilities, Country, Membership, International Organizations*

1. INTRODUCTION

1.1. Background

In general, people do not really understand what is meant by the meaning of legal subjects in international law. In general, legal subjects are defined as supporters or owners of rights and obligations and initially only the state is seen as the subject of international law.

However, because of its development, supporters of rights and obligations in international law at this time are apparently not limited to the State but also include other international legal subjects.

Where according to Martin Dixon provides an understanding of the subject of international law that:

"A body or entity which is capable of possessing and exercising rights and duties under international law, which means that an entity or entity is capable of owning or exercising its rights and obligations under international law".

Another opinion was also expressed by F. Sugeng Istanto who said that what is considered as legal subjects for international law are states, international organizations and individuals. Each of these legal

subjects has their own rights and obligations that are different from one another. International law subjects are parties carrying legal rights and obligations in international relations. The subjects of international law are as follows:

1. State;
2. The Holy See (Vatican);
3. International Red Cross;
4. International Organizations;
5. Individual (Individual);
6. Rebels.

One of the subjects of international law itself is the state, J.G. Starke explained that the state is the main subject of international law, regarding the term State itself there is no precise definition, but by looking at modern conditions today, the main characteristics of a country can be determined.

The characteristics of a country can be seen in Article 1 of the Montevideo Convention 1933 (Convention on Rights and Duties of States of 1933), the article regulates the principles of the state which reads as follows:

The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) a government;

and (d) a capacity to enter into relations with other States.

Therefore, basically, a region can be said to be a country if there is a group of people who live in the area, own a land or territory, have a sovereign government or are not currently colonized, and receive recognition from other countries.

Every country has a sense of dependence between one country and another, for example in terms of needs in technology and human resources, the continuity of this cooperation is often carried out by developed and developing countries, therefore the two types of countries pour themselves into a forum called the Organization. International.

Basically, the International Organization consists of a group of countries from all over the world. In international organizations, there is no subordinate relationship or view of the law of a higher country in an international organization, but a coordinative relationship that exists in international organizations, each country is subject to laws or regulations. applicable in international organizations.

This is contained in the requirements that are in the articles of association of international organizations, not only the terms and regulations for joining an international organization.

But there is an obligation and responsibility that must be carried out by member countries in international organizations, for example, namely paying dues, this must be done by every member country that is a member of an international organization because to finance all facilities in an organization, this obligation also applies if the country concerned want to resign or be expelled to an international organization.

Every country in the world certainly has different conditions as we know with the terms developed and developing countries, in general, the two types of countries have a mutual need for one another.

This is done by state leaders to advance the prosperity of the people and their countries by receiving assistance from other countries, both from developed countries to developing countries or vice versa. Therefore, the state poured itself into a container containing various kinds of countries to carry out joint tasks, the forum was called the International Organization.

One example of an international organization that is most commonly known to the public is the United Nations (UN) or in the international world under the name United Nations.

This organization was originally called the League of Nations (LBB). LBB itself was founded during World War I, as at that time LBB had a mission to carry out the obligation to maintain security and order throughout the country.

2. METHODS

This research uses descriptive analytical normative research methods that describe the data obtained deductively.

3. DISCUSSION

3.1. Membership Responsibilities

Membership issue is an important issue in an international organization. Each constitution of an international organization will contain membership issues. Membership issue is an important legal issue for an international organization.

Membership of an international organization can be distinguished between:

1. Full membership (Full members),
2. Associate members,
3. Partial members,

In full membership, members will participate in all membership of the organization with all their rights. Whereas in an associate member, members can participate but do not have voting rights in the main equipment of international organizations. Meanwhile, in partial members, in this case members only participate in certain activities.

Apart from the aforementioned classification, it is still possible to classify the original members (original members) and other members (admitted members). Original members are members invited to conferences who discuss the draft constitution.

Usually in practice the original member states are included in the annex of the articles of association of the international organization. While other members (admitted members) are members who enter into international organizations after the international organization was established in accordance with the provisions on membership contained in the articles of association of the organization.

As stated above, in order to join an international organization there are several requirements that must be met by a country to become a member of an international organization found in the articles of association of the organization.

For example, the requirements for membership in the United Nations. The United Nations distinguishes between original members (original members) and members who will come (admitted member). Article 3 of the UN Charter determines which countries can be designated as original members. Article 3 reads: The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco or having previously signed the Declaration by United Nation of 1 January 1942. Sign the present Charter and ratify it in accordance with article 110.

Article 4 (1) of the UN Charter stipulates that those who can become members of the United Nations are countries that love peace. In the application of Article 4 (1), it turns out that when the UN determined which countries would be the original members, the UN determined 51 countries. In these 51 countries including Byelorussia and Ukraine, the two members of the United Nations are Russian states. Likewise the Philippines and India, which were not yet independent countries at that time. Thus the definition of a State that can join the UN at that time.

So under Article 3, those who can become original members are those who meet the following requirements: (a) States that participated in the UN Conference in San Francisco, April 25, 1945. (b) Or have signed the UN Declaration on January 1, 1942. States those included in categories a and b have signed the Charter and ratified it under Article 110 of the UN Charter, the requirements for new UN membership must meet the requirements as specified in Article 4 (1) and Article 4 (2) and Article 18 (2) of the UN Charter. these articles are as follows:

1. Article 4 (1) specifies: Membership in the United Nations is open to all other peace loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to early out these obligations. .

2. Article 4 (2) determines: The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

3. Article 18 (2) stipulates: Decisions of the General Assembly on important questions shall be made by two-thirds majority of the members present and voting the admission of new members to the United Nations.

So the conditions determined for the admission of new members to the United Nations, namely the all other "loving state", accept the obligations stipulated in the Charter, are able and willing to carry out the prescribed obligations. in the Charter (ability and willingness to carry out the Charter obligations) and the request to become a member of the United Nations is decided by the General Assembly on the recommendation of the Security Council (upon the recommendation of the Security Council), the decision to become a new member will be decided by the General Assembly in two thirds members present and cast their votes. as stated above the requirements for admission of new members to the UN must meet the requirements a peace-loving country, accepting the obligations stipulated in the Charter, capable and in

3.2. United States Resignation Responsibilities

In 2019, the United States left the UNESCO international organization membership.

The United States Previously left UNESCO in 1984 and 2011, America's reason for leaving was that it did not agree with decisions that were considered to contain contra elements.

According to the Al Jazeera daily news site, the United States has an unfulfilled responsibility, namely that the country is recorded as having a number of dues arrears while in UNESCO membership along with the State of Israel which also decided to leave. The amount of arrears in the United States at 2019 is quite large, namely 600 million USD and has not been paid until now.

In the regulation of the Draft Article on Responsibility of States for Internationally Wrongful Act, with commentaries 2001 regarding state responsibility, this codification contains several things that can create state responsibility, in Article 2, namely:

There is an internationally wrongful act of a State when conduct, consisting of an action or omission:

(a) is attributable to the State under international law; and

(b) constitutes a breach of an international obligation of the State.

The meaning of Article 2 of the Draft Article on Responsibility of States for Internationally Wrongful Act, with the 2001 commentaries above is:

(a) Where the act and omission is not lawful under international law.

(b) The act of that state constitutes a violation of international obligations.

As we know, paying dues while being in an international organization membership is an obligation that must be obeyed by every member country. This is also applied in the Articles of Association of the United Nations.

If you look at the meaning of the letter (a) is attributable to the State under international law and (b) constitutes a breach of an international obligation of the State in the Draft Article on Responsibility of States for Internationally Wrongful Act, with commentaries 2001.

Letter (a) explains that the act of negligence is not legal according to international law, while Letter (b) explains that the act committed by the country is a violation of international obligations.

As is known in the Draft About Responsibility International Organization (DARIO) Article 23 concerning Force Majeure explains that:

a. The wrongfulness of an act of an international organization not in conformity with an international obligation of that organization is precluded if the act is due to force majeure, that is, the occurrence of an irresistible force or of an unforeseen event, beyond the control of the organization, making it materially impossible in the circumstances to perform the obligation.

b. Paragraph 1 does not apply if:

1. the situation of force majeure is due, either alone or in combination with other factors, to the conduct of the organization invoking it; or,

2. the organization has assumed the risk of that situation occurring.

Lawful errors under international law are Force Majeure or unforeseen events.

Based on the letter a in the Draft Article on Responsibility of States for Internationally Wrongful Act, with commentaries 2001, the actions taken by the American Government are not that its negligence in arrears for dues is an illegal mistake.

This matter, the United States Government made its conscious negligence and not because of an unexpected event, this is reinforced by the provisions of the Articles of Association owned by UNESCO, in Article 2 paragraph (6) regarding membership in

UNESCO membership it is explained that if a member country wishes to resign themselves or dismissed, the member country is obliged to pay off all its financial problems.

As previously explained that if a country wants to join an international organization, that country is obliged to meet the requirements of the international organization, these requirements are contained in the articles of association of each international organization, one of which is UNESCO.

As the author has explained above regarding the meaning of letter (b) in Article 2 of the Draft Article on Responsibility of States for Internationally Wrongful Act, with commentaries 2001, that if there is an act of a state that violates an international obligation, then the country is burdened with a responsibility. answer.

If we look at the position of this case, the United States of course must first fulfill the requirements in the articles of association to join UNESCO.

One of the requirements for UNESCO membership is the obligation of each member country to pay a number of Contributions to the International Organization, this is stated in Article 2 paragraph 7 of the UNESCO Articles of Association (Unesco Constitution Charter).Article.

4. CONCLUSION

In this chapter the authors conclude, in the articles of association of international organizations there are rules that must be met by each member state.

That is, if there are countries wishing to join or who wish to resign in an international organization. Meanwhile, what is meant by the author regarding the rules for membership of this international organization is stated in the articles of association, because the articles of association are international treaties, if a country such as the United States is included in one of the UN agencies, namely a UNESCO organization, the United States must commit to UNESCO's articles of association, namely that it must comply with the provisions stipulated in UNESCO's articles of association.

Furthermore, if there is a member country that decides to resign from an international organization, such as in UNESCO membership, then with the departure of America, it will have an impact on a large contribution because the departure of America will greatly affect the performance of UNESCO, namely in advancing ideal conditions. for education and culture.

The departure of America by not fulfilling its obligation by paying contributions will have an effect not only on its finances but have a further impact on UNESCO's performance, such as in the fields of education and culture, because advancing ideal conditions in the field of culture and education can be accomplished from member states' contribution funds.

Therefore, with the departure of the United States, it is still responsible for fulfilling its obligations, namely paying dues, because this is a

form of the responsibility of a country that is included in an international organization membership.

In the writing of this thesis the writer thinks that the absence of the United States or any country that has many powers in an international organization is a loss. Especially in order to promote ideal conditions such as in the field of education and culture by using funds originating from contributions within the organization.

Therefore, a sovereign country like the United States has a sense of responsibility for what it does in an international organization, because it has committed itself to being an international organization and therefore it must obey and obey the rules of membership in international organizations. .

4.1. Suggestion

The author would like to suggest that the articles of association are an international treaty, which means that a country must obey and obey the rules contained in the articles of association. Therefore, before he declares to leave UNESCO, the United States must pay his outstanding dues in advance, because it is an obligation that must be fulfilled, this is also a commitment from the member countries that are members of the organization.

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