

ICWC of Central Asia: some aspects of institutionalization as of an international organization

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The process of institutionalization of ICWC of Central Asia (CA) as an international organization (IO) is similar to a considerable degree to that of a social institution, which has, in particular, the following stages [1]: **(1)** Origination of needs for the establishment of IO and definition of its purposes and objectives; **(2)** Development of rules and regulations (R&R) as well as procedures related to the enforcement of R&R; **(3)** Institutionalization of R&R and associated procedures (adoption and practical application of those); **(4)** Establishment of penalty systems with the end to maintain R&R; **(5)** Creation of status and role system.

From the time of the establishment of ICWC CA, practically all mentioned stages have been passed, except for stage 4 (system of the penalties for non-execution of the decisions taken has not been adopted).

Let us consider the case of ICWC CA as IO. According to the legal doctrine, any IO must possess at least the following mandatory elements [2]:

(1) Building of IO in accordance with international law (IL); **(2)** Its establishment based on agreement; **(3)** Cooperation in a specific area; **(4)** Rights and duties;

It has these elements. There is some problem with the following mandatory elements of IO:

(5) Organizational structure (OS): headquarters, members, executive establishment, superior body, administrative apparatus (AA), IO manager (chairperson or somebody else).

There is OS in general. **The following are missing:** AA «per se» (the current administrative job is executed by the executive bodies), headquarters, ICWC manager.

Agreement of 1999 [3] determined that the IFAS organizations¹ *«are legal persons, have the status of international organizations and are competent to: conclude contracts; be claimants and defendants before the court...»*. ICWC CA is not a legal person and cannot, for example, conclude contracts in its own name. ICWC has no even a mailing address. In this respect, the situation seems more skeptical than in the case of the address of the Little Vanya's grandfather in the story by Chekhov: «Care of grandpa out in the sticks. To Mr. KONSTANTIN MAKAROVICH».

From this, in particular, and other standpoints (e.g., right of veto when taking decisions, or by a consensus) the ICWC activity needs further institutionalization.

Sources:

[1] Frolov, S.S. Institutionalization process and development of institutions – Sociology: textbook (1996) // http://polbu.ru/frolov_sociology/ch29_i.html

[2] Bekyashev, K.D. International, interstate organizations. Lawyer's encyclopedia. // <http://eyu-sci-lib.com/article0001177.html>

¹ The organizational structures of IFAS according to the Agreement of 1999: IFAS Board; Auditing Committee; Executive Committee (EC) of IFAS; national branches of EC IFAS; ICWC CA, Secretariat of ICWC CA, SIC ICWC CA, BWO "Amudarya" and BWO "Syrdarya"; ISDC, Secretariat of ISDC, SIC ISDC

[3] Agreement “On the status of IFAS and its organizations” (Ashgabat, 9 April 1999).