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THE ROLE OF INTERNATIONAL ORGANIZATIONS IN ENSURING THE PROTECTION OF PROPERTY RIGHTS

Submission Date: October 02, 2024, Accepted Date: October 07, 2024,

Published Date: October 12, 2024

Crossref doi: <https://doi.org/10.37547/ijlc/Volume04Issue10-04>

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ABSTRACT

This article is, dedicated to a comprehensive analysis of the role of international organizations in ensuring the protection of property rights. The paper examines the theoretical foundations of property rights in the context of international law and analyzes the functions and mechanisms of various international organizations in the field of property rights protection. Special attention is, paid to the activities of the UN, WTO, WIPO, and regional organizations in this area. The article also explores the problems and challenges faced by international organizations in ensuring the protection of property rights and suggests ways to improve the effectiveness of their activities in this field.

KEYWORDS

Property rights, international organizations, rights protection, UN, WTO, WIPO, intellectual property, globalization.

INTRODUCTION

In today's world, the protection of property rights is gaining increasing importance, extending beyond national legal systems and requiring effective international regulatory mechanisms. Property rights, being a fundamental economic right, play a key role in ensuring the stability and development of international

economic relations, attracting investments, and stimulating innovation.

International organizations, as key actors in global governance, play a crucial role in shaping and implementing mechanisms for protecting property rights at the international level. Their activities cover a



wide range of issues: from developing international standards and norms to resolving disputes and ensuring compliance with property rights in cross-border relations.

The aim of this study is to comprehensively, analyze the role of international organizations in ensuring the protection of property rights and to develop recommendations for improving the effectiveness of their activities in this area.

Property rights in an international context have their own peculiarities and differ from national legal concepts. Within the framework of international organizations' activities, property rights are considered a fundamental human right, recognized in a number of international documents, including the Universal Declaration of Human Rights (Article 17) and the European Convention on Human Rights (Protocol No. 1, Article 1). A peculiarity of international organizations' approach to regulating property rights is the need to take into account the sovereign rights of states and the principle of territoriality. This creates certain difficulties in developing and applying universal mechanisms for protecting property rights. International organizations play a key role in shaping conceptual approaches to understanding and protecting property rights in a global context. They contribute to the development of international law in this area, forming common principles and standards that are then, reflected in national legislation and state practices. An important aspect of the theoretical understanding of property rights in the context of international organizations' activities is the concept of an "international regime for the protection of property rights." This regime represents a complex of norms, institutions, and mechanisms aimed at ensuring the protection of property rights in cross-border relations. International organizations perform a number of key functions in the field of property rights protection: 1.

Normative function: development of international treaties, conventions, and agreements establishing standards for the protection of property rights. 2. Monitoring function: tracking states' compliance with international obligations in the field of property rights protection. 3. Advisory function: providing expert opinions and recommendations on property rights protection issues. 4. Dispute resolution: providing platforms and mechanisms for settling international disputes related to property rights. 5. Technical assistance: providing support to states in developing national systems for protecting property rights. 6. Information and educational function: raising awareness about the importance of protecting property rights and disseminating best practices.

To implement these functions, international organizations use various mechanisms: Conclusion of international treaties and agreements. Creation of specialized bodies and committees on property rights protection issues. Development of rules and procedures for considering disputes and complaints. Providing financial support for the implementation of projects in the field of property rights protection. Creation of databases and information systems on property rights issues. Organization of international conferences, forums, and working groups for exchanging experience and coordinating efforts in the field of property rights protection.

The effectiveness of these mechanisms depends on a number of factors, including the level of cooperation between states, the degree of integration of international norms into national legal systems, and the presence of political will to implement international obligations.

The United Nations (UN) plays a central role in shaping the global approach to protecting property rights. The UN's activities in this area are multifaceted and cover



various aspects. The UN has made a significant contribution to the development of the international legal framework for the protection of property rights. The Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948, in Article 17 proclaims the right of everyone to own property alone as well as in association with others, and prohibits arbitrary deprivation of property.

Within the UN system, there are specialized agencies that deal with various aspects of property rights protection. For example, the United Nations Development Programme (UNDP) implements projects to strengthen property rights as a tool for economic development and poverty reduction. The United Nations Commission on International Trade Law (UNCITRAL) develops model laws and recommendations in the field of international trade, which address issues of property rights protection in commercial relations.

The UN Human Rights Council regularly considers issues related to violations of property rights, especially in the context of forced evictions and expropriation of property. The UN Economic and Social Council (ECOSOC) plays an important role in coordinating the UN's economic and social activities, including issues related to property rights and economic development. The United Nations Conference on Trade and Development (UNCTAD) deals with investment and development issues that are closely related to the protection of property rights in an international context.

The UN also plays an important role in resolving international disputes related to property rights. The International Court of Justice, although it does not consider cases between private individuals and states, can resolve disputes between states that involve property rights issues. In addition, the UN is actively

involved in issues of cultural heritage protection and restitution of cultural property. UNESCO, a specialized UN agency, has developed a number of conventions aimed at protecting cultural heritage and combating illegal trafficking of cultural property.

However, the UN's activities in the field of property rights protection face a number of challenges. One of the main challenges is the need to balance the protection of property rights with other rights and interests, such as the right to development or environmental protection. In addition, limited enforcement mechanisms often hinder the effective implementation of UN recommendations and resolutions at the national level.

The World Trade Organization (WTO) plays a key role in protecting property rights, especially in the context of international trade and investment. The main aspects of the WTO's activities in this area include:

1. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS): This agreement is one of the fundamental WTO documents and establishes minimum standards for the protection of various forms of intellectual property. TRIPS covers copyrights, trademarks, geographical indications, industrial designs, patents, layout designs of integrated circuits, and trade secrets.
2. Dispute Settlement Mechanism: The WTO provides an effective mechanism for resolving trade disputes between member states, including disputes related to intellectual property rights violations. This mechanism plays an important role in ensuring compliance with TRIPS obligations.
3. Technical Assistance and Capacity Building: The WTO provides technical assistance to developing countries in implementing the TRIPS agreement and developing national intellectual property protection systems.



4. Monitoring Compliance with Obligations: The TRIPS Council regularly reviews member states' compliance with their obligations under the agreement, which contributes to improving the effectiveness of intellectual property rights protection at the global level.

5. Cooperation with Other International Organizations: The WTO actively cooperates with WIPO and other international organizations in the field of intellectual property protection, which contributes to a more comprehensive approach to solving global problems in this area.

The WTO's activities in the field of property rights protection, especially intellectual property, have a significant impact on the global economy and international trade. However, it also faces a number of challenges:

1. The WTO constantly faces the need to balance the protection of intellectual property rights and ensuring access to technologies and knowledge, especially for developing countries.

2. The development of digital technologies creates new challenges for intellectual property protection that are not always adequately reflected in existing WTO agreements.

3. Pharmaceutical Patents: Issues related to patents on medicines and access to medical technologies, especially in the context of global health crises, remain the subject of heated debates within the WTO.

The World Intellectual Property Organization (WIPO) is a specialized agency of the UN playing a key role in developing a balanced and effective international intellectual property system. The main aspects of WIPO's activities include:

1. Development of International Treaties: WIPO administers numerous

international treaties in the field of intellectual property, including the Berne Convention for the Protection of Literary and Artistic Works, the Paris Convention for the Protection of Industrial Property, the Patent Cooperation Treaty (PCT), and many others.

2. Global Registration Systems: WIPO manages global intellectual property registration systems, such as the Madrid System for the International Registration of Marks, the Hague System for the International Registration of Industrial Designs, and the PCT system for patents.

3. Policy and Legislation Development: WIPO assists member states in developing national intellectual property strategies and improving legislation.

4. Technical Assistance and Capacity Building: WIPO implements numerous training and skill-enhancement programs in the field of intellectual property, especially for developing countries.

5. Arbitration and Mediation: The WIPO Arbitration and Mediation Center provides alternative dispute resolution methods in the field of intellectual property.

6. Research and Analytics: WIPO conducts extensive research in the field of intellectual property, collects and analyzes statistical data, which contributes to more informed decision-making in this area.

Regional organizations play an important role in protecting property rights, complementing and reinforcing global mechanisms. Their activities often take into account specific regional features and needs. Let's consider some key regional organizations and their contribution to the protection of property rights:

1. European Union (EU):

- Harmonization of legislation: The EU actively works on harmonizing intellectual property legislation among member states.

- EU Unitary Patent: The development of the EU unitary patent system aims to simplify and reduce the cost of patenting inventions in EU countries.

- Protection of Geographical Indications: The EU has a developed system for protecting geographical indications, which is especially important for agricultural products and foodstuffs.

2. African Intellectual Property Organization (OAPI) and African Regional Intellectual Property Organization (ARIPO):

- These organizations work on developing intellectual property systems in African countries, providing centralized services for registration and protection of IP rights.

3. Eurasian Patent Organization (EAPO):

- EAPO provides a unified system of legal protection for inventions based on a single Eurasian patent valid in all member states of the Eurasian Patent Convention.

4. Association of Southeast Asian Nations (ASEAN):

- ASEAN works on harmonizing intellectual property systems in the region and developing cooperation in the field of IP rights protection.

5. Andean Community:

- This organization has developed a number of normative acts in the field of intellectual property that are, applied in the member countries of the community.

Regional organizations often face the following challenges in the field of property rights protection: 1. Differences in national legislation and practices: Despite efforts towards harmonization, significant

differences remain between member countries of regional organizations. 2. Limited resources: Many regional organizations, especially in developing regions, face a shortage of financial and human resources for the effective implementation of their programs. 3. Political disagreements: Different political interests of member countries can hinder the adoption and implementation of common decisions in the field of property rights protection. 4. Technological challenges: The rapid development of technologies requires constant adaptation of regional systems for protecting property rights.

Globalization and digitalization have a significant impact on the activities of international organizations in the field of property rights protection. Digital assets and online platforms are, not limited by national borders, which creates new challenges for traditional mechanisms of property rights protection. Blockchain technology opens up new possibilities for registering and protecting property rights, but also creates legal challenges related to the recognition and regulation of these technologies at the international level. The development of AI raises questions about property rights to the results of autonomous systems' activities and responsibility for their actions. Issues of personal data protection and intellectual property in the context of cross-border information transfer require new approaches to international legal regulation. The global digital environment creates new challenges for copyright protection, requiring more, effective international mechanisms to combat digital piracy. The development of VR and AR technologies creates new forms of intellectual property, requiring adaptation of existing legal mechanisms. The growing number of connected devices creates new challenges for data protection and intellectual property in the network environment.

To increase the effectiveness of international organizations in the field of property rights protection, the following recommendations can be proposed:

1. Harmonization of legislation: It is necessary to continue work on harmonizing national legislation in the field of property rights protection, especially in the area of intellectual property and digital assets.

2. Strengthening enforcement mechanisms: More, effective mechanisms for enforcing decisions of international courts and arbitrations should be developed, possibly through the creation of a specialized international body.

3. Development of alternative dispute resolution methods: Encouraging the use of mediation and other alternative dispute resolution methods can increase the effectiveness of property rights protection in international relations.

4. Adaptation to the digital economy: It is necessary to develop international standards for protecting property rights in the digital environment, including issues of virtual property and crypto assets.

5. Strengthening cultural heritage protection: Improvement of international mechanisms for protecting cultural heritage and resolving disputes about the restitution of cultural values is required.

6. Balance between investment protection and public interests: It is necessary to find a more balanced approach to protecting the rights of foreign investors, taking into account the legitimate interests of states in regulating the economy and protecting the environment.

7. Development of international cooperation: Strengthening cooperation between international organizations and states in the field of information

exchange and legal assistance can contribute to more, effective protection of property rights in cross-border relations.

8. Increasing transparency: International organizations should strive for greater transparency in their activities, which can increase trust in them from states and private individuals.

9. Consideration of developing countries' interests: When developing international norms and mechanisms for protecting property rights, it is necessary to take into account the specific needs and interests of developing countries.

10. Development of educational programs: International organizations should strengthen their role in education and raising awareness about the importance of protecting property rights, especially in developing countries.

11. Adaptation to new technologies: It is necessary to constantly, adapt international mechanisms for protecting property rights to new technological realities, such as artificial intelligence, blockchain, and the Internet of Things.

12. Strengthening the role in dispute resolution: International organizations can expand their role in resolving disputes related to property rights by creating specialized tribunals or expanding the mandates of existing bodies.

The role of international organizations in ensuring the protection of property rights cannot be overestimated. They play a key role in shaping global standards, harmonizing national legislation, resolving disputes, and adapting legal mechanisms to new technological and economic realities.



The UN, WTO, WIPO, and regional organizations make significant contributions to protecting various aspects of property rights, from traditional forms to intellectual property and new digital assets. Their activities contribute to creating a more predictable and stable international environment for economic activity, which is critically important in the context of globalization.

However, international organizations face a number of serious challenges. The rapid development of technology, globalization of the economy, the need to balance private rights protection with public interests - all of this requires constant adaptation and improvement of international mechanisms for protecting property rights.

To increase the effectiveness of international organizations in this area, comprehensive efforts are needed. This includes further harmonization of legislation, strengthening enforcement mechanisms, developing alternative dispute resolution methods, adapting to the digital economy, and enhancing international cooperation.

Special attention should be paid to challenges related to new technologies. Artificial intelligence, blockchain, the Internet of Things, and other innovations create new forms of property and ways of using it, which requires innovative approaches to their regulation at the international level.

It is also important to take into account the interests of developing countries and strive for a balance between protecting investors' rights and the sovereign right of states to regulate the economy. This can contribute to a more equitable and sustainable global economic development.

CONCLUSION

In conclusion, effective protection of property rights at the international level is a key factor in ensuring the stability and development of the global economy. International organizations play a central role in this process, and their further development and adaptation to new challenges will be of critical importance for the future of international economic relations.

The future of international mechanisms for protecting property rights will depend on the ability of international organizations to adapt to rapidly changing technological and economic realities, find a balance between different interests, and effectively respond to new global challenges. Only a comprehensive and innovative approach to these issues will allow creating a sustainable and fair system of property rights protection in the globalized world of the 21st century.

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