Chapter VIII  International Organizations as Subjects of International Law

I. Introduction: International Organizations and the Modification of the Structure of the International Legal Order

The advent and multiplication of international organizations, as from the mid-XXth century, came in a way to fulfil a functional necessity: States themselves came to realize that, – as they were originally conceived for the realization of the common good,¹ – besides their basic obligation to preserve future generations from the scourge of wars, they could no longer exert properly certain public functions acting individually. The work in areas such as international communications, the exploration of the seabed and outer space, air navigation over the high seas or other areas beyond the limits of national jurisdiction, among others, evidenced to States the need to promote greater international cooperation and co-ordination, also for performing their public functions with greater efficacy.²

The emergence of international organizations, operating at both universal and regional levels, and in the most diverse domains of human activity (political, economic, social, cultural, and of human security), brought about an expansion of the corpus juris of International Law, starting with the international legal personality and capacity themselves.³ These latter, which in the past were monopoly of the States, came to encompass also international organizations, bringing about

a reassessment – and expansion – of the chapter of subjects of International Law. The Wesphalian model of the international legal order, marked by the purely inter-State outlook of International Law, did not resist the challenges of the new times.

International organizations, of the most distinct kinds and characteristics, have effectively modified the structure of International Law: they have put an end to the former State monopoly of international legal personality and of privileges and immunities, have expanded treaty-making power, have altered the rules of their own composition, have come to participate in international judicial proceedings, and have considerably widened the means of international cooperation and regional and subregional integration. This phenomenon, which was already noticeable in the sixties and seventies, became more and more conspicuous, and can nowadays be adequately appreciated, in historical perspective, in the ambit of the Law of International Organizations.

II. International Organizations and the Ideal of the Realization of Justice

International organizations have, for more than six decades, echoed the aspirations of humankind of pursuit of the ideal of realization of justice, and have

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