PART II

SUBJECTS OF INTERNATIONAL LAW—NEW CONCEPTS
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The status of international organisations (intergovernmental) at the international level since the mid-20th century has been discussed by various authors. But in the same 20th century, there were few international judicial decisions which dealt with the subject either directly or indirectly. However, the discussion has squarely addressed the issue of whether international organisations have legal personality and when and how they acquire it.

As has been noted elsewhere, international bodies created by treaty emerged at the beginning of the nineteenth century.¹ Some legal organisations were created in this period, but it was late in the nineteenth century that certain organisations which were later to become open international organisations (e.g. the UPU (1874)) came into existence.² However, it was not until the creation of the League of Nations and the International Labour Organization, which were open organisations, after the First World War that the issue of the legal personality of international organisations came to be discussed seriously, though the earliest attempts to discuss the issue by authors were rudimentary.

There was controversy concerning the issue in writings before the Second World War, the tendency being to concentrate on the personality of international organisations in national law and to concede that the League of Nations had a special status which gave it international personality. It was not until the issue of the capacity of the UN to make claims on behalf of its staff members against non-member states was raised that the question of the international

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¹ See C.F. Amerasinghe, *Principles of the Institutional Law of International Organizations* (2005), Chapter 1. The present essay owes much to an examination of international personality in Chapter 3 of the above work.


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