
Competence is a defining feature of international organizations in much the same way as sovereignty (still) is a defining feature the state, albeit for different reasons. Both concepts, competence and sovereignty, may be understood as a set of legal capacities. States are the original subjects of the international legal system and as such enjoy a comprehensive range of capacities under international law, which collectively constitute their sovereignty.¹ By contrast, since international organizations are created by states for certain specified purposes, their competences depend on the will of their founders and are limited to those capacities which the latter have conferred upon them either expressly or by implication.² Accordingly, whereas states enjoy legal capacities because they exist, international organizations exist because they enjoy certain legal capacities. To put the same point differently, sovereignty is a necessary attribute or consequence of the state’s existence, whilst the conferral of competence is an integral aspect of the creation of an international organization. Unlike state sovereignty, the competences of international organizations thus serve an ontological function.

Given the proliferation of international organizations and the significant expansion of their functions in recent decades, it is surprising that their competences have so far received only modest attention in the literature, in particular compared to the far more extensive treatment of state sovereignty. The book under review here, a monograph by Norman Weiß published as volume 209 of the magnificent *Beiträge zum ausländischen öffentlichen Recht und Völkerrecht* series of the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, seeks to address this imbalance by developing a general theory of the powers (*Kompetenzlehre*) of international organizations.

The book falls into three main parts. The first part is devoted to a review of the historical development of international organizations with a particular emphasis on the emergence of what the author calls certain practical models of cooperation. It begins with a detailed study of the German Confederation created by the Congress of Vienna in 1815, before turning to the emergence of international administrative unions during the second half of the 19th century, the German Customs Union established in 1834 and finally the League of Nations, the first modern international organization of universal reach. The second part of the book examines in considerable detail the respective functions and institutional structures of the United Nations and the European Union in order to illustrate the dynamic relationship between progressive integration and state sovereignty. Building on the preceding sections, the third part attempts to develop a general theory of the competences of international organizations which clarifies the notion of competence and explains its role as an ordering element (*Ordnungselement*) in the constitutionalization (*Verfaßtheit*) of international organizations.

Plainly, Weiß has set himself a high bar. His general theory of the powers of international organizations is meant to provide “the instruments for analysing this form of international co-operation in order to understand more profoundly and deal adequately with the conditions, effects, and problems of international organisations” (p. 432).\(^3\) There is no doubt that formulating a general theory of the competences of international organizations that is capable of resolving some of the practical problems faced by international organizations and their member states would be a major achievement and

\(^3\) Translation quoted from the English summary of the book.