

THE LEGAL PERSONALITY OF INTERNATIONAL ORGANIZATIONS

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I. INTRODUCTION

International law of the previous centuries was to a large extent of a formal character. It was mainly concerned with the delimitation of jurisdiction of States. International organizations, as we know them today, were not existing. The individual played only an inconspicuous part because the international relations of the individual and his contacts across the frontier, if they ever existed, were rudimentary.

Until recently, the subjects of international law were exclusively independent States and their numerical strength was comparatively small. The principal purpose of international law was coexistence, that is to keep the States peacefully apart. Its scope of activities was so designed as to restrain and restrict State action emphasizing rights and duties of one State to another. Relationships with other States were mostly bilateral in nature and involved only limited aspects of international law such as peace, alliance, navigation and national boundaries.

During the last few decades especially after the establishment of the United Nations, profound changes have taken place in the scope and content of international law. One of the most important changes is the massive horizontal expansion of the international society composed of nation States due to the sweeping wave of the decolonization process.¹ Another major development is the phenomenal growth of international organizations as permanent institutions for the cooperation of States.² A third important change is in the subject matter of international law which is at present becoming actively concerned with various vital topics affecting the promotion of human welfare rather than the mere prevention of national warfare.³

What is meant by the term "subject" of international law? According to text-book writers, a subject of international law is an entity capable of possessing international rights and duties and endowed with the capacity to take legal action in the international plane. Such an entity is commonly referred to as international legal person or having legal personality.

Legal personality is an acknowledgement that an entity is capable of exercising certain rights and being subject to certain duties on its own account under a