

Video Transcript

International Organisations – Gleider Hernández

Hi, and welcome to Chapter 6 of my presentation of *International Law*. This chapter moves on from what was discussed in Chapter 5, which focused on the place of states within the international legal order and the recognition of states, and how a state is recognised as being a state by other members of the international community. A lot of that is built upon in this chapter as we look at international organisations.

And international organisations are particularly interesting because they are, besides states, generally the only legal persons under international law that can also bear rights and obligations in much the same way as a state. The big difference is that an international organisation is created by states, and usually to fulfill a certain purpose that's been defined by those states creating it. So unlike a state which arises through, basically, its people and territory forming themselves into an effective government and coalescing into what is a state, an organisation is created through a more formal structure, usually through a treaty that we call a 'constituent instrument'.

So, international organisations today are everywhere. There are some between 500 and 700 organisations today, depending on the definition. And there's an enormous diversity: there are small IOs (as we often call them by acronym), that are run by two states to discharge one very limited purpose, for example, monitoring a treaty relating to a river, all the way up to the United Nations, which is composed of 193 states and potentially has jurisdiction or powers to influence policy in all areas of human activity from environmental protection, to the prohibition of dangerous weapons, to economic cooperation, to the protection of human rights. So there's this enormous diversity of the type of organisation, the scale of an organisation, and the activities of the organisation, because some are very specialised and some are rather general.

Now, international organisations also have great influence on domestic legal systems, not only because when a state joins the organisation it changes its domestic law, perhaps to suit the policy objectives of the organisation, but it can also create legal obligations on individuals within states. So for example, the WTO (which is the World Trade Organization) can set standards relating to the manufacturing of products, or the respect for intellectual property. The United Nations Security Council can pass resolutions concerning the prohibition of

terrorism by individuals and create obligations on individuals and on states to prosecute them or to regulate them. And there are all sorts of technical standards ranging from technical standards relating to aviation, or postage, or international trade that also affect the way that daily life is conducted, whether it's commercial or purely private purposes.

So in this chapter, we look at the legal personality of organisations, where they derive their law-making capacity, where they derive their capacity to act. We look at the powers of organisations and how, broadly speaking, they're structured, because, generally, when there is an organisation, it has a separate personality and an autonomy vis-à-vis its member states that's usually expressed through the creation of decision-making organs. And some of those organs might be decision-making, but also some of them can be purely implementing or administrative. So the example that is generally used, and that is the subject of the last third of the chapter, is of the United Nations. And the United Nations has not only its six principal organs, so the General Assembly, the UN Security Council, the International Court of Justice (which is the principal judicial organ of the UN), something called the Economic and Social Council, the Trusteeship Council (which used to administer trust territories and is now practically defunct), and the Secretariat, the administrative organisation headed by the Secretary General, the administrative organ which helps and facilitates the activity of all the different organs and the organisation as a whole. In addition to that, you have dozens of specialised agencies. The principal organs themselves can set up subsidiary organs. Some of these organs have general competence, some of them will have more limited competence, some of them might be related to a specific situation, or the resolution of a conflict.

So effectively you've got this great plethora of law-making activity, of policy-making activity, that is undergirded by international organisations. They provide a forum for state cooperation, they provide access for private actors and NGOs, and even corporations, into the international space. And, as such, they are international legal persons very much worthy of study and understanding.

Thank you.