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On the topic

Treaty-making Capacity as an Element of Legal Personality of Universal International Organizations

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Universal international organizations are subjects with growing role in international law. They are endowed with wide range of international rights and obligations, including the right to conclude treaties. But legal-philosophical conflict and the impossibility for the international community to reach a consensus on the source of their legal personality leads to the fact that there is no single, comprehensive positive legal framework to regulate their legal personality and scope of treaty-making capacity. Behind the seemingly simple semantic facade of the international legal personality of international organizations lies a complex, specific, multi-layered legal institute, a product of the long evolution of legal knowledge.

And while the legal personality of organizations provokes primarily theoretical disputes, treaty-making capacity is their most controversial quality in both theoretical and practical nature. This study emphasizes that the legal capacity of international organizations derives from customary international law. Although it cannot be used as a sole basis for them to be recognized as subjects of international law, treaty-making capacity is a vital quality for their legal status. To resolve these problems, the monograph consists of the following preset tasks: to analyze the legal fiction of legal personality of international organizations, comparing the different theoretical schools and to find the most balanced solution for its source; to study their treaty-making capacity and its relationship with the legal personality, respectively, what is the place of legal competence amidst them; to systematize the treaty practice of international organizations and the process of codification of the law of treaties, which reveals the factors influencing the evolution of the concept of their treaty-making capacity; to point out the significant problems before the regulation of the law of treaties, in the thematic debate on soft law, the rule of law, contracting with private persons and the possible future use of artificial intelligence and digital communication products in international treaty-making process.