

What is a legal concept of international organization for?

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The legal concept of international organization has been the subject of considerable debate. Academic commentary comprises a range of positions, from the concepts based on possession of international organs/personality that we find in textbooks to suggestions that less formal governance arrangements engaged in global governance must also be included. But what is a legal concept of international organization for? I suggest that, in the first instance, the answer depends on whether the question is asked from the perspective of the system of public international law or from the perspective of another autonomous legal order, such as the internal law of an international organization or a municipal legal system. From the perspective of public international law, a legal concept of international organization serves three purposes: (i) to distinguish non-State entities constituted under international law and to which international law applies from non-State entities constituted and operating under regimes of domestic law; (ii) to determine to whom acts must be attributed when States take collective action under varying arrangements; and (iii) to delimit international organizations as a category of legal subject to which a distinct package of rights, obligations, and capacities apply on the international plane. When it comes to other legal orders that enjoy autonomy from international law, the range of functions that a legal concept of international organizations may perform is wider and more variable.



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