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# THE LEGAL PERSONALITY OF INTERNATIONAL ORGANISATIONS UNDER INTERNATIONAL LAW

-Pratyaksh Sharma<sup>1</sup>

International organizations have surfaced as essential actors in relation to maintenance of international legal order, undertaking functions which go above and beyond just intergovernmental cooperation. At the very center of their operation is the concept of legal personality, which decides an organization's capacity to possess rights and obligations under international law. This paper examines the legal personality of international organizations by fundamentally analyzing its scope, theoretical foundations and practical implications. It tracks the evolution of the doctrine from classical international law that is state-centric to the recognition of international organizations like United Nations (U.N.), International Court of Justice (ICJ) as autonomous legal bodies, with specific emphasis on the advisory opinion given by the International Court of Justice in *Reparation for Injuries Suffered in the Service of the United Nations* (1949). This paper also traverses the very source of legal personality, which is inclusive of the constituent instruments, implied powers, and functional necessity, and assess the extent to which such personality warrants organizations to enter into treaties, enjoy privileges and immunities, and sustain international responsibility. It further evaluates the limits of international legal personality by inspecting issues related to accountability, jurisdiction, and the relationship which exists between international organization and their member states. Through doctrinal analysis and select few case studies, this paper puts forward the argument that while international organizations possess a distinct and functional legal personality under international law, such personality remains derivative and constrained by their founding purposes. The study is concluded by highlighting the continuing relevance of legal personality in dealing with contemporary challenges which are related to responsibility, legitimacy, and governance in international institutions.

Key Words: International Organizations, Legal Personality, International Law, Implied Powers Doctrine, Functional Necessity, International Responsibility.

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## INTRODUCTION

International organizations have emerged and have undergone significant evolution overtime, from mere forums for state diplomacy into crucial actors in upholding and maintaining the global legal order, performing roles and functions that extend far and beyond intergovernmental coordination. Central to their effectiveness is the doctrine of legal personality, which provides them with the capacity to hold rights along with duties under international law, totally independent of their member states. This paper takes a deep dive into the scope, theoretical underpinnings, and the practical ramifications of this doctrine.

Historically rooted in a state-centric classical international law, the concept has transitioned towards recognizing international organizations like the United Nations (UN)<sup>2</sup> and the International Court of Justice (ICJ)<sup>3</sup> as independent entities. A landmark moment came in the ICJ's advisory opinion in *Reparation for Injuries Suffered in the Service of the United Nations* (1949)<sup>4</sup>, where the honorable court attested the legal personality of the UN to claim reparations for harms to its agents. This paper inspects the sources of such personality along with the constituent instruments like the UN Charter (Articles 104 and 105)<sup>5</sup>, implied powers, and functional necessity while at the same time assessing its implications for treaty making, immunities and responsibility. It also critiques limitations which are tied to accountability and member-state dynamics, putting forth the argument that while functional and distinct, this personality remains derivative and purpose-bound. Through the help of doctrinal analysis and case studies, the discussion underscores its lasting and paramount role in addressing modern governance challenges.

The following issues or research questions that arise are:

- To what exact extent does the doctrine of functional necessity justify recognizing independent legal personality of international organizations under the ambit of international law?
- How does recognizing the legal personality of an international organization affect the states sovereignty?

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<sup>2</sup> United Nations, "Chapter I: Article 1 — Charter of the United Nations," *Repertory of Practice of United Nations Organs*, available at: <https://legal.un.org/repertory/art1.shtml> (last visited Feb. 2, 2026).

<sup>3</sup> International Court of Justice, "The Court," available at <https://www.icj-cij.org/court> (last visited Feb. 2, 2026).

<sup>4</sup> *Reparation for Injuries Suffered in the Service of the United Nations*, Advisory Opinion, 1949 I.C.J. Rep. 174.

<sup>5</sup> United Nations, "Chapter XVI: Articles 104 and 105 — Charter of the United Nations," *Repertory of Practice of United Nations Organs*, available at: [https://legal.un.org/repertory/art104\\_105.shtml](https://legal.un.org/repertory/art104_105.shtml) (last visited Feb. 2, 2026).

## **EVOLUTION OF LEGAL PERSONALITY**

Classical international law, as stated in the works of scholars like Oppenheim, saw states as mere subjects of international law. This state-centric model began corroding post-World War II with the expansion of organizations like the League of Nations and, crucially, the United Nations (UN). The ICJ's *Reparation of Injuries* opinion marked a significant doctrinal pivot, stating that the UN possesses "objective international personality" obtained from its functions and needs, authorizing it to operate effectively on the global stage. Ensuing cases, such as *Certain Expenses of the United Nations* (1962), fortified this by invoking implied powers, expanding personality beyond straightforward treaty provisions.

## **SOURCES OF LEGAL PERSONALITY**

Legal personality comes from three primary sources namely constituent instruments, implied powers, and functional necessity. Constituent treaties, like the UN Charter (Articles 104 and 105)<sup>6</sup>, specifically grant capacities to enter into treaties and enjoy certain immunities. Implied powers which are inferred from an organization's objectives, allow for actions which are not expressly mentioned but essential to fulfilment. For example, the UN's peacekeeping operations under Chapter VII. Functional necessity, a pragmatic test from *Reparation* case, recognizes the legal personality where it is required to carry out an organization's functions. The European Union's legal personality, guaranteed in the 2012 ILO Administrative Tribunal case, reflects this approach by incorporating supranational features with a treaty-based foundation.

## **PRACTICAL IMPLICATIONS**

Having legal personality is of utmost importance to international organizations as it empowers them to engage in treaties (e.g., UN headquarters agreements under the 1946 Convention), enjoy privileges and immunities (comparable to the Vienna Convention on Diplomatic Relations), and bear responsibility. The International Law Commission's *Articles on the Responsibility of International Organizations* (2011) codify this, keeping international organizations like the United Nations (UN) accountable for the wrongful acts, as seen in the *Nuban Melli Bank* case (Iran-U.S. Claims Tribunal,

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<sup>6</sup> *Supra* note 4 at 2

1983)<sup>7</sup>. Case studies further stress upon this point. The World Health Organization used treaty-making powers during pandemics, while NATO was granted immunities in the case of *Behrami v. France*<sup>8</sup> by the European Court of Human Rights in 2007, showing their operational autonomy.

## LIMITS AND CHALLENGES

Despite all these advances, international legal personality remains mightily limited. It is derivative and very much tied to an organization's founding purposes; ultra vires acts, such as perusing actions which are unauthorized actions by the United Nations, many a times trigger resistance from member states. Accountability gaps exist because the International Court of Justice lacks compulsory jurisdiction over international organizations, while domestic courts often defer via immunity doctrines. This raise concerns over their legitimacy, as seen in *Al-Jedda v. United Kingdom*. The present ongoing jurisdictional tensions with member states further restrict the scope of such personality.

## PERSONAL VIEWPOINT

As a law student with a keen interest in geopolitics, international relations along with international legal frameworks and human rights, I see the legal personality of international organizations as a double-edged sword empowering but precarious. While Reparation for Injuries rightly expanded the horizons of the doctrine to foster global governance, its functional limits expose many vulnerabilities when it comes down to accountability, especially amid contemporary crises like climate change and armed conflicts. Organizations must evolve past mere derivative statues; for example, the integration of human rights benchmarks into constituent instruments could enhance legitimacy without ruining the primacy of the state.

Despite of all this, recent global events have shown how limited this legal personality of these international organizations can be in practice. The January 2026 U.S. military intervention in Venezuela which included the bombings of Caracas by the American military and more importantly the capture and removal of President Nicolás Maduro <sup>9</sup>despite years of recognising opposition leadership, brings into light the gargantuan failure of the United Nations and the Organization of

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<sup>7</sup> *E-Systems, Inc. v. Government of the Islamic Republic of Iran and Bank Melli Iran*, Award No. ITM 13-388-FT (Iran-United States Claims Tribunal, 9 February 1983).

<sup>8</sup> *Behrami and Behrami v. France and Saramati v. France, Germany and Norway*, App. No. 71412/01 and 78166/01, (2007) 46 ILM 743 (ECtHR [GC]).

<sup>9</sup> International Commission of Jurists, "United States/Venezuela: Territorial sovereignty, the rule of law and human rights must be guaranteed and respected," Jan. 5, 2026, available at: <https://www.icj.org/united-states-venezuela-territorial-sovereignty-the-rule-of-law-and-human-rights-must-be-guaranteed-and-respected/> (last visited Feb. 2, 2026).

American States to prevent forceful unilateral action or effectively uphold state sovereignty under international norms, even when concerns were raised about this at the international stage. Similarly, threats by President Donald Trump to take control over the land of Greenland which is an integral part of the Kingdom of Denmark since 1953 including planning for the use of military action and tariff pressure on Denmark in 2026<sup>10</sup> goes on to show how institutions like North Atlantic Treaty Organisation (NATO), European Union (EU) and the UN have been unable to convert condemnations into binding actions. These instances show how derivative and constrained organisations struggle to keep great-powers under check.

Drawing from Indian jurisprudence, parallels can be seen in bodies like the National Green Tribunal, whose functional personality closely resembles international models but struggle enforcement. Policymakers should look for means to develop hybrid accountability models like independent oversight boards to strike a balance between autonomy and transparency. Ultimately, robust personality is absolutely crucial for addressing disruptions at a global level, such as those involving major power players like Iran, but only if constrained by ethical and purposive bounds.

## CONCLUSION

Prior to concluding the article let's answer the research questions which were proposed in the commencement of the article which were:

- To what exact extent does the doctrine of functional necessity justify recognizing independent legal personality of international organizations under the ambit of international law?  
⇒ The doctrine of functional necessity simply states that the legal personality of any international organization is strictly limited to the extent to which it is required to full-fill its functions. Simply put the legal personality of an organization is purpose bound. The moment it goes past that defined extent it starts acting ultra virus and the state members can object to it
- How does recognizing the legal personality of an international organization affect the states sovereignty?  
⇒ Recognizing an international organizations legal personality does not completely eliminate the sovereignty of the state what it does is merely reconfigure it. States voluntarily put a limit to their sovereignty by creating organizations with autonomous legal capacity. However,

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<sup>10</sup> Kim Eun-Joong, "Trump Demands Greenland Acquisition for U.S. Security," *The Chosun Daily*, Jan. 21, 2026, available at: <https://www.chosun.com/english/world-en/2026/01/21/HOOOJI363RDH5A6HG5XEZ4GXEI/> (last visited Feb. 2, 2026)

organizational powers of international organizations are largely derivative, and function based so, the sovereignty largely remains with the states themselves.

Ultimately, International organisations carry a very distinct legal personality, but it is largely functional, derivative and important, shaped via their founding treaties and purposes. This position, burgeoned through doctrine and affirmed in cases such as *Reparation for Injuries*, allows the organisations to perform tasks which are absolutely essential which includes the likes of diplomacy, coordination, and norm-setting on the international plane. At the same time, their often limited and purpose-based personality exposes weaknesses in accountability and jurisdiction, which contribute to persistent legitimacy concerns. Addressing these gaps with the assistance of clearer oversight mechanisms and stronger dispute-resolution frameworks which are becoming increasingly necessary. Ultimately, the pursuant relevance of international organisations' legal personality lies in the reinforcing institutional resilience and enabling international law to reply to the challenges which the governance of this interconnected global order.