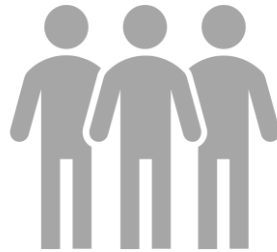
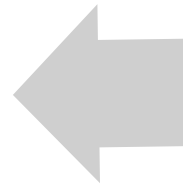


SUBJECTS AND OBJECTS OF INTERNATIONAL COMMUNITY



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LEGAL PERSONALITY OF INTERNATIONAL SUBJECTS IN NATIONAL LAW

LEGAL PERSONALITY OF INTERNATIONAL SUBJECTS IN NATIONAL LAW

art. 104 of the United Nations Charter

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

LEGAL PERSONALITY OF INTERNATIONAL SUBJECTS IN NATIONAL LAW

art. 335 of the Treaty on the functioning of the European Union

In each of the Member States, the Union shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings. To this end, the Union shall be represented by the Commission. However, the Union shall be represented by each of the institutions, by virtue of their administrative autonomy, in matters relating to their respective operation.

LEGAL PERSONALITY IN INTERNATIONAL LAW

LEGAL PERSONALITY IN INTERNATIONAL LAW

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
- **IUS LEGATIONIS** – the capacity to maintain diplomatic relations (sending and receiving consuls and diplomats)
- **IUS STANDI** – the capacity to bring a claim; responsibility under international law

STATES

STATES categories

STATES categories

UNITY

NEUTRALITY

SYSTEM OF GOVERNMENT

LOCATION

INDEPENDENCE

INTERNATIONAL LEGAL PERSONALITY OF STATES

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
- **IUS LEGATIONIS** – the capacity to maintain diplomatic relations (sending and receiving consuls and diplomats)
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INTERNATIONAL LEGAL PERSONALITY OF STATES

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
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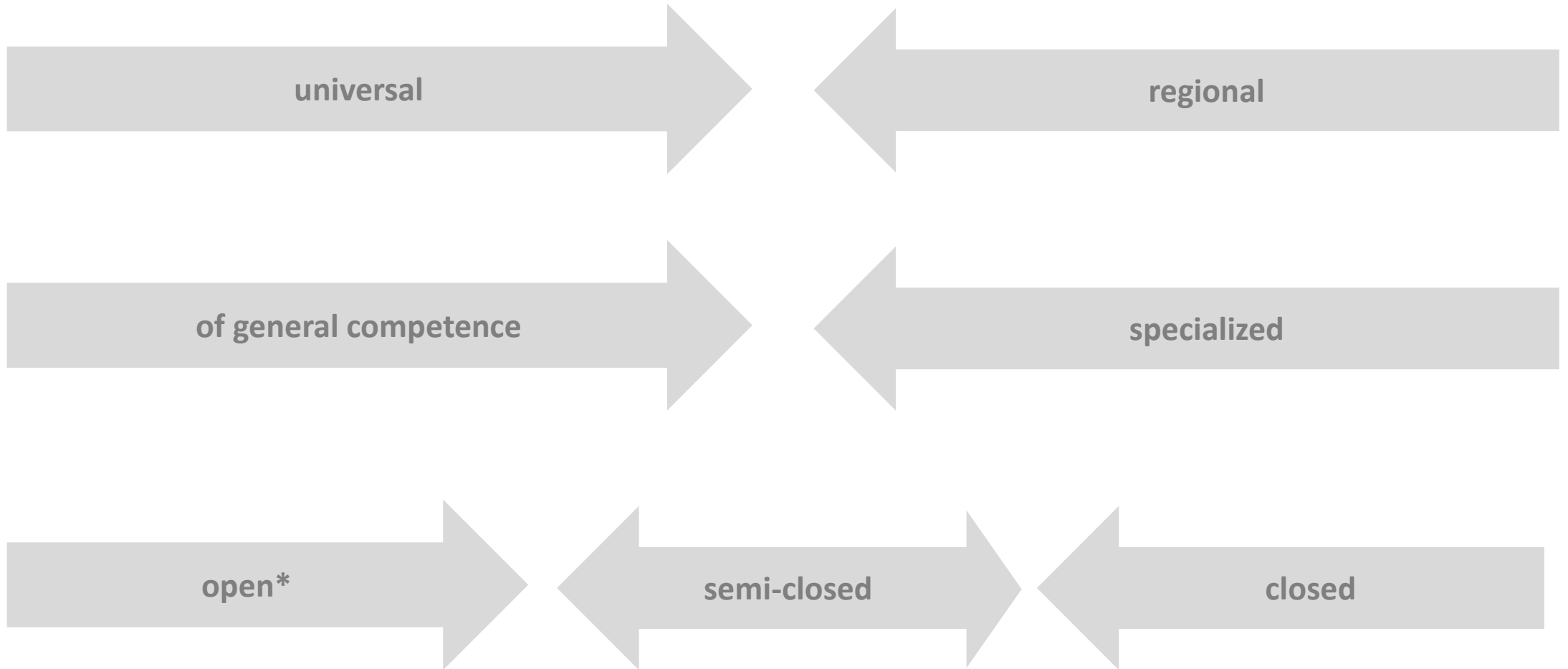
INTERNATIONAL ORGANIZATIONS

INTERNATIONAL ORGANIZATIONS

types

INTERNATIONAL ORGANIZATIONS

types



INTERNATIONAL ORGANIZATIONS types

supranational

```
graph TD; A[creation of legally binding norms (primacy and direct effect)] --> B[supranational]; C[judicial autonomy] --> B; D[financial autonomy] --> B;
```

creation of legally binding norms
(primacy and direct effect)

judicial autonomy

financial autonomy

INTERNATIONAL ORGANIZATIONS

competences

INTERNATIONAL ORGANIZATIONS

competences

pro foro interno



pro foro externo

explicit

implied

exclusive

competitive

INTERNATIONAL ORGANIZATIONS

duration

INTERNATIONAL ORGANIZATIONS membership

INTERNATIONAL ORGANIZATIONS

membership



members



observers

INTERNATIONAL ORGANIZATIONS

members

States

international
organizations

territories

others

INTERNATIONAL LEGAL PERSONALITY OF INTERNATIONAL ORGANIZATIONS

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
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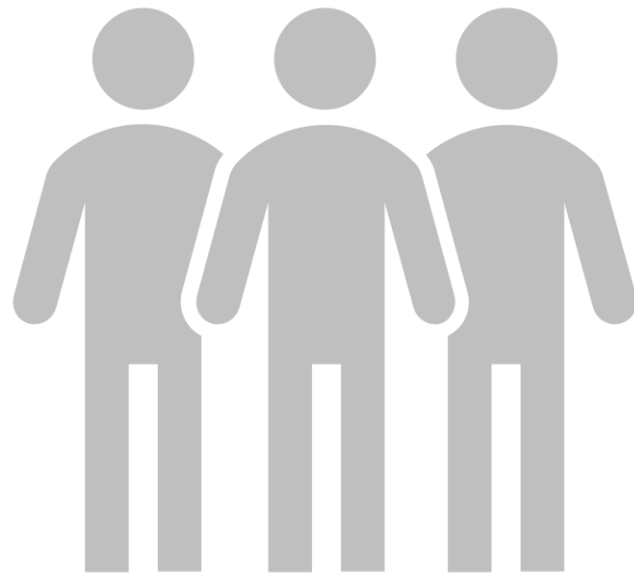
INTERNATIONAL LEGAL PERSONALITY OF INTERNATIONAL ORGANIZATIONS

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INDIVIDUALS

subject or object of international law?



subject or object of international law?

„It may be readily admitted that, according to a well established principle of international law, (...) an international agreement, cannot, as such, create direct rights and obligations for private individuals.

(...)

But it cannot be disputed that the very object of an international agreement, according to the intention of the contracting Parties, may be the adoption by the Parties of some definite rules creating individual rights and obligations and enforceable by the national courts.

(...)

The intention of the Parties, which is to be ascertained from the contents of the Agreement, taking into consideration the manner in which the Agreement has been applied, is decisive.”

-Advisory Opinion of the Permanent Court of International Justice in
the Jurisdiction of the Courts of Danzig Case, 1928

INTERNATIONAL LEGAL PERSONALITY OF INDIVIDUALS

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
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INTERNATIONAL LEGAL PERSONALITY OF INDIVIDUALS

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OTHERS

OTHERS

NGOs

international
corporations

belligerents

insurgents

national
liberation
movements

NGOs

INTERNATIONAL LEGAL PERSONALITY OF NGOs

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
- **IUS LEGATIONIS** – the capacity to maintain diplomatic relations (sending and receiving consuls and diplomats)
- **IUS STANDI** – the capacity to bring a claim; responsibility under international law



international corporations

INTERNATIONAL LEGAL PERSONALITY OF INTERNATIONAL CORPORATIONS

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
- **IUS LEGATIONIS** – the capacity to maintain diplomatic relations (sending and receiving consuls and diplomats)
- **IUS STANDI** – the capacity to bring a claim; responsibility under international law



insurgents / belligerents / national liberation
movements

insurgents

belligerents

national
liberation
movements

insurgents



- **recognition by home State or the third States**
- effective control over territory
- permanent and intense conflict
- can be recognized as a belligerents (depends on the scope and extent of the armed conflict)

belligerents



- **recognized by home State or the third States**
- recognition of the armed conflict as an international one
- right and duties under law of war

national
liberation
movements



- **recognition by the third States**
- control over territory where the armed conflict is maintained
- hostility actions has to be justified by the right to self-determination (racism, colonial domination, foreign occupation) – effective control over population
- possession of representative structure

INTERNATIONAL LEGAL PERSONALITY OF BELLIGERENTS

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
- **IUS LEGATIONIS** – the capacity to maintain diplomatic relations (sending and receiving consuls and diplomats)
- **IUS STANDI** – the capacity to bring a claim; responsibility under international law



INTERNATIONAL LEGAL PERSONALITY OF INSURGENTS

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
- **IUS LEGATIONIS** – the capacity to maintain diplomatic relations (sending and receiving consuls and diplomats)
- **IUS STANDI** – the capacity to bring a claim; responsibility under international law



INTERNATIONAL LEGAL PERSONALITY OF NATIONAL LIBERATION MOVEMENTS

- **IUS TRACTAUUM (IUS CONTRAHENDI)** – the right to conclude a treaty; treaty-making (law-making) power
- **IUS LEGATIONIS** – the capacity to maintain diplomatic relations (sending and receiving consuls and diplomats)
- **IUS STANDI** – the capacity to bring a claim; responsibility under international law



NON-STATES ACTORS

