



# **SUBJECTS OF INTERNATIONAL LAW**

**Introduction into International Law**



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# CATEGORIES OF SUBJECTS OF INTERNATIONAL LAW

- **Entities with full legal personality**

- States
- State-like entities
- Sovereign Order of Malta
- Holy See

- **Entities with partial legal personality**

- International (intergovernmental) organizations
- International Committee of the Red Cross
- Rebels
- Peoples
- Individuals

# STATE

- **1933 CE Montevideo Convention**
  - a) permanent population
  - b) defined territory
  - c) government
  - d) capacity to enter into relations with the other states
- **Principle of effectiveness**

# SOVEREIGN ORDER OF THE KNIGHTS OF MALTA

- Founded in 1099 CE as a catholic religious order of military/chivalrous nature
- Transformation from a hospitaler order into a military order with the objective to protect Christians against Islamic persecution and recognized by pope Paschal II as a sovereign order in 1113 CE
- **Nowadays** - permanent observer status, enters into treaties, issues passports, coins and postage stamps...

# THE HOLY SEE

- **The office of the catholic Pope**
- 1929 CE **Lateran Treaty** between the Holy See and the Italian regime under Benito Mussolini → Re-creation of a factual Papa State /Vatican
- The Holy See and the Vatican (City/State) → two separate entities
- Diplomatic relations with the Republic of China

# INTERNATIONAL ORGANIZATIONS

- Recent institution under international law → 20th century
- The Central Commission for Navigation on the Rhine, the International Telegraph Union
- Own bodies/organs
  - A body of representatives of member states
  - Atanding bureaucratic structure
  - Other bodies and consulatory commissions
- Legal personality
  - International legal personality (on the plane of international law)
  - Domestic/municipal legal personality (on the plane of the respective international law)

# INTERNATIONAL ORGANIZATIONS

- Reparation of Injuries Suffered in Service of the U.N., Advisory Opinion, 1949 I.C.J.
- Doctrine of implied powers

# INTERNATIONAL COMMITTEE OF THE RED CROSS

- Found as a private society under Swiss civil law
- Post WWII Geneva Conventions of 1949 and the Additional Protocol I and Additional Protocol II (both of 1977) to the Geneva Conventions of 1949 vested into the ICRC partial rights and duties under international law → the mandate to protect victims of these conflicts: wounded, prisoners of war, refugees, and non-combatants (civilians)

# STATE-LIKE ENTITIES: INTERNATIONAL PROTECTORATES

- One (previously) sovereign state enters with another sovereign state into an international treaty upon the creation of the protectorate whereby it limits its international relations and defense powers on the outside whilst retaining (some degree of) local sovereignty domestically
- Colonial or neo-colonial institutions
- *E.g. Gowa Sultanate, Jogjakarta Sultanat, Protectorate of Bohemia and Moravia 1939-1945*

# STATE-LIKE ENTITIES: INTERNATIONALIZED TERRITORIES AND CITIES

- Certain territories were for a certain period of time placed under internationalized administration or regime → some (or all) attributes of a state
- E.g. *Tangier (Morocco), Free City of Danzig /Gdansk (1920-1939), Free City of Krakow (1814-1846), Memel (1920-1924), Free State of Trieste (1947-1954)*

# PEOPLES

- Limited legal personality → the right of self-determination
- Process of decolonization → people represented by self-proclaimed national liberation movements → *E.g. Palestinian Liberation Organization*
- Indigenous peoples

# REBELS

- Subject to fierce theoretical discussion
- They may occur either in international armed conflicts or non-international armed conflicts (civil wars) → Extend of their rights and duties (as collective units) ?

# INDIVIDUALS

- Limited and partial legal personality
- **I. Behavior in humanitarian law**
  - *E.g. The right to act as legal combatant, the duty not to take part in hostilities, the protection, the right to a particular standard of treatment as prisoner of war, etc*
- **II. Duties under international criminal law**
  - *Under the norms of international criminal law (under the Rome Statute of the International Criminal Law)*

# INDIVIDUALS

- **III. Rights under international law of human rights**
  - E.g. *European Convention on Human Rights* → European Court of Human Rights → An individual is vested with legal personality and resulting procedural rights, being able to directly bring an action and litigate against a sovereign State
- **IV. Protection under bilateral investment treaties**
  - An investors from one party State are vested with rights of protection of their investment in the respective other State parties → arbitration (state vs. an investor)