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REFLECTIONS ON THE 200 YEARS OF THE HISTORY OF INTERNATIONAL ORGANISATIONS

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Abstract: This paper deals with epistemological reflection on 200 years of history of international organizations. This paper addresses three key research questions: the role and position of international organizations in the contemporary international community; the reasons why international organizations continue to be established and why states choose to participate in them; and the identification of the three primary drivers behind the creation of international organizations. Important literature that guides this research includes the works of eminent world authors on international organizations, as well as basic founding documents, work reports, resolutions and conventions of international organizations. The paper uses the hypothetical deductive method, as well as the method of analyzing the content of documents with the technique of qualitative analysis of the content of documents related to 200 years of work of international organizations. There are three main findings in the paper. The first, that states structured, organized and coordinated their relations, affairs and transactions through the institutional mechanism of international organizations. Second, that for 200 years states have tended to shape the international community by introducing international organizations as their preferred choice for organizing them, and third that despite hostilities, states continue to transact through the international organizations in which they participate. The policy implications of the research findings suggest that today's international community is so interconnected and complex that only a few countries can operate independently of international organizations. This reality has significant consequences for practical engagement in international relations, emphasizing the growing importance of multilateral cooperation and institutional frameworks.

Keywords: international organizations, position of international organizations, society of nations, international labor organization, United Nations Organization and League of Arab States

1. INTRODUCTION – THE POSITION OF INTERNATIONAL ORGANISATIONS IN THE CONTEMPORARY INTERNATIONAL COMMUNITY

International organisations (IOs) are probably the single most significant achievements in the history of the international community.

They constitute the most developed form of organizing it on the basis of equality and fairness. Taking into consideration that international relations have existed for several thousands of years, it is noteworthy that the concept of international institutions, and more specifically the concept of IOs, emerged only 200 years ago. However, the specific

cooperative organizational structures we now recognize as international organizations (IOs) have emerged primarily over the past 100 years. That said, forms of international cooperation existed well before the 19th century—one of the most notable examples being the Hanseatic League, which played a significant role during the Middle Ages. But the history and accomplishments of these earlier institutions have rather been overlooked.

Nowadays, we take the existence of IOs for granted. It would not be an overstatement to say that international organizations (IOs) have become dominant actors on the global stage, significantly influencing international relations, policy-making, and global governance. Increasingly, more and more inter-state discussions, deliberations and transactions take place inside them. Major issues that concern the entire planet are debated with the initiative and under the auspices of IOs, the protection of the environment / climate change¹ and the protection of human rights and fundamental freedoms being two examples of note.² Presently, there are hundreds of IOs and constantly new ones are established. At the same time, the foreign policy of many states is to join as many IOs as possible. These two factors ensure that the importance of IOs will increase in the years to come and that their global position will be consolidated. For the foreseeable future, international organizations will likely remain the most effective and structured means of organizing and coordinating the international community.

¹ The reference here is to the annual Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (it was adopted on 9 May 1992, entered into force on 21 March 1994, 1771 *United Nations Treaty Series* 107). While the holding of these CoPs has been promoted as “United Nations Climate Change Conferences”, see <<https://www.un.org/en/climatechange/un-climate-conferences>>, there are presently four nations / political entities that participate even though they are not UN Member States, one of them being the State of Palestine.

² Indeed, almost all treaties, declarations and other legal instruments pertaining to the protection and the promotion of human rights, effectively comprising what is referred to as ‘international human rights law’, have been concluded and adopted in the context of global IOs (UN, International Labour Organisation, etc.) or regional IOs (Council of Europe, Organisation of American States, African Union, League of Arab States, Association of Southeast Asian Nations, Commonwealth of Independent states, Organisation of Islamic Cooperation, European Union, etc.).

2. WHY ARE INTERNATIONAL ORGANISATIONS STILL ESTABLISHED AND WHY DO STATES WANT TO PARTICIPATE IN THEM? THE CONTRIBUTION OF MULTILATERALISM - THE WILLINGNESS OF STATES TO CEDE SOVEREIGN RIGHTS TO INTERNATIONAL ORGANISATIONS

These considerations lead to the following two questions. The first is why are more and more IOs being established? The second is why more and more states are eager to participate in IOs? From the outset, it will be argued that both questions have a lot to do with how multilateralism has prevailed over bilateralism and over trilateralism.³ States no longer engage in bilateral / trilateral negotiations, dealings, and transactions as they used to. For many decades now, states have shown a strong preference to engage principally through IOs and have abandoned the traditional ‘one to one’ or ‘one to one to one’ method of inter-state relations. This preference for multilateral engagement has been witnessed by two other developments of note.

The first development is the retreat or even the abandonment of the principle of reciprocity, which has traditionally been one of the most important norms in bilateral and trilateral relations. Its significance stems from the fact that when only two or three countries are involved, if one or two fail to adhere to the agreed rules, the remaining parties have little incentive to stay compliant, which can quickly lead to the breakdown of their established relationship. On the contrary, when more states participate in an IO, the relationship becomes far more complex and the obligations of participating states are invariably owed to the IO, which could very well have the mechanisms to ensure and demand compliance with obligations. It follows

³ Even though these are notions and concepts that have been primarily developed in the discipline of international relations, see, e.g., J. G. Ruggie (ed.), *Multilateralism Matters: The Theory and Praxis of an International Form*, Columbia University Press, 1993, arguably they could also find application in international law and in international institutional law not least because they could assist in explaining changes in states’ attitudes that have legal implications.

that although the concept of reciprocity still exists, its importance is diminished. In the 1976 case of *Commission v Italy*, the European Court of Justice ruled that the legal system of the European Economic Community (EEC) had moved beyond the principle of reciprocity. The Court justified this by stating that, as an international organization, the EEC had established 'a new legal order' with its own procedures for identifying and sanctioning Member States' violations. Thus, when a Member State was not performing an EEC Treaty obligation, the other Member States were not allowed to invoke it as reason to justify their own failure to perform any obligation that was incumbent upon them.⁴

The second development is that states are willing to surrender and transfer parts of their sovereignty on far easier terms than in previous times. This probably has to do with the process that coincided with the end of the Cold War in the early 1990s, what has been generally referred to as 'the era of globalisation'. It should always be remembered that it is almost impossible to reconcile absolute state sovereignty with membership in an IO. This is particularly true in the case of regional or sub-regional IOs, especially those that aim at the economic, monetary, etc., integration of the respective Member States.⁵

To illustrate, State A agrees to engage in discussions on specific issues with States B, C, D, and E. Similarly, State B agrees to do the same with States A, C, D, and E, while State C agrees to engage with States A, B, D, and E, and so forth. These discussions among the five States—conducted within an international organization where they hold membership—are aimed at reaching joint resolutions that they have already committed to follow, implement, and, most importantly, not violate. During such a state of affairs, all these States have, by definition, accepted that, as regards the issues deliberated, their absolute right of decision has been

curtailed, and they will be bound by the resolutions which they reached in unison and that they will continue to be bound by them until they are abrogated.⁶ What is of important is to understand that this curtailment is effectively a loss of sovereignty. However, this is a necessary condition; without such a concession, these five States would be unable to transact and enter into agreements with one another within the framework of an international organization.

Therefore, the participation in any IO always comes with strings attached. There is inevitably a significant price to pay—namely, the loss of a portion of state sovereignty, which occurs through the transfer of sovereign rights and powers to an international organization. In Western-style democratic countries, this transfer must be approved by the population, since all powers ultimately derive from the people. Consequently, the sovereign powers delegated to the IO also originate from the people. The manner in which the population's consent is obtained is beyond the scope of this discussion. What eventually becomes a significant issue is that, at some point in the future, people may no longer wish to have these rights and powers granted to this or that international organization.

A very good example to describe how the population can change its mind vis-a-vis participation in an IO is the withdrawal of the United Kingdom from the EU on 31st January 2020. As is well known, the withdrawal had been decided in a (non-binding) referendum that took place on 23 June 2016.⁷ Arguably, for those British nationals who voted in favour of withdrawal

⁴ Case 52/75, *Commission of the European Communities v Italian Republic*, Judgment, 26 February 1976, [1976] ECR 277, para. 11, ECLI:EU:C:1976:29.

⁵ The reference here is primarily to the type of IOs referred to as 'regional economic integration organisations'. REIOs could also aim at political integration, as the evolution from the EEC to the European Community and, presently, to the European Union shows.

⁶ Based on this argument, the resolutions reached e.g. by the UN General Assembly or by the UN Security Council (including those adopted under Chapter VII of the UN Charter) do not lose their validity unless a newer resolution has adopted, which, directly or indirectly, amends or revises or cancels a prior resolution. The issue of the temporal validity of resolutions is not addressed in the constitutive instruments of IOs and, to the best of one's knowledge, the organs of IOs do not review the validity of the resolutions that were adopted a long time ago. This issue may be important when there has been succession between IOs. However, the practice in the African Union, which succeeded the Organisation of African Unity, shows that the decisions of the dissolved IO do not lose their validity on account of the dissolution.

⁷ For aspects of the UK's withdrawal, see Gino Naldi & Konstantinos Magliveras, 'The Right to Revoke Withdrawal Notices from International Organisations: The Case of Brexit and the European Union' [2021] 28:1 *Maastricht Journal of European and Comparative Law* 30-58.

the deciding reason was that they wanted the restoration of the sovereign powers that had been 'lost', first, when the UK joined the EEC as a Member State on 1 January 1973 and, subsequently, each time the Founding Treaty had been amended to allow the EEC and the EU to assume even more competencies.

A. Why are more and more IOs established?

Based on these observations, the first question could be answered as follows: more and more IOs are established because in the present time and era very few states are able to follow their own independent course of action on important issues and matters. In the discipline of international relations this conduct is usually referred to as unilateralism.⁸ For all other states, the only sensible way of addressing such issues is by joining forces, by acting in unison as a group of like-minded states, by sharing resources and experiences, and by working together with the goal of adopting common decisions. Significantly, these decisions are taken by a specific group of states that has already agreed to follow the same rules and the same procedures. In other words, such a group of states does not simply promote some form of teamwork but a far more intense form of cooperation that has clear legal and institutional underpinnings, namely the mutually agreed rules and procedures.

It is precisely this very specific dimension of cooperation that IOs offer to all their members, it is the added value compared to other forms of inter-state cooperation. Accordingly, international organizations (IOs) should be distinguished from, for example, an intergovernmental conference held to address a specific issue of shared interest among participating states. Unlike such conferences, IOs are distinct legal entities with a mandate that extends across national borders (whether it is sub-regional, regional, transregional, or global is of no consequence⁹). Even though there can never be

two identical IOs, they do share several common characteristics, including the following three. First, the existence and operation of one or more organs, which principally act by exercising the powers that Member States have conferred upon the IOs. To that extent, it could be argued that the organs of IOs act on behalf of Member States and, therefore, they are their agents.¹⁰ Indeed, many of the features of the relationship between principal and agent, which is a well-known institution of private law, can be found (and replicated) in the way IOs operate and function.

The second characteristic is that the decisions of the organs of IOs carry a measure of (legal) validity, authority and (legal) power. All Member States are obligated to respect, uphold, and refrain from intentionally violating them. Even though these are not absolute rules and there are certainly exceptions,¹¹ what should be emphasized is that all Member States are expected to heed to the decisions that IOs have approved. In that respect, IOs do not differ from any other organisation and from the basic tenets of the organizational theory, namely that decisions are reached by those who are authorized to take them, that they are not of an optional nature and that they must be followed. The third characteristic is the application of the principle of equality: all Member States are treated equally, have the same rights and the same obligations irrespective of the size of their territory, their population, the strength of their economy, their

since most European states are members. In the case of Africa, the African Union would be a regional IO, while the Southern African Development Community (SADC) or the East African Community (EAC) would be sub-regional IOs. The Organisation of Islamic Conference (OIC) is an example of a transregional IO as its members come from all continents except Oceania. Presently, only the United Nations and its Specialized Agencies are global IOs.

¹⁰ From an international relations' perspective, see D. G. Hawkins, D. A. Lake, D. L. Nielson & M. J. Tierney (eds), *Delegation and Agency in International Organizations*, Cambridge University Press, 2006.

¹¹ For example, in the United Nations the resolutions adopted by the Security Council are held to be legally binding whereas the resolutions of the General Assembly are regarded as political proclamations that have a certain binding effect but are not legally binding. The distinction between these two types of validity becomes more obvious when the Security Council orders sanctions against recalcitrant Member States using its powers under the provisions of Chapter VII of the UN Charter; the General Assembly is unable to do the same because it has not been endowed with these powers.

⁸ See, e.g., Ruth Wedgwood, 'Unilateral Action in a Multilateral World' in S. Patrick & S. Forman (eds), *Multilateralism and U.S. Foreign Policy: Ambivalent Engagement*, Lynne Rienner, 2002, 167–189.

⁹ If, for example, Europe is considered as one region, the European Union would be a sub-regional IO because not all European states are members, while the Council of Europe would be a regional IO

military capability, etc.¹² Both a Member State with a population of 1,4 billion people and another with a population of only 14,000 have one vote each in the plenary organ of an IO.

B. What drives states to participate in IOs?

As regards the second question, namely why more and more states are eager to participate in IOs, the simple answer would be that they realize the unique position that IOs possess in the international community, the services that they offer to members and the fact that a very large proportion of transnational dealings are now transacted through them. In the ordinary course of things, a state does not want to be left out from where the action is. Of course, there are other reasons why states may pursue membership in specific IOs. For purposes of illustration, the examples of the following three IOs will be given.

Firstly, the Organisation of the United Nations: to secure membership in it (almost) automatically grants to the applicant country the status of a sovereign state, even though it might not be recognized by all other Member States.¹³ Particularly in the case of newly formed states (the examples of East Timor and South Sudan), securing prompt admission in the UN consolidates their position as sovereign states in the international community.¹⁴ *Secondly*, the Council of Europe: when a state joins it, the understanding is that it is a democratic country which subscribes to the rule of law and also protects human rights and fundamental freedoms. In the history of the Council of Europe, this has a very

important consideration for two categories of states. The first category includes the states in the south of Europe when the dictatorial regimes that were in power fell, namely Hellas, Spain and Portugal. The second category refers to the states in Central and Eastern Europe after the end of the Cold War as well as the states that were created following the dissolution of the Soviet Union and of the Federal Socialist Republic of Yugoslavia and wanted to join the Council of Europe. *Thirdly*, the European Union: to accede to the EU is undisputed evidence that the state in question is a developed economy, that it belongs to the so-called 'First World', that it is bound by democratic ideals and that it respects the rule of law as well as human rights.

Furthermore, those states that share specific characteristics with other states, which have already established an IO, will no doubt seek to secure their admittance in the IO so as to join a group of likely minded states. Such characteristics can be the prevailing religion, e.g. Organisation of the Islamic Cooperation; or the prevailing religion, the common language and a shared history, for example the League of Arab States (LAS); or the previous three characteristics and, additionally, a close geographical proximity, for example the Cooperation Council for the Arab States of the Gulf (GCC) and also the Arab Maghreb Union (AMU). Of course, it is not required that states have all something in common in order to create an IO or to seek admittance to it. However, they would have to declare their willingness to cooperate with the IO and its Member States as well as to be subjected to its rules and procedures.

It is not a prerequisite for a state that seeks to be admitted to an IO to have already been recognized by all other Member States, even though it is easy to ascertain why, from a political and diplomatic point of view, non-recognition could be a difficult hurdle to overcome. What will actually happen differs from case to case. Thus, the Republic of Kosovo joined the International Monetary Fund (IMF) in June 2009, sixteen months after the Declaration of Independence had been adopted and more than a year before the International Court of Justice (ICJ) had concluded that "the declaration

¹² There are exceptions, especially in the category of the International Financial Institutions (IFIs), also known as Multilateral Development Banks (MDBs), which, however, are explained by their different structure.

¹³ A very good example is the application of the State of Palestine to become a member in the United Nations, in conjunction with the fact that presently 30 UN Member States do not recognize the State of Israel. Generally, see Konstantinos Magliveras & Gino Naldi, 'The State of Palestine as a Sovereign Actor in the International Community: Implications for its Legal Status' in Sabella Abidde (ed.), *Palestine, Taiwan, and Western Sahara: Statehood, Sovereignty, and the International System*, Rowman & Littlefield / Lexington Books, 2023, 93-118.

¹⁴ The same could also be true for regional IOs, for example the accession of the Sahrawi Arab Democratic Republic in the (then) Organisation of African Unity (OAU) in 1984, see Konstantinos Magliveras & Gino Naldi, *The African Union (AU)*, Third edition, Wolters Kluwer, 2024, 35.

of independence of Kosovo adopted on 17th February 2008 did not violate international law¹⁵. However, Kosovo's accession to the IMF did not resolve the question of whether it is an independent and sovereign state. Whether Kosovo's pending request for membership in the Council of Europe,¹⁶ presently before the Parliamentary Assembly (PACE),¹⁷ will achieve this result is open to question.¹⁸ However, based on the arguments presented above, if Kosovo were to be formally accepted to membership, it would be regarded by the 46 Member States of the Council of Europe as a democratic country that subscribes to the rule of law and safeguards fundamental freedoms. Finally, there could be a case where two states, which not only do not recognize each other's existence but also have hostile relations, would nevertheless be willing to participate in the same IO. A recent example is the East Mediterranean Energy Forum (EMGF). Formally established in September 2020, it brought together as original Member States the State of Israel and the State Palestine.¹⁹

3. THE THREE MAIN MOTIVES FOR ESTABLISHMENT OF IOS: WARS, INNOVATIONS, AND TECHNOLOGY

A) THE FASCINATING STORY OF THE RIVER COMMISSIONS IN EUROPE

For most scholars, the beginning of the history of contemporary international institutions and organisations goes back to the Vienna Congress, which was held between September

1814 and June 1815 and rearranged the management of European affairs after the Napoleonic Wars. In particular, the conclusion of the Final Act (General Treaty) of the Congress on 9th June 1815²⁰ was a triumph of multilateral diplomacy. Furthermore, it was a constant reminder of what states can achieve when they act together within a mutually agreed framework to address shared problems and challenges and when they are prepared to work towards common solutions. Unfortunately, this great degree of harmony was only shown after armed conflicts that claimed the lives of between 2.5 million and 3.5 million soldiers and between 750,000 and 3 million civilians.

It is a fact of history that, at some stage, all wars end and that shorter or longer periods of peace ensue. By enforcing war reparations, restitution, and other forms of recompense, the states that emerged victorious from a military conflict seek to make the vanquished states pay a heavy price for losing the conflict. The Final Act signed at the Vienna Congress did all that but what is remarkable is that it additionally promoted the cooperation of the winners by creating a new institutional vehicle to organize a means of inter-state communication that had existed since ancient times.²¹ This refers to what are known as "international rivers" in international law, which are navigable interior streams that traverse the territory of many states. It is evident that the Vienna Congress was successful in recognizing the benefits of institutionally organizing navigation in international rivers. The states agreed to replace their own, separate, navigation regulations with those that would be agreed upon in collaboration with the other waterfront states.

This principle of common organisation in the navigation of international rivers was

¹⁵ International Court of Justice, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, 22 July 2010, I.C.J. Reports 2010, p. 403.

¹⁶ See *Letter of request for accession of the Republic of Kosovo to the Council of Europe*, Strasbourg, 12 May 2022, Council of Europe, Secretariat of the Committee of Ministers, DD(2022)200, 13 May 2022.

¹⁷ On 24 April 2023, the Committee of Ministers decided to transmit to PACE for consultation the letter of 12 May 2022 "without prejudice to the Committee of Ministers' future consideration of this application to accede to the Council of Europe", CM/Del/Dec(2023)1464bis/2.4, at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aaffdc.

¹⁸ Certainly, this matter was not resolved when Kosovo became the forty-first Member State of the Council of Europe Development Bank on 4 November 2013.

¹⁹ For analysis, see Gino Naldi & Konstantinos Magliveras, "The East Mediterranean Gas Forum: A Regional Institution Struggling in the Mire of Energy Insecurities" [2023] 20 *International Organizations Law Review* 194–227.

²⁰ The Final Act was written in French, for translation in English, see <https://www.dipublico.org/100513/final-act-of-the-congress-of-viennageneral-treaty-1815/>.

²¹ Generally, see Robert Rie, *Der Wiener Kongress und das Völkerrecht*, Röhrscheid, 1957; Henry Strakosch, "The Place of the Congress of Vienna in the Growth of International Law and Organisation" [1964] 13 *Indian Yearbook of International Affairs* 184–206. See further, John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars*. Princeton University Press, 2000.

expressed in specific terms in Article CVIII of the Final Act:

“The Powers whose states are separated or crossed by the same navigable river, engage to regulate, by *common consent*, all that regards its navigation. For this purpose, they will name Commissioners ... who shall adopt as the basis of their proceedings, the principles established by the following Articles [CIX – CXVII]” (emphasis added)

And Article CIX went on to say:

“The navigation of the rivers, along their whole course, ... shall be entirely free, and shall not, in respect to commerce, be prohibited to any one; it being understood that the regulations established with regard to the police of this navigation, shall be respected; as they will be framed *alike for all*, and as favourable as possible to the commerce of *all nations*” (emphasis added)

If these two provisions were read with the terminology that it used in our epoch, arguably the outcome of the Final Act was to treat navigable international rivers as ‘global public goods.’²² These are goods (in the very broad sense of the word) that are no longer subject to the absolute jurisdiction of one state, but their regulation is henceforth agreed among a group of states that consider themselves to be equals, while respecting national views, interests and preferences. What the Final Act did not say in so many words was that, for the regulation of navigation to be ‘alike for all’, the states that were prepared to participate in this new institutional vehicle of organisation would have to limit the exercise of their sovereign powers. Simultaneously, they would be required to acknowledge that there was a superior form of governance and regulation that must be adhered to, and that the same set of regulations and procedures would be implemented in their place, replacing the current national ones.

²² Generally, see, Daniel Bodansky, ‘What’s in a Concept? Global Public Goods, International Law, and Legitimacy’ [2012] 23 *European Journal of International Law* 651–668; Gregory Shaffer, ‘International Law and Global Public Goods in a Legal Pluralist World’ [2012] 23 *European Journal of International Law* 669–693.

This, quite revolutionary for that time, thinking led to the establishment, later in the 19th century, of several multilateral river commissions, including the following two: (a) the Central Commission for the Navigation of the Rhine. It was established under the Convention of Mainz of 1831 and, having survived two World Wars, it is still functioning pursuant to the provisions of the Treaty of Mannheim (Mannheimer Akte) of 1868; and (b) the European Danube Commission, which was established under the Paris Peace Treaty of 1856.

These river commissions should be seen as the first contemporary international institutions, the forefathers of IOs. Even though their mode of operation might be regarded as outdated compared to the much more sophisticated IOs of the present day, their history arguably shows that, when a group of states is committed to pursue cooperation at an institutional level, problems will be overcome and solutions will be found. For example, when the question of the adjudication of disputes between the Commission for the Rhine and its staff came up, it was resolved by signing an agreement with the Administrative Tribunal of the Council of Europe, pursuant to which the Tribunal was authorized to rule on them.²³ This example shows that IOs do not function in a vacuum but are living organisms able to interact with each other when so needed.

B) THE LEAGUE OF NATIONS, THE INTERNATIONAL LABOUR ORGANISATION, THE ORGANISATION OF THE UNITED NATIONS AND THE LEAGUE OF ARAB STATES

The Napoleonic Wars and the Final Act of the Congress of Vienna are not the only examples showing that war plays a major role in the creation of international organizations.

²³ See Agreement of 16 December 2014 on Extending the Jurisdiction of the Administrative Tribunal of the Council of Europe to Officials of the Central Commission for the Navigation of the Rhine (CCNR), text at: <https://rm.coe.int/16800ce0a5>. The Tribunal presently operates on the basis of the Statute, which was approved by the Council of Europe’s Committee of Ministers (Resolution CM/Res(2022)65 of 16 November 2022) and entered into force on 1 January 2023, at: <https://www.coe.int/en/web/tribunal/statute>.

Indeed, a century later, the peace treaties signed after what was then called the ‘Great War’—now known as World War I—led to the establishment of two very different international organizations: the League of Nations and the International Labour Organization (ILO). The former was perhaps too progressive, and the time had not been ripe for states to devolve the sovereign powers as its statute required.²⁴ Notwithstanding that the life of the League ended in disgrace, the mere fact that it put the foundations of the modern IO with a global remit is enough to secure a position of almost unrivaled significance in the history of international organisation. Regarding the ILO, it is well known that it survived World War II and became the first Specialized Agency of the newly established United Nations. While the UN is a significantly more advanced international organization than the League of Nations, one might still ask whether it would have been envisioned as the institutional framework for lasting peace and security without the precedent set by the League. In other words, one could argue that the League of Nations served as a necessary experiment that helped refine the international community’s approach to organizing peace and security.

The United Nations was not the only IO which, directly or indirectly, was established as an outcome of World War II. It is often forgotten that the Charter (Pact) of the League of Arab States was concluded on 22nd March 1945,²⁵ three months earlier than the UN Charter. And while the League of Nations and the United Nations were ‘victors’ organisations’ that excluded the losers of the two World Wars (in the wording of Article 4 of the UN Charter as they were not ‘peace-loving states’), LAS was established with the typical thinking of those states that take the initiative to create a new IO: institutional cooperation to pursue common goals by respecting each other and by agreeing to a set of rules and procedures that are applicable to

all participants. In the second half of the 1940s and the early 1950s there was a plethora of other global and regional IOs formed, a rather well-known fact and, therefore, they need not be mentioned here. What is crucial to recognize is that, had World War II not occurred, these organizations would most likely not have been established, as their creation was primarily aimed at addressing the crises and consequences of the deadliest and most extensive armed conflict in human history.

But the phenomenon of the formation of new IOs was also manifested after the end of the Cold War. While it was not a traditional armed conflict, it had many theaters in Europe, in Asia, in Africa and elsewhere that led to belligerent situations that caused death, destruction and misery to a great number of people. The new world order that emerged following the end of the Cold War did open a new page to international history but was also surrounded by pressing problems and difficulties, which, to an extent, were dealt with by setting up new multilateral institutions. It is enough to mention institutions such as the European Bank for Reconstruction and Development (EBRD), the Commonwealth of Independent States (CIS), the Organisation of Security and Cooperation in Europe (OSCE, the successor institution to the Conference on Security and Cooperation in Europe²⁶), the Organization of the Black Sea Economic Cooperation (BSEC), and the Central European Initiative (CEI).

C) OF INVENTIONS AND TECHNOLOGICAL PROGRESS

The history and development of humanity has always been linked to and influenced by inventions and the progress achieved in technology (as understood in the different eras of world history). What, however, changes from roughly the mid-19th century onwards is the fact that states started to comprehend the significant benefits of institutional cooperation and organisation when exploiting the

²⁴ The statute of the League of Nations was titled ‘Covenant’, arguably a term that could be ascribed certain religious connotations, viz. the Covenant of the Old Testament.

²⁵ Text in English translation at: <https://www.refworld.org/legal/constinstr/las/1945/en/13854>.

²⁶ See the Final Act of the Conference, signed in Helsinki, Finland on 1 August 1975, at: <https://www.osce.org/files/f/documents/5/c/39501.pdf>.

technological advances. More specifically, what they understood was that by agreeing to cooperate within the context of a certain institutional arrangement, the positive outcomes of technological advances and inventions could be multiplied, thus assisting in faster economic development.

The invention of the electric telegraph and its application in practice (1830s-1840s) is a very good example. Telegraph, which at that time was, from a technological point of view, the equivalent of mobile telephony in the 21st century, revolutionized communication to the benefit of people and national economies, and improved interaction between states. The ability to interconnect telegraph systems across states—whether overground, underground, or even underwater—meant that people could come closer together, interstate commerce could flourish, and state revenues could grow. These developments underscored the growing importance of connectivity not only between countries on the same continent but also across different continents. Just as the mid-19th century saw the creation of various River Commissions to regulate navigable international rivers, the regulation and coordination of cross-border interconnection in areas such as the electric telegraph and other technological innovations were addressed through a more advanced form of institutional organization: the so-called *International Administrative Unions* (IAUs). The emergence of IAUs is particularly noteworthy given that, as has been observed, “the dominant note of political development was undoubtedly nationalism.” Their establishment occurred despite a turbulent international context marked by revolutions, the formation of new states and political unions, and the rise of strong nationalist interests.

Notwithstanding these negative aspects for the creation of international institutions situations,

“[n]ations have given up certain parts of their sovereign powers to international administrative organs ... while fully reserving their independence, actually found it

desirable, and in fact necessary, regularly and permanently to co-operate with other nations in the matter of administering certain economic and cultural interests. Without legal derogation to the sovereignty of individual states an international de facto and conventional jurisdiction and administrative procedure is thus growing which bids fair to become one of the controlling elements in the future political relations of the world”²⁷

What is particularly striking, then, is that even as states actively pursued their nationalist interests, this did not prevent them from simultaneously embracing a form of administrative internationalism—managing, in effect, to reconcile both approaches.²⁸

D) THE INVENTION OF THE ELECTRIC TELEGRAPH, COMMUNICATION AS A GLOBAL PUBLIC GOOD AND THE INTERNATIONAL TELEGRAPH UNION AS THE INSTITUTIONAL VEHICLE FOR COOPERATION

On 17th May 1865, the International Telegraph Convention was signed in Paris following the successful conclusion of the International Telegraph Conference, which had started on 1st March 1865 at the invitation of the King of France. In particular, the attempt to modernize the French state and increase its influence across Europe and beyond, led Napoléon III, who, at the same time, wanted to upgrade his country technologically, to propose the holding of the world’s first International Telegraph Conference, which began on 1 March 1865.²⁹ For the previous fifteen years, a series of bilateral and regional agreements relating to this revolutionary technology had been concluded

²⁷ Ibid., p. 581.

²⁸ For an examination from the perspective of contemporary international relations theories, see Douglas Howland, “An Alternative Mode of International Order: The International Administrative Union in the Nineteenth Century” [2015] 41 *Review of International Studies* 161-183.

²⁹ The French original of the Convention as well as the discussions and deliberations that led to its conclusion are available at: <https://search.itu.int/history/HistoryDigitalCollectionDocLibrary/4.1.43.fr.200.pdf>.

between the states of (what is now called) Western Europe.³⁰ But they came to the realization that all these agreements had to be replaced by a new comprehensive treaty with a multilateral remit, the point of the interconnection of the various states being of paramount importance. The *Convention télégraphique de Paris* entered into force very promptly on 1 January 1866 and created the International Telegraph Union (ITU), one of the very first IAs.

The purpose of the ITU's twenty founding Member States was to facilitate the establishment of transnational telegraph networks by formulating standards and regulations that went beyond the borders of a single state and in accordance with the International Telegraph Convention;³¹ its provisions were not meant to be static but ever evolving. Thus, the International Telegraph Conference (1865) had also stipulated that in order to keep up with technical and administrative progress, the Convention should be periodically revised by follow-up international conferences to be held in the capitals of the contracting parties. Between 12 June and 21 July 1868, the (second) Telegraph Conference took place in Vienna, which amended the International Telegraph Convention with effect from 1 January 1869.³² The follow-up Conferences continued during the 19th century and 20th century and were directly influenced by the evolution in the electric telegraph technology. In 1932, it was decided that ITU should adopt a new name to indicate the full range of its responsibilities.³³ The new name was 'International Telecommunication Union' (same abbreviation, ITU).

As previously mentioned, reference has been made to the concept of so-called *global public goods*. It is particularly noteworthy that the Madrid International Telecommunication Convention recognized *telecommunication* as a public good with a transcontinental dimension. Notably, Article 22 of the Convention—aptly titled “Telecommunication as a Public Service”—explicitly stated: “The Contracting Governments recognise the right of the public to correspond by means of the international service of public correspondence.” The service, charges and safeguards shall be the same for all senders, without any priority or preference whatsoever not provided for by the Convention”. Moreover, the wording of Article 22 confirmed the two basic principles, which, as was argued above, characterize IOs, namely equality and fairness. ‘Telecommunication’ was regarded as a public good which meant that it had to be given a very high degree of protection and security. This was manifested in Article 24(1) of the Madrid Convention. It read: “The Contracting Governments undertake to adopt all possible measures, compatible with the system of telecommunication used, to ensure the secrecy of international correspondence”.

As regards those countries that were not already contracting parties, the Madrid Convention adopted a *laissez passer* attitude. In other words, any country—or more precisely, the government of any country—could have acceded to the Convention at any time and joined the existing members as an equal partner. According to Article 3 of the Madrid Convention, accession carried with it “... of full right, all the obligations and all the advantages provided by the ... Convention”. No participating country was forced to remain a member: with the easiness the ITU could be joined, with the same easiness it could have been departed from. Thus, Article 10 provided that each ‘contracting government’ had the right to denounce the Convention by sending a notification to that effect through diplomatic channel. Denunciation, to which presumably another participating country could not have objected, came into effect one year from

³⁰ Further information may be found at: <https://www.itu.int/en/history/Pages/pre1865agreements.aspx>.

³¹ To that extent, the Convention was annexed by the Regulations for International Service, which covered in detail common administrative matters, such as the interworking of equipment, the procedures for operation and the settlement of accounts.

³² For the text of the Convention and for other Conference documents, see <https://search.itu.int/history/HistoryDigitalCollectionDocLibrary/4.2.43.fr.200.pdf>.

³³ See International Telecommunication Convention, signed in Madrid on 9 December 1932, available at <https://search.itu.int/history/HistoryDigitalCollectionDocLibrary/4.5.43.en.100.pdf>. According to Article 8 thereof, the Madrid Convention abrogated and replaced previous Conventions, including the ones signed in Paris (1865) and in Vienna (1868).

the day the notification was received. This twelve-month period allowed ample time, on the one hand, for the withdrawing country to reconsider its decision and, on the other hand, to settle accounts and any other outstanding business with the ITU.³⁴ And even though it was quite obvious and there was no need for confirmation, Article 10 went to say that the denunciation affected only the party making it, while for all the other parties the Convention remained in force.

Finally, reference should be made to Article 15 of the Madrid Convention not only because it was the lengthier provision but because it regulated dispute settlement, a very difficult matter to be addressed in any IO. Specifically, it stipulated that any disagreement between two or more Contracting Parties concerning the implementation of the Convention would first be resolved through diplomatic channels; if this failed, the matter could be referred to arbitration at the request of any one of the Governments involved. And as regards the mode of the arbitration, the parties in dispute could choose between the procedure that was already envisaged in treaties concluded between them for the settlement of international disputes and the procedure set out in Article 15, which, however, failed to mention whether the arbitral award was legally binding and whether the party that lost the arbitration was (legally) obligated to full and promptly comply with it.

Following the end of World War II, ITU became one of the Specialized Agencies of the United Nations, as it happened with other IOs that had been established in the 19th and early 20th century. The idea of having follow-up conferences on a regular basis to revise the Telecommunication Convention has persisted. They are now held every four years. The last one took place in Bucharest in 2022.³⁵ The

³⁴ Generally, see Gino Naldi & Konstantinos Magliveras, 'The Law and Practice Regarding Denunciation of Treaties and Withdrawal from International Organisations with Specific Reference to Human Rights' [2014] XXXIII *Polish Yearbook of International Law* 95-127.

³⁵ See International Telecommunication Union, *Collection of the basic texts of the adopted by the Plenipotentiary Conference*, Edition 2023, Geneva, 2023, at: https://www.itu.int/dms_pub/itu-s/opb/conf/S-CONF-PLEN-2022-PDF-E.pdf.

discussions center around issues that of mutual concern and have come up from the recent advances in technology: the digital revolution, artificial intelligence, and so on. But the general idea is still the same: the present 193 Member States, regardless of whether they maintain peaceful relations or are embroiled in armed conflict, want to exploit the public good of communication and are ready to agree to common rules and common procedures.

4. CONCLUSION

Even a brief review of the development of international organization over the past 200 years reveals that states have consistently structured, arranged, and coordinated their relations, affairs, and transactions through the institutional framework of international organizations (IOs). Therefore, the argument that "[to] the extent that [IOs] become actors in their own right and exercise some measure of authority and control they must be seen as a new dimension in the international community" was not only true at the end of the 20th century when the argument was made³⁶, but rather a long time before that, starting in the mid-19th century with the establishment of the River Commissions and the International Administrative Unions. It follows that, for the past 200 years, states have shown a consistent tendency to shape the international community through the creation of international organizations as their preferred means of governance. While these organizations have brought states closer and fostered stronger ties, it is equally true that states have also engaged in numerous wars and armed conflicts that have severely strained or even shattered these relationships. However, as institutionalized mechanisms for organizing the international community, international organizations generally tend to endure wars and conflicts between their Member States, despite inevitably experiencing negative impacts from such disputes. The validity of this submission can be ascertained if one

³⁶ See Christoph Schreuer, 'The Waning of the Sovereign State: Towards a New Paradigm for International Law?' [1997] 4 *European Journal of International Law* 447-471, 452.

were to consider, on a global level, how many of the UN Member States and, at a regional level, how many, for example, LAS Member States are presently in some form of hostilities.

But despite hostilities, states do continue to transact through the IOs in which they participate, presumably because today's international

community has become so interconnected and so complex that only few countries can claim to be able to act outside the purview of IOs. Viewed against the span of world history, the 200 years during which international institutions and IOs have existed is but a brief moment. And yet so much has been achieved!

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RAZMIŠLJANJA O 200 GODINA ISTORIJE MEĐUNARODNIH ORGANIZACIJA

Rezime: Ovaj rad se bavi epistemološkim promišljanjem o 200 godina istorije međunarodnih organizacija. Tri istraživačka pitanja kojima se ovaj rad bavi su položaj međunarodnih organizacija u savremenoj međunarodnoj zajednici, traganje za odgovorom zašto se međunarodne organizacije i dalje osnivaju i žele da učestvuju u njima i identifikovanje tri glavna pokretača osnivanja međunarodnih organizacija. Važna literatura koja vodi ovo istraživanje uključuje radove eminentnih svetskih autora o međunarodnim organizacijama, kao i bazična osnivačka dokumenta, izveštaji o radu, rezolucije i konvencije međunarodnih organizacija. U radu se koristi hipotetičko deduktivna metoda, kao i metod analize sadržaja dokumenata sa tehnikom kvalitativne analize sadržaja dokumenata koji se odnose na 200 godina rada međunarodnih organizacija. Tri su glavna nalaza u radu. Prvi, da su države strukturirale, organizovale i koordinisale svoje odnose, poslove i transakcije putem institucionalnog mehanizma međunarodnih organizacija. Drugi, da su države već 200 godina sklone da oblikuju međunarodnu zajednicu uvođenjem međunarodnih organizacija kao svog preferiranog izbora za njihovo organizovanje, i treći da uprkos neprijateljstvima, države nastavljaju da obavljaju transakcije preko međunarodnih organizacija u kojima učestvuju. Implikacije rezultata istraživanja na politiku su da je današnja međunarodna zajednica postala toliko međusobno povezana i toliko složena da samo malo zemalja može tvrditi da može da deluje van delokruga međunarodnih organizacija, što ostavlja različite posledice na realnu društvenu praksu u međunarodnim odnosima.

Ključne reči: međunarodne organizacije, položaj međunarodnih organizacija, društvo naroda, međunarodna organizacija rada, Organizacija ujedinjenih nacija i liga arapskih država