

INTERNATIONAL ORGANIZATIONS: AUTONOMOUS ACTORS OR DEPENDENT SUBJECTS?

This article attempts to provide some answers to the theoretical question regarding the degree of international organizations autonomy. One problem that creates great debate among theoreticians of international organizations is their level of autonomy. In the case of secondary actors, such as International organizations like the United Nations, theoreticians disagree on whether these reflect their member states' foreign policy, and thus do not constitute actors upon themselves, or if, on the contrary, their level of autonomy is increasing at the expense of the State actor. This issue becomes evident when one considers that international relations have become more fluid since the end of the Cold War. Since the U.S. and the Soviet Union improved their relations at the end of the 1980's, the UN and the regional international organizations have already begun to acquire a more important role in conflict resolution and peace-building.

Also, the article will attempt to determine the degree of autonomy of the United Nations. When one thinks of an actor as autonomous, one uses certain variables as reference points, such as sovereignty or its capacity to implement its own foreign policy. Another factor to take into account is its recognition as an international legal subject. Undoubtedly, the UN is not totally autonomous. However, it exercises a role of its own that can be measured to the extent that States cannot do without it. This autonomy becomes stronger as time goes by: through the recognition of its legal personality and later, with the rise of the peace-keeping forces. Though national contingents compose these, they do not fit the traditional scheme of a national military force and acquire their own rules. Unlike national forces, the peace-keeping forces do not have an offensive character and act as buffer or peace-building forces. This personality would be

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strengthened even more if the UN would establish a military force like the one proposed by former Secretary General Boutros-Ghali and former Vice-Secretary General Sir Brian Urquhart.

Other variables strengthen the UN's legal personality:

- 1- Its role as mediator in conflicts (e.g., El Salvador).
- 2- Its role in the promotion of multilateral diplomacy.
- 3- Its participation in codifying an international legal regime.
- 4- Its function in stimulating international cooperation.
- 5- Its defense of human rights.
- 6- Its contribution to the creation of international regimes (security, environmental protection, trade).
- 7- Its increasing participation in the democratization of States.

The initiatives of the UN in these aspects, characterized by a very different vision and logic than that of the State actor, reinforce the capacity of relative "autonomous" action of international organizations. It is almost inconceivable to imagine that the member states could have made all the codification in the subject of human rights if the UN had not found its own role as an organization directed towards its promotion. Extra-state action (non-governmental organizations, international organizations, international public opinion) and supervision is so important for the protection of these rights that human rights doctrine already questions the monopoly and the absolute sovereignty formerly recognized in this aspect to the State. Even in international peace and security, a transcendent realm for the State, the UN has created a logic of its own.¹

Peace-keeping operations are evidence of this. Their existence would not be viable outside the framework established by an international organization. Other variables identify the

autonomous character of international organizations in international relations:

1- Their acquisition of legal personality and their recognition as an autonomous subject of international law.

2- The recognition by international law of diplomatic immunity and of other rights to international functionaries.

3- The greater participation, though temporary, of the UN and of other international organizations (Organization of American States, European Union, Organization of Security and Cooperation in Europe) in functions that correspond to the "sovereign" realm of the State. These include electoral supervision, trusteeships, administration, police functions, human rights supervision and the exercise of State administrative policies in those states where the UN establishes peace-keeping operations.

4- Their full condition as international actors and subjects when exercising functions such as mediation, arbitration and the judicial solution (e.g., International Court of Justice).

5- The existence of international functionaries loyal to international organizations and not to any state, such as the Secretary General, who place themselves over national interests. This becomes a manifestation of the autonomous character of international organizations. The Secretary General, for example, exercises autonomy when he has to put himself over the interest of one state or group of states and when he exercises certain political functions (Article 99 of the UN Charter).

6- The condition acquired by the UN as an international actor when it sends peace-keeping forces, whether to maintain cease-fires or to realize peace-building activities.

7- Their support for development and for codification of human rights, aspects that create obligations to states that transcend sovereignty.

8- Their capacity to subscribe international treaties.

Swiss scholar Pierre de Senarclens explains that the

