



# THE LEGAL PROVISIONS GOVERNING THE SUCCESSION OF INTERNATIONAL ORGANIZATIONS

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<p><b>Received:</b> 8<sup>th</sup> May 2025 <b>Accepted:</b> 7<sup>th</sup> June 2025</p>	<p>In practice, international organizations are subject to numerous changes that may lead to their dissolution and liquidation, the establishment of a new organization to replace them, their merger with another entity, the transfer of part of their functions to another organization, or their integration into a broader structure. These situations give rise to the phenomenon of succession between international organizations. However, international law has not established clear general rules or principles regarding the dissolution and succession of international organizations. Moreover, existing practices have not matured into customary rules concerning the legal basis for dissolution, decision-making procedures, the form of succession, or its legal consequences. As such, the succession of international organizations remains one of the most neglected areas in public international law. While international law has recognized international organizations as subjects of international legal personality alongside states, it has largely overlooked the legal issues surrounding their dissolution and succession. This neglect persists despite the fact that succession between international organizations raises critical questions related to the rights and obligations of the predecessor organization, its staff members, the treaties it has entered into, as well as its assets, liabilities, and other legal matters—issues that must be regulated under international law, given the legal status of such organizations. In light of the absence of specific legal rules governing these matters, this research seeks to deduce certain legal provisions related to the dissolution and succession of international organizations through an analytical reading of their charters, institutional decisions, and relevant international practices.</p>

**Keywords:** Organizations, Succession, Legal Basis, Cases, Consequences.

## INTRODUCTION

One of the fundamental elements of the existence of an international organization is the presence of a distinct, permanent, and stable legal entity established to achieve specific objectives. However, this does not imply that such an organization is intended to operate indefinitely. The organization's existence may come to an end either upon the achievement—or failure to achieve—the purpose for which it was created, or due to various other factors. In practice, international organizations often face numerous changes that may lead to their dissolution and liquidation, the establishment of a new organization in their place, merger with another entity, transfer of part of their functions to a different organization, or integration into a broader institutional structure. Such developments result in what is referred to as *succession*, meaning the transfer of rights, obligations, and functions from the predecessor organization to the successor. This paper aims to explore and analyze this form of succession within the framework of international law.

### 1. Significance of the Study

The issue of succession between international organizations raises critical legal questions concerning the rights and obligations of the predecessor organization, the status of its employees, the treaties to which it was a party, as well as its assets, debts, and other legal matters. These issues must be addressed in accordance with the rules of international law, given that international organizations are recognized as subjects of this legal system. In light of the absence of clear legal rules governing these matters, the importance of this study lies in its attempt to extract certain legal provisions related to the succession of international organizations through an examination of selected international practices, organizational decisions, and institutional charters.

### 2. Research Problem

The central problem of this study is that the issue of succession between international organizations has not been properly addressed under the framework of international law. There is also a lack of consistent international practice

that could evolve into customary legal norms, and the topic remains relatively underexplored in legal scholarship. Therefore, this research aims to answer the following key questions:

1. What is the concept of succession between international organizations?
2. What are the different cases of succession between international organizations?
3. What is the legal basis of such succession?
4. What are the legal consequences resulting from the succession of international organizations?

### 3. Research Methodology

This study adopts a multi-method approach. The analytical method will be employed to examine the legal implications of succession between international organizations. The inductive method will be used to explore various decisions and charters of international organizations relevant to the topic. Finally, the historical method will be applied to present past cases of organizational succession and their legal consequences.

### 4. Research Structure

In light of the above, this study is divided into two main sections. The first section provides a definition and overview of international organizations. The second section discusses the concept of succession between international organizations and its resulting legal effects. The concluding part of the study outlines the key findings and presents a set of recommendations that the author believes deserve attention and potential implementation.

#### Section One

##### Definition of the International Organization

This section is divided into two subsections. The first addresses the definition of an international organization and its legal characterization. The second explains the role of international organizations, the reasons for their establishment, and the circumstances surrounding their dissolution.

##### Subsection One

###### Definition and Legal Characterization of the International Organization

This subsection is divided into two parts. The first part presents the definition of an international organization and its constituent elements. The second part discusses the legal characterization of international organizations.

###### Part One

###### Definition and Elements of the International Organization

###### First: Definition of the International Organization

The term "international organization" was first used by the Permanent Court of International Justice (PCIJ) in its advisory opinion issued in 1927, wherein the Court stated that "the European Commission of the Danube is not a State but an organization with specific objectives"<sup>(1)</sup> There are numerous definitions of international organizations. One such definition states:

"An international organization is an international entity endowed with autonomous will and independent international legal personality, established by agreement among states to exercise the powers conferred upon it by its constitutive instrument"<sup>(2)</sup> It is also defined as "any international body created through a collective international agreement whose parties are states, aimed at achieving common objectives for its member states. This entails the autonomous will of the body, enabling it to undertake the tasks assigned to it, without affecting the sovereignty of the member states"<sup>(3)</sup> It is also described as "an international legal entity possessing autonomous will, exercised through its organs or branches, aimed at safeguarding common interests or achieving specific objectives at the international level"<sup>(4)</sup> It is also defined as "a permanent body established by states to exercise international functions in the field of maintaining international peace and security"<sup>(5)</sup> It is also defined as "a legal entity (body) or legal unit comprising a group of states, established through an international agreement, consisting of permanent organs or branches, and possessing independent autonomous will vis-à-vis its member states, with the purpose of safeguarding certain common interests or achieving

<sup>1</sup> ) Ahmed, Basheer Subhan. *Al-Wajeez fi Dirasat al-Munazzamat al-Dawliyya* [A Concise Study of International Organizations]. 1st ed. Baghdad: Comparative Law Library, 2023, p. 23.

<sup>2</sup> ) Al-Sayyid, Rashad Aref. *Al-Waseet fi al-Munazzamat al-Dawliyya* [The Intermediate Text on International Organizations]. 4th ed. Amman, Jordan: 2001, p. 11.

<sup>3</sup> ) Atlam, Hazem Muhammad. *Al-Munazzamat al-Dawliyya al-Iqlimiyya* [Regional International Organizations]. 3rd ed. Cairo: Dar Al-Nahda Al-Arabiya, 2006, p. 18.

<sup>4</sup> ) Abu Al-Wafa, Ahmad. *Al-Waseet fi Qanun Al-Munazzamat Al-Dawliyya* [The Intermediate Text on the Law of International Organizations]. Cairo: Dar Al-Thaqafa Al-Arabiya, 1984, p. 32.

<sup>5</sup> ) Abdulsalam, Jaafar. *Al-Munazzamat al-Dawliyya: Dirasah Fiqhiyyah wa Ta'siliyyah lil-Nazariyah al-'Ammah lil-Tanzim al-Dawli wa lil-Umam al-Muttahidah wal-Wikalat al-Mutakhasisah wal-Munazzamat al-Iqlimiyyah* [International Organizations: A Jurisprudential and Foundational Study of the General Theory of International Organization, the United Nations, Specialized Agencies, and Regional Organizations]. 6th ed. Cairo: Dar Al-Nahda Al-Arabiya, 2013, p. 7.

specific objectives<sup>(6)</sup>Based on the foregoing definitions, it can be concluded that an international organization is a stable legal entity established by an agreement among a group of states for the purpose of achieving specific objectives, possessing autonomous will and international legal personality.

### **Second: Elements of the International Organization**

From the previous definitions of international organizations, it is evident that several elements must be present for the existence of any international organization, which are clarified as follows:

#### **1- Element of Permanence**

For an international organization to exist, it must have a distinct, permanent, and stable legal entity. An international organization is a separate entity from the states that contributed to its establishment; it possesses its own life, linked to the activities of its constituent organs, and depends on them to achieve its objectives. Undoubtedly, this distinct existence requires a reasonable degree of stability and continuity. This element distinguishes an international organization from an international conference, as the latter is usually convened for a specific task that ends upon its completion, whereas an international organization is established to fulfill a purpose that entails a certain degree of permanence<sup>(7)</sup>The element of permanence does not necessarily imply an eternal existence; rather, the organization must be independent from its founding members. This independence enables it to carry out its activities and achieve its objectives. At the same time, this does not mean that all its organs operate simultaneously. Furthermore, changes may occur that lead to the dissolution of the organization, and succession between international organizations may take place. Additionally, some organizations are established for a limited period, all of which are explicitly stipulated in the constitutive document of the organization<sup>(8)</sup>

#### **2- Autonomous Will**

An international organization must possess an independent will, distinct from the wills of its member states. This is a manifestation of its legal personality<sup>(9)</sup> Consequently, the effects of the acts performed by the organization do not pertain individually to the member states, but rather to the organization itself, as an international legal person independent in its legal existence from the states that established it. The organization exercises its will to achieve specific objectives for which it was created through the contribution of its members<sup>(10)</sup>.

#### **3- The Treaty-Based Nature**

The existence and emergence of an international organization necessarily require an international agreement establishing it. This agreement defines the organization's legal framework, specifying its objectives, competencies, various organs responsible for achieving those objectives, and the rules governing its functioning. In most cases, this constitutive agreement takes the form of a multilateral international treaty subject to the general rules of the law of treaties codified in the Vienna Convention—regardless of whether the instrument is termed a *Charter*, *Constitution*, *Statute*, or *Basic Act*. Accordingly, a state participates in an international organization only after expressing its consent through ratification, acceptance, accession to the organization's founding charter, or merely by signing it. The founding treaty of an international organization may be a newly created treaty, a newly developed one, or an amended treaty of a prior agreement.

Since an international organization is born out of the free agreement of its member states, it represents a bond among states rather than an entity above them. The agreement among a group of states to establish an international organization distinguishes governmental international organizations from non-governmental ones, as a non-governmental organization is any organization not established through an agreement among governments<sup>(11)</sup>.

#### **4- International Character**

The international character of an international organization refers to the fact that the states which establish and subsequently join it are usually the sole entities enjoying membership. These states are represented within the organization by government officials or their delegates. However, there are exceptions to this principle. Many specialized agencies of the United Nations, for example, permit membership of territories or provinces that are not independent

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<sup>6</sup> ) Ahmadah, Saad Fahd Muhammad. *Salahiyat al-Munazzamat al-Dawliyya fi Ta'dil Mawaathiqiha* [The Competence of International Organizations to Amend Their Charters]. Master's thesis, College of Law, Middle East University, Amman, Jordan, 2011, p. 20.

<sup>7</sup> ) Al-Maliki, Hadi Naeem. *Al-Munazzamat al-Dawliyya* [International Organizations]. 3rd ed. Baghdad: Dar Al-Masalah, 2023, p. 32.

<sup>8</sup> ) 'Awda, Fella 'Arabi. *Muhadharat fi Miqyas al-Munazzamat al-Dawliyya wal-Iqlimiyya* [Lectures on the Course of International and Regional Organizations]. College of Political Science and International Relations, University of Algiers, 2019–2020, p. 7.

<sup>9</sup> ) Al-Maliki, Hadi Naeem. *Al-Munazzamat al-Dawliyya*. 3rd ed. Baghdad: Dar Al-Masalah, 2023, p. 23.

<sup>10</sup> ) Abdulsalam, Jaafar. "Al-Munazzamat al-Dawliyya wa Dawruha fi Tahqiq al-Amn wa al-Silm al-Duwaliyyn." In *Proceedings of the 27th General Conference*, p. 2.

<sup>11</sup> ) Al-Aini, Heba Muhammad, et al. *Al-Munazzamat al-Dawliyya wal-Iqlimiyya* [International and Regional Organizations]. 1st ed. Amman, Jordan: Dar Al-Hamed for Publishing and Distribution, 2016, pp. 31–32.

states, such as the World Health Organization and the International Civil Aviation Organization<sup>(12)</sup> Moreover, international developments have led to the emergence of other organizations that do not include states as members, known as non-governmental international organizations, with numerous examples including the International Air Transport Association and various international scientific bodies<sup>(13)</sup> Article 71 of the United Nations Charter recognizes the possibility of cooperation between the Economic and Social Council and these non-governmental organizations. Additionally, close links have been established between some of these organizations and significant international organizations, such as the cooperation between the International Civil Aviation Organization and the International Air Transport Association, as well as between UNESCO and international scientific groups<sup>(14)</sup>.

#### 5- Common Objectives

Every international organization has specific objectives it seeks to achieve. The organization itself is not an end in itself but rather a means to accomplish a purpose. Typically, the objectives of an organization are defined in its constitutive charter. These objectives may be broad and comprehensive—such as political, economic, cultural, or social aims, as seen in the United Nations—or they may be specialized and limited in scope. For example, the World Trade Organization focuses on economic goals, UNESCO on cultural objectives, the World Health Organization on health-related aims, and the International Labour Organization on social issues<sup>(15)</sup>.

### Part Two

#### Legal Characterization of the International Organization

The legal characterization of an international organization refers to its legal description; in other words, whether an international organization is considered a subject of public international law or not.

Every legal system designates a specific entity or unit to which it grants rights and imposes obligations, thereby establishing a relationship between the relevant legal system and these designated entities. This relationship is conventionally referred to as **legal personality**<sup>(16)</sup> Within the framework of international law, this is referred to as **international legal personality**. Recognition of international organizations as possessing international legal personality did not occur until after extensive scholarly debates on the concept. Early jurists denied that international organizations enjoyed international legal personality, asserting that the state was the sole subject of international law. They viewed international organizations merely as legal relationships rather than legal persons. However, since the nineteenth century, jurists have gradually changed their stance, acknowledging the existence of entities and bodies other than states that possess international legal personality and are subject to public international law.

To clarify the meaning of legal personality for international organizations, the doctrine is divided into two schools of thought:

**First school:** Legal personality is defined as *"the acquisition of rights and the assumption of duties, with the capacity to protect these rights through the initiation of international claims, whether by bringing lawsuits or by other means"*<sup>(17)</sup>.

#### Second school of thought:

In contrast to the first view, another school does not limit itself to the previous description alone but adds an additional criterion. It requires, alongside legal capacity, that the organization be *"capable of creating international rules by consensus with other similar entities"*<sup>(18)</sup>.

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<sup>12</sup> ) (Al-Aini et al., 2016, p. 32)

<sup>13</sup> ) The Economic and Social Council defined non-governmental international organizations in its resolution issued on February 27, 1950, as "any international organization not established through agreements among governments is considered a non-governmental international organization."

<sup>14</sup> ) Article 71 of the United Nations Charter, adopted in 1945, provides:

"The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations concerned with matters within its competence. These arrangements may be made with international organizations, and the Council may also make arrangements, as it deems appropriate, with appropriate local organizations after consultation with the member of the United Nations concerned."

<sup>15</sup> ) (Al-Aini et al., 2016, p. 34)

<sup>16</sup> ) Mustafa, Mamoun. *Qanun al-Munazzamat al-Dawliyya* [Law of International Organizations]. 1st ed., 1999, p. 25.

<sup>17</sup> ) Ziani, Muhammad. *Al-Shakhsiyya al-Qanuniyya lil-Munazzamat al-Dawliyya fi Itar al-Qanun al-Duwali* [The Legal Personality of International Organizations within the Framework of International Law]. Master's thesis, Faculty of Law and Political Science, University of Algiers, 2016–2017, p. 7.

<sup>18</sup> ) Al-Ghoneimi, Muhammad Talaat. *Al-Wajeez fi al-Tanzim al-Dawli: Al-Nazariyah al-'Ammah* [A Concise Guide to International Organization: General Theory]. 3rd ed. Alexandria: Manshat Al-Ma'arif, 1977, p. 255.

Based on the foregoing, international legal personality is defined as the capacity to acquire rights, bear obligations, perform legal acts, and bring claims before a court.

Today, there is no doubt that international organizations enjoy international legal personality, especially after the International Court of Justice recognized the legal personality of the United Nations in its advisory opinion issued on April 11, 1949, regarding compensation for damages arising from service in the United Nations (the case of the assassination of Count Bernadotte, the UN mediator in Palestine, by Israeli militias).

The advisory opinion stated that *"fifty states, representing the vast majority of the members of the international community, possess, according to international law, the capacity to create an entity with objective international personality, not merely a personality recognized by them."* The Court affirmed that *"the United Nations' possession of international personality is indispensable for the fulfillment of the purposes and principles of the Charter, and that the functions and rights of the organization cannot be interpreted except on the basis of its enjoyment of a substantial degree of international personality"*<sup>(19)</sup>.

This opinion constituted the foundational basis for granting all international organizations international legal personality. It appears that this view is also predominant in international jurisprudence<sup>(20)</sup>.

The founding charters of international organizations explicitly provide for their possession of international legal personality. For instance, the United Nations Charter stipulates that: *"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 fulfillment of its purposes"*<sup>(21)</sup>. It also enjoys *"in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes"*<sup>(22)</sup>.

However, the majority of jurists agree that the legal personality of an international organization is **functional** in nature—meaning that it is necessary insofar as it enables the organization to perform its functions and achieve the objectives for which it was established, whether such objectives are explicitly stated or implicitly derived from its charter<sup>(23)</sup>.

### Second Requirement

#### The Role of International Organizations and the Reasons for Their Establishment and Dissolution

This section will be divided into two subsections. The first subsection addresses the role of international organizations and the reasons for their establishment, while the second subsection explains the reasons for the dissolution of international organizations.

#### Section One

##### The Role of International Organizations and the Reasons for Their Establishment

Undoubtedly, one of the fundamental elements for the establishment of any international organization is the existence of a purpose sought by the parties involved in its creation. Generally, two main objectives lie at the heart of establishing any international organization: the achievement of peace and the maintenance of international security.

A close examination of the efforts exerted at the international level reveals that both scholars and states endeavor to avoid the scourges of war, which twice, within a single generation, inflicted upon humanity unspeakable sorrow. This pursuit of peace is regarded as the primary objective of all international organizations. In fact, some jurists link all activities of international organizations to this goal, based on the premise that attaining international welfare or sufficiency ultimately aims at achieving international peace or avoiding the outbreak of war.

This perspective appears to be the one adopted by the Charter of the United Nations. The second objective is international security, which here refers to a specific concept: creating conditions conducive to the establishment of international peace or the prevention of war. While the first objective addresses the phenomenon of war directly, the second addresses the issue more indirectly—by promoting cooperation among states in order to foster conditions under which international relations may improve, on the assumption that such improvement will, in the end, lead to peace and the avoidance of war.

Thus, international organizations in their various forms have emerged to meet another pressing need of the international community: the need for cooperation among different states through focusing attention on areas of shared human interest. These organizations foster habits of cooperation that enable and prepare human beings to facilitate a system of international relations in which the expectation of constructive joint cooperation replaces the expectation of sterile conflict.

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<sup>19</sup> ) Al-'Atiyah, 'Issam. *Al-Qanun al-Duwali al-'Aam* [Public International Law]. 2nd ed. Baghdad: Al-Maktabah Al-Qanuniyyah, 2012, pp. 295–296.

<sup>20</sup> ) Al-Rikabi, Sajid Ahmed Abul. *Muhadharat fi al-Munazzamat al-Dawliyya* [Lectures on International Organizations]. College of Law, University of Basra, p. 15.

<sup>21</sup> ) Charter of the United Nations. 1945. Article 104.

<sup>22</sup> ) United Nations. *Charter of the United Nations*. 1945. Articles 104 and 105(1).

<sup>23</sup> ) Ziani, *ibid.*, p. 35.

Specialized agencies were established within this framework to implement a system of mutual benefits<sup>(24)</sup>.

International organizations have succeeded in achieving the following:

- International organizations have transformed the nature and appearance of international relations, giving rise to a new network of international interactions.
- They have played a significant role in promoting international cooperation and enhancing collective security by prohibiting the use of force.
- They have contributed to the eradication of colonialism.
- International organizations serve as a framework for negotiation and dialogue among states, facilitating the convergence of perspectives and resolving political, economic, and social issues.
- They address emerging challenges facing the international community, such as economic underdevelopment, environmental pollution, and human trafficking.
- They serve as instruments for the development of international law, and the legislative work carried out by these organizations underscores their importance in establishing a new legal order.
- An institutional international community has emerged alongside the traditional state-based international society.
- With the rise of international organizations, states have lost a certain degree of monopoly over international relations.
- These organizations have become tools of international integration; the inability of the nation-state to resolve its own problems has necessitated profound shifts in authority in specific domains, transferring powers from states to international organizations.
- International organizations have thus become instruments of international political integration<sup>(25)</sup>.

### Section Two

#### Causes of the Dissolution of International Organizations

The causes behind the dissolution of international organizations can be classified into natural causes and contingent (emergency) causes.

##### First: Natural Causes for the Dissolution of International Organizations

###### 1. Fulfillment of the Organization's Purpose:

For example, the objectives of the United Nations are outlined in Article 1 of its Charter. Should these objectives be fully realized—peace and security prevail, human rights are respected, the threat or use of force is eliminated, and societies reach equal levels of economic, social, and educational development—then the continued existence of the United Nations would no longer be necessary.

###### 2. Disappearance of the Reason for Its Establishment:

Some organizations are tied to temporary or vanishing elements, such as those based on modern technologies—for example, the European Coal and Steel Community, the International Atomic Energy Agency, and OPEC. If oil reserves were to be depleted, or an alternative energy source discovered, the need for member states to convene and coordinate would cease.

###### 3. Expiration of the Organization's Term without Renewal by the Members:

Founding agreements of international organizations may be time-bound. For instance, an organization may be established to regulate certain activities among states or individuals for a defined period. Article 11 of the 1955 Warsaw Pact, for example, states:

"This Treaty shall remain in force for a period of twenty years. If none of the Parties declares its intention to terminate the Treaty one year before its expiration, it shall remain in force for an additional ten years<sup>(26)</sup>."

##### Second: Contingent (Emergency) Causes

###### 1. Withdrawal of States Resulting in Membership Falling Below the Minimum Threshold Required for Entry into Force:

Regarding the UN Charter, there is no specific number of member states required for its entry into force; rather, it suffices that the five permanent members deposit their ratifications to guarantee the Charter's effectiveness. A decrease in the number of members below a certain threshold does not cause the dissolution of an international organization unless the founding treaty expressly stipulates this as a cause for dissolution. Article 55 of the 1969 Vienna Convention on the Law of Treaties provides that: "*Unless the treaty otherwise provides, a multilateral treaty does not terminate merely because the number of parties falls below the number required for its entry into force.*"

###### 2. Agreement Among Member States to Dissolve the Organization, Merge It with Another, or Change Its Legal Personality:

Member states of international organizations have the authority to dissolve the organization, decide to merge it

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<sup>24</sup> ) Jaafar Abdul Salam, *International Organizations: A Jurisprudential and Foundational Study of the General Theory of International Organization, the United Nations, Specialized Agencies, and Regional Organizations*, previously cited source, pp. 13–16.

<sup>25</sup> ) Arabi Odeh Falah, previously cited source, p. 20.

<sup>26</sup> ) Dalal Al-Ansari, *International Organizations*, 1st ed., 2018, p. 32.

with another international organization when their activities overlap, or alter its legal personality by, for example, opening membership previously closed or changing its scope of activities<sup>(27)</sup>.

3. **Inability of the Organization to Continue Due to Financial Difficulties:** Financial crises may impede the ongoing functioning of an international organization, especially if member states fail to pay their contributions to the organization's budget, paralyzing its practical capacity and freezing its activities. Consequently, members may decide to dissolve, suspend, or abandon the organization, resulting in its effective termination<sup>(28)</sup>.
4. **Termination of the Organization Due to Loss of Statehood by Member States:** If an international organization is established among a group of states, and one or more of these states lose their status as sovereign states—such as through defeat in an international war—the organization is considered terminated. For example, the Axis powers' defeat in World War II led to the termination of international organizations formed among them.
5. **War Among Member States of the Organization:** Although war does not automatically terminate multilateral international organizations, armed conflict between core member states can bring about the end of the organization. For instance, World War II effectively ended the League of Nations, which ceased to function in practice, failing to exercise its assigned competencies or convene sessions. While legally it may have continued, this scenario typically applies to organizations with a limited number of members; in global organizations, war among some members does not necessarily halt the organization's work.
6. **Suspension of the Organization's Activities:** New international circumstances may lead to the suspension of an organization's activities without a formal decision by its members to cease operations. For example, the Arab Cooperation Council suspended activities following the US invasion of Iraq, despite no members formally withdrawing. Similarly, the boycott office against Israel suspended activities after some Arab states (such as Egypt) reconciled with Israel.
7. **Lack of Member States' Willingness to Continue the Organization:** International circumstances may initially motivate states to form an organization to achieve certain objectives. However, changing conditions may lead members to cease cooperation within the organization. For example, the Saadabad Pact between Iraq and Iran, established by a 1937 treaty, did not continue despite no formal dissolution by either party.
8. **Severance of Diplomatic Relations Among Member States:** Diplomatic relations between states are crucial for treaty-making and the implementation of treaty obligations. The severance of diplomatic ties between two states may halt the execution of treaties between them. However, within an international organization, breaking relations between two members only affects the organization if the number of member states is small and all relations among these states are severed, causing the organization's operations to cease<sup>(29)</sup>.

## Chapter Two

### The Concept of Succession Between International Organizations and Its Legal Consequences

This chapter is divided into two sections: the first section explains the concept of succession between international organizations and its legal basis, while the second section discusses cases of succession between international organizations in addition to examining the resulting legal effects.

#### Section One

##### The Concept of Succession Between International Organizations and Its Legal Basis

This section is further divided into two subsections: the first subsection clarifies the concept of succession between international organizations, and the second discusses the legal basis for succession between international organizations.

##### Subsection One

###### The Concept of Succession Between International Organizations

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<sup>27</sup> ) The development of international relations may lead to the dissolution of an international organization and the establishment of a new one in its place, reflecting the evolution of these relations. Examples include the Permanent International Court of Justice, which was replaced by the International Court of Justice, and the African Union, which succeeded the Organization of African Unity.

<sup>28</sup> ) Dalal Al-Ansari, previously cited source, p. 32.

<sup>29</sup> ) Bashir Subhan Ahmed, previously cited source, pp. 114–116.

States establish international organizations for various reasons, and the same applies to their dissolution. An organization's existence may end because it has fulfilled its tasks, or because another organization is established with the same or similar functions.

For example, the International Refugee Organization (IRO) was dissolved in 1952 after the member states—particularly the United States, which contributed approximately 60% of the organization's costs—considered that its tasks had been completed. The number of European refugees had decreased so significantly that their management no longer required a separate organization. However, some of the activities of the IRO continued under the United Nations High Commissioner for Refugees and the International European Migration Committee<sup>(30)</sup>.

Based on the foregoing, international organizations, as subjects of international law, undergo a lifecycle of existence and cessation, followed by succession. Succession necessarily occurs when responsibility for certain functions of one organization is transferred to another organization. This transfer of functions leads the original organization to lose the role for which it was established, being replaced by the successor organization in performing the functions and objectives that motivated its creation. It is noteworthy that succession between international organizations is not limited solely to functions, but is accompanied by the transfer of certain rights and obligations related to the functions of the organization<sup>(31)</sup>.

Accordingly, succession between international organizations is defined as the transfer of functions, rights, and obligations from one international organization to another. This succession may occur through direct replacement, absorption, merger, the actual separation of a part of an organization, or through the simple transfer of certain functions from one organization to another<sup>(32)</sup>.

From the preceding definition, we can extract the main components of succession between international organizations, which are as follows:

1. The existence of a predecessor organization and a successor organization.
2. Both entities must be international organizations.
3. The succession involves functions or related rights and obligations.

Therefore, succession between international organizations does not require the disappearance of one organization and the dominance of the other, as in the case of succession between states. Rather, it means that one international organization assumes the exercise of functions and related rights and obligations previously held by another organization. Consequently, the successor organization acquires the rights enjoyed by the predecessor organization and is bound by the obligations incumbent upon the predecessor<sup>(33)</sup>.

As previously mentioned, succession of one international organization by another involves the transfer of functions from one organization to another. By contrast, state succession refers to the replacement of one state by another concerning sovereignty over a specific territory. This distinction reveals the main difference between these two types of succession: organizational succession is functional in nature, whereas state succession is territorially based. The objective of state succession is to reduce the risk of a legal vacuum resulting from changes in territorial sovereignty. Conversely, succession between international organizations is motivated by the common interest of member states to ensure functional continuity for political and practical reasons. Therefore, the law of state succession cannot be fully applied to cases of succession between international organizations<sup>(34)</sup>.

## Section

## Two

### The Legal Basis of Succession Between International Organizations

To date, international law has not established clear general rules and principles concerning the dissolution and succession of international organizations. Therefore, the diversity of cases related to succession does not encompass the existence of such general rules. Moreover, there have been no practices sufficiently developed to constitute customary rules regarding the legal basis for the dissolution of organizations, decision-making procedures, the form of succession, and the resulting effects that could be referenced and applied in the absence of written rules. What is derived from practice is a sense of continuity, whereby dissolution leads to a new life through succession, thus transferring the spirit of the predecessor to the successor.

Despite the absence of developed general rules or principles in the field of international organizations, and the lack of customary rules arising from practice, succession between international organizations may occur by agreement. Succession happens when functions, and usually rights and obligations, are transferred from one organization to another. This may occur through direct replacement, absorption, merger, or the simple transfer of certain functions from one organization to another. In certain cases, succession may occur implicitly in the absence of an explicit provision.

<sup>30</sup> ) JUDr Martin Faix, Ph.D., *The Law Of International Organizations*, Právnická Fakultá, Univerzita Karlova, P 46.

<sup>31</sup> ) Bashir Subhan Ahmed, previously cited source, p. 117.

<sup>32</sup> ) Alemnew Gebeyehu, *Dissolution and Succession of International Organizations*, London Journals Press, Vol.17, Iss.1, Compilation 1.0, P 84.

<sup>33</sup> ) Abkar Ali Abdulmajid Ahmed, "Consequences Arising from Changes Affecting International Organizations – An Applied Study on General and Specialized International Organizations," *Ma'alim Journal for Legal and Political Studies*, Algeria, Issue No. 2, December 2017, pp. 11–12.

<sup>34</sup> ) Kirsten Schmalenbach, *International Organizations or Institutions, Succession*, Max Planck Encyclopedias of International Law, 2017, P1.

Generally, the assets of the predecessor organization pass to the successor, including archives, though it remains unclear whether this principle applies equally to debts<sup>(35)</sup>.

In any case, considering that international organizations enjoy international legal personality, it is reasonable to assert that the dissolution or succession of such organizations should be conducted according to their constitutions or based on the organization's rules and principles rather than the law of treaties. Thus, dissolution must be carried out in accordance with the organization's rules, as known under the Vienna Convention on the Law of Treaties, which defines (founding instruments, decisions, and resolutions adopted accordingly, and practices followed within the organization) as the means for terminating the organization itself. This implies that the issue of dissolution and succession should be resolved more appropriately through the constitution of international organizations and other mutual agreements<sup>(36)</sup>.

In summary, the transfer of functions—i.e., succession—between international organizations requires the mutual consent of both the predecessor organization or its members and the successor organization or its members. Succession based on consent, known as traditional succession, predominates in international practice. The concept of automatic succession remains controversial, referring to the transfer of functions that occurs by operation of law upon fulfillment of certain factual and legal requirements<sup>(37)</sup>.

### **First: Traditional Succession**

#### **1. By Concluding a Treaty:**

This means that an agreement is made between the two organizations specifying the scope and extent of the succession<sup>(38)</sup>. An example of this is the agreements concluded between the United Nations Relief and Rehabilitation Administration (UNRRA) and the United Nations, the International Institute of Humanitarian Studies and UNESCO, the International Organization for Migration and the World Health Organization, among others<sup>(39)</sup>.

#### **2. By Organizational Means:**

This occurs through unanimous or identical decisions issued by the organs of both organizations. An example of this is the transition between the League of Nations and the United Nations upon the collapse of the former and the establishment of the latter. The issue of succession was resolved by decisions adopted by the League Assembly and the United Nations General Assembly. These decisions provided for the possibility of concluding agreements between the administrative branches of both organizations if necessary<sup>(40)</sup>.

#### **3. 1. The Constitutional Method**

This method is carried out through the organization's own charter, whereby the new organization replaces the one that has been dissolved and liquidated<sup>(41)</sup>.

Some international organizations' constitutions contain explicit provisions regarding the dissolution of the organization. For instance, Article Six of the Articles of Agreement of the International Bank for Reconstruction and Development (the World Bank) sets forth provisions for dissolving the organization through a vote by a majority of the governors holding the majority of the total voting power. The article also addresses consequential matters; for example, priority is given to the settlement of creditors' claims before the distribution of assets, which are allocated on a proportional or relative basis according to each member's contribution. Nevertheless, different organizations adopt varying approaches in their constitutional provisions concerning the type of majority required for dissolution. If the organization was established for a limited duration, it is expected that the charter stipulates its dissolution upon the expiration of that period<sup>(42)</sup>.

### **Second. Automatic Succession**

Automatic succession does not arise from the consent of all concerned parties, but rather from the international legal order. The issue of automatic succession became crucial when the Union of South Africa refused to place the territory of South West Africa under the trusteeship of the United Nations, despite the fact that the territory had been entrusted to it under the League of Nations Mandate System. Two advisory opinions issued by the International Court of Justice on this matter confirmed that the supervisory powers of the League of Nations over the mandate were transferred under international law. These two opinions set out two essential requirements for automatic succession:

- a) The dissolved organization must have exercised essential functions that are fundamentally linked to an objective legal system (such as the mandate system).
- b) Another organization, possessing similar structures and powers to those of the dissolved one, must be willing to assume the abandoned function<sup>(43)</sup>.

<sup>35</sup> ) Alemnew Gebeyehu. Op.Cit, P 84.

<sup>36</sup> ) Ibid. P 85.

<sup>37</sup> ) Kirsten Schmalenbach, Op.Cit.P 3.

<sup>38</sup> ) Mohsen Afkirin, *Law of International Organizations* (General Theory – United Nations – Specialized International Agencies – Regional International Organizations), Dar Al Nahda Al Arabia, Cairo, 2010, p. 120.

<sup>39</sup> ) Alemnew Gebeyehu , Op.Cit, P 85-86.

<sup>40</sup> ) Mohsen Afkirin, previously cited source, pp. 120–121.

<sup>41</sup> ) "Ibid., p. 121."

<sup>42</sup> ) Alemnew Gebeyehu , Op.Cit, P 84.

<sup>43</sup> ) Kirsten Schmalenbach, Op.Cit, P 5.

To date, the case of South West Africa has proven to be unique; thus, it cannot be assumed that there is a rule of customary international law based on state practice concerning automatic succession.

It may be said that automatic succession between international organizations is rare, and there is no rule of general international law—particularly in the law of international organizations—that provides that, in the event of the dissolution of an organization, its powers, functions, and rights are transferred to another existing organization, or that the rights of its members are transferred to the members of another organization. Moreover, in the instances where succession between international organizations has occurred, it has been by agreement or through the adoption of consistent, balanced decisions. Therefore, the matter depends on the will of both organizations, on provisions contained in their respective charters, or on decisions issued by their competent bodies<sup>(44)</sup>.

**In conclusion**, it appears that practice within international organizations indicates the absence of any general legal rule that obliges the successor organization to assume the rights, obligations, or functions of the predecessor organization. While, for reasons of convenience or necessity, successor organizations have in practice assumed certain rights, obligations, or functions of their predecessors, such succession in any of these elements has been a voluntary act by the successor organization. Accordingly, any existing rules regarding such rights, obligations, or functions must be established on a case-by-case basis and cannot be derived from any general principle.

Nevertheless, if we examine each case in practical terms, the practices in any given area—aside from the act of transfer itself—are so diverse that they do not justify the creation of any substantive rule based on such instances. Therefore, the only viable means of addressing issues of succession is through provisions in the organization's charter, the various agreements concluded between the relevant organizations, and decisions of the highest competent authority within them.

Finally, international organizations should include provisions concerning dissolution and succession as part of their founding instruments. It would be preferable if international organizations—or states—adopted treaties or conventions governing the succession of international organizations, similar to what exists for states. Moreover, if states, courts, and the organizations themselves begin addressing similar cases in the same manner, customary rules of international law could eventually develop in this challenging area of international law<sup>(45)</sup>.

### **Sub-section One**

#### **Cases of Succession Between International Organizations**

##### **First: Dissolution and Replacement**

Upon the dissolution of an organization, it ceases to exist as a subject of international law. If a new international organization is established to carry out the mission of the dissolved one, the former fully replaces the latter. One example of such total succession is the case of the International Institute of Agriculture (IIA), which was replaced by the Food and Agriculture Organization of the United Nations (FAO) in 1946. Another example is the Organization of African Unity (OAU), which was replaced by the newly established African Union (AU) in 2002.

In practice, the functions of the replaced organization may sometimes be divided among several other international organizations. For instance, in 1947, the United Nations Relief and Rehabilitation Administration (UNRRA) transferred its functions to the International Refugee Organization (IRO), the World Health Organization (WHO), the Food and Agriculture Organization (FAO), and the United Nations International Children's Emergency Fund (UNICEF).

Another example of divided succession is the liquidation of the League of Nations. Although the United Nations became the principal successor organization, it was not the sole one.

##### **Second: Merger**

The merger of two organizations is characterized by the dissolution of at least two entities and the creation of a new organization under international law. The newly established international organization incorporates functions from each of the predecessor organizations. For example, when the European Space Agency (ESA) was established in 1975, it assumed all the rights and obligations of both the European Space Research Organization (ESRO) and the European Launcher Development Organization (ELDO)<sup>(46)</sup>. The dissolution of both predecessor organizations was officially declared on the date the ESA Convention entered into force<sup>(47)</sup>.

Another example of institutional merger is the integration of the International Telegraph Union and the International Radiotelegraph Union into the International Telecommunication Union (ITU) in 1934.

##### **Third: Integration**

An international organization necessarily ceases to exist when it is merged into another international organization whose legal personality prevails. For example, in May 1946, the World Health Organization (WHO) and the Pan American Sanitary Organization (PASO) concluded an agreement on integration, whereby the PASO office continued to operate as a regional office, i.e., as an organ of the WHO. By incorporating PASO's functions, the WHO preserved its identity and acted as the successor organization to PASO. The same occurred with the International Bureau of Education (IBE), which was agreed to be integrated into the institutional framework of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1968.

<sup>44</sup> ) Mohsen Afkireen, op. cit., p. 121.

<sup>45</sup> ) Alemnew Gebeyehu , Op.Cit ,P 88.

<sup>46</sup> ) See the text of Article (19) of the European Space Agency's Creation of 1975.

<sup>47</sup> ) See the text of Article (21) of the European Space Agency Agreement of 1975.

#### **Fourth: Separation**

In this case, a new entity is created by separating a body from its parent organization, which is a rare occurrence. An example is the separation of the United Nations Industrial Development Organization (UNIDO) from the United Nations in 1985.

#### **Fifth: Functional Rationalization**

A simple transfer of functions from one organization to another does not, in itself, affect the international personality of the transferring organization. Functional rationalization involves streamlining two or more international organizations by rearranging their functions, which is generally justified as a step towards functional efficiency. For example, overlapping social and cultural responsibilities of the Western European Union (WEU) and the Council of Europe (COE) led to transferring the social and parliamentary committee of the WEU to the Council of Europe in 1960. The Council of Europe assumed related supervisory and administrative duties of the WEU under international agreements without requiring specific amendments to those agreements. After forty years, the WEU underwent another transfer when the European Union sought to acquire the capacity to conduct independent military operations in response to international crises. At the ministerial meeting held in November 2000, the WEU decided to transfer its peacekeeping and military crisis management functions to the European Union. On June 30, 2011, the WEU officially ceased to exist<sup>(48)</sup>.

### **Sub-section Two**

#### **Legal Effects of Succession of an International Organization**

##### **First: Legal Effects on the Successor Organization**

The transfer of functions, i.e., the transfer of the obligation to perform a specific task, is closely linked to the legal rights and responsibilities associated with the concerned function. The indispensable powers necessary to exercise the transferred function necessarily accompany that function. However, the successor organization is not obliged to assume the full set of rights and responsibilities related to the transferred function. Moreover, the successor organization cannot assume rights and obligations greater or different than those enjoyed by the predecessor organization.

The authority of the successor organization to perform its new task depends on either conventional or automatic transfer. Nevertheless, the executive and legislative organs of the successor organization must act in accordance with their own constitution when performing new functions. In particular, the successor organization must follow its own procedural rules, as emphasized by the International Court of Justice in its 1950 advisory opinion concerning South West Africa.

In practice, the transfer of functions is often accompanied by the transfer of movable and immovable property, as well as assets and liabilities. This particularly applies when the membership of the predecessor and successor organizations is largely identical. However, these transfers are not a legal consequence of the transfer of functions but a matter of convenience. Therefore, the successor organization has no legal right to the transfer of assets unless separately agreed upon<sup>(49)</sup>.

##### **Second: Legal Effects on the Predecessor Organization**

From the moment of the functional transfer, the predecessor organization is obliged to cease managing that task, even if its founding instrument does not expressly stipulate so. Otherwise, the predecessor organization would have acted contrary to its international obligations towards the successor organization. The legal relationship between the predecessor and successor organizations is governed by the law of treaties<sup>(50)</sup>.

##### **Third: Effect of Succession Between International Organizations on Funds, Assets, and Debts**

This is subject to the agreement between the old and the new organization. This was the case in July 1946 when the Secretary-General of the League of Nations and the representative of the Secretary-General of the United Nations in Geneva agreed to transfer the assets of the League of Nations to the United Nations. A similar agreement was witnessed upon the liquidation of the United Nations Relief and Rehabilitation Administration (UNRRA) in 1948, whereby its assets were transferred to the successor entity, the United Nations International Children's Emergency Fund (UNICEF).

It is noteworthy that assets and funds may transfer from the predecessor to the successor organization without raising any issues. However, regarding debts, the question remains whether they transfer by succession, meaning whether the successor organization is bound by the predecessor's debts<sup>(51)</sup>.

If it is agreed that the successor organization assumes the obligations of the predecessor organization, creditors face a new debtor under the terms and conditions stipulated with the predecessor organization. Practically, obligations are usually settled by the predecessor organization, and sometimes the successor organization agrees to complete the liquidation of the predecessor. In such cases, the successor organization acts as a trustee and does not bear any liability for the debts of the dissolved organization.

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<sup>48</sup> ) Kirsten SChmalenbach, Op.Cit ,P 2.

<sup>49</sup> ) Ibid,P 6.

<sup>50</sup> ) Ibid,P 6.

<sup>51</sup> ) Abkar Ali Abdul Majeed Ahmed, previous source, p. 14.

In the case of *Winkak v. United Nations*, the New York Supreme Court ruled in 1956 that the United Nations undertook the administration of the liquidation of the United Nations Relief and Rehabilitation Administration (UNRRA), but did not assume the obligations of UNRRA upon succeeding to its assets<sup>(52)</sup>.

#### **Fourth: The Effect of Succession Between International Organizations on Employees of the Predecessor Organization**

Regarding the employees of a dissolved or liquidated organization, the successor organization is not obliged to employ them unless there is a provision or intention to the contrary. The relationship between an international employee and an international organization is generally based on a contract concluded in accordance with the regulations applicable within the organization and other rules determining the legal status of employees, which requires the mutual consent of both parties to establish such a relationship.

Nevertheless, employees of the dissolved organization may remain employees of the successor organization, especially if there is similarity between the two organizations in terms of members and organizational structure<sup>(53)</sup>.

#### **Fifth: The Effect of Succession Between International Organizations on International Treaties**

Succession between international organizations may affect multilateral and bilateral agreements, such as host state agreements, to which the predecessor organization was a party. As a general rule, contractual rights and obligations do not automatically transfer to the successor organization, even if they fall within the scope of the transferred functions. For example, the Council of the European Community and the European Coal and Steel Community (ECSC) respectively deemed it necessary to adopt a formal decision regarding the succession of the European Community in relation to its status under international agreements ratified by the Community prior to its dissolution in 2002. The states parties to these agreements were notified of the succession and thus given the opportunity to object to the replacement of the ECSC by the European Community. In the event that one of the parties to the relevant treaty refuses to consent to the succession, the predecessor organization remains bound by the treaty towards the dissenting party unless it formally withdraws from the treaty or ceases to exist as an organization.

Conversely, opposition cannot obstruct automatic succession; if all parties accept the declaration of succession in the treaty, the declaration operates retroactively from the moment the succession occurred<sup>(54)</sup>.

#### **Sixth: The Effect of Succession Between Organizations on Member States**

Given that traditional succession must be attributed to the consent of all member states in one way or another, member states are obliged to accept or lose the functions assumed and their impact on voting rights, budgets, and other matters (such as the financing of international organizations, voting rules, and procedures). Although consent is not required, the same applies to cases of automatic succession due to the underlying objective legal system.

In the event of liquidation, all members of the dissolved organization have the right to receive a share of the assets based on their total contribution proportion, minus debts. According to the joint plan for transferring the assets of the League of Nations to the United Nations, League members who were not members of the United Nations received their share in cash, while United Nations shares were recorded in the United Nations' accounts<sup>(55)</sup>.

## **CONCLUSION**

Through this study, we have reached a set of conclusions and recommendations, which are outlined as follows:

### **CONCLUSIONS:**

1. International law has not established clear general rules and principles regarding the dissolution and succession of international organizations. Moreover, there have been no practices capable of evolving into customary rules concerning the legal basis for dissolution, decision-making procedures, the form of succession, or its resulting effects. What can be derived from practice is a sense of continuity, whereby dissolution leads to a new life through another successor, thus transferring the spirit of the predecessor to the successor.
2. Practically, succession of international organizations may occur by agreement. Succession happens when functions, usually including rights and obligations, are transferred from one organization to another. In certain cases, succession may be implied in the absence of explicit provisions. Generally, the assets and archives of the predecessor organization will pass to the successor organization. It remains unclear whether the same rule applies to debts.
3. Automatic succession between international organizations is rare. There is no rule of general international law, particularly within the law of international organizations, stipulating that upon dissolution of an organization, its powers, functions, and rights automatically transfer to another existing organization, or that its members' rights pass to members of the successor organization. Furthermore, succession between international organizations typically occurs by agreement or through the adoption of balanced, consistent decisions. Therefore, the matter

<sup>52</sup>) Kirsten SChmalenbach, Op.Cit ,P 7.

<sup>53</sup>) Mohsen Afikrin, previous source, p. 124.

<sup>54</sup>) Kirsten SChmalenbach, Op.Cit ,P 6-7.

<sup>55</sup>) Ibid,P 7.

depends on the will of both organizations, the existence of provisions in their charters, or the issuance of decisions by their competent organs.

## RECOMMENDATIONS

1. International organizations should include provisions relating to succession between international organizations in their constitutions and founding charters. Additionally, states, courts, and the organizations themselves should be encouraged to approach similar succession issues in a consistent manner, with the aim of developing customary international law rules in this neglected area of international law.
2. Further research should be conducted on the subject of succession between international organizations, as the topic remains characterized by ambiguity and lack of clarity.
3. It is appropriate to legislate an international convention on succession between international organizations, given that organizations are subjects of international law whose termination and succession cases must be addressed according to its provisions. This would be similar to the Vienna Convention on Succession of States, thereby avoiding legal vacuums and filling gaps concerning the legal basis and limits of succession, as well as resolving problems arising upon the termination of an international organization's existence and its succession by another organization.

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