

Development of International Law by Specialised Agencies

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Abstract: *In the recent era, various institutions of law have helped in the development of International law. The United Nations specialized agencies are also acting as a catalyst in the development of International law. Some of the agencies like the World Health Organization (WHO), International Labor Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Civil Aviation Organization (ICAO) etc., have reached the individual level and is contributing to the constructive change in the areas of science, education, health and communication. The agencies have a quasi - legislative element in the law - making procedure that renders flexibility in the implementation of the law. In this paper, the contribution of certain essential specialized agencies has been discussed, highlighting the key areas of the amendments in their Acts over time.*

Keywords: International Law, United Nations, Specialized Agencies, quasi legislative, development, International Organizations

1. Introduction

Sir Robert Jennings and Sir Arthur Watts revised the definition of Oppenheim of International Law as “International Law is the body of rules which are legally binding on States in their intercourse with each other. These rules are primarily those which govern the relation of States, but States are not the only subjects of International Law. International Organizations and to some extent also individuals may be subjects of rights conferred and duties imposed by international law.” [1]

According to the above definition we can comprehend a lot of aspects; however our primary focus is on what duties does specialized agencies of the United Nations holds that assist in the growth of International law.

The United Nations specialized agencies perform various international functions in the field of education, health, economics, society and culture. As per Art 57 of the United Nations Charter various specialized agencies that are established by inter - governmental agreement has a wide international responsibilities, the basic instruments in economic, social, cultural, educational, health and related fields shall be brought in relationship with United Nations. The agencies thus brought into the relationship with the United Nations are called Specialized Agencies of the United Nations. Some specialized agencies are World Health Organization (WHO), International Labour Organisation (ILO), International Civil Aviation Organization (ICAO), International Monetary Fund (IMF) etc. [2]

The constituent instruments of specialized agencies represent an advanced stage of the development of international law. They have introduced a quasi – legislative element in the law making processes at the expense of contractual element facilitating a quicker response to the problems of international social order. [3]

The importance of the specialized agencies are increasing with the passage of time. In this assignment we will have an exhaustive understanding of how the specialised agencies have contributed in the development of the International law.

Role of specialized agencies in development of International Law

There are various agencies of United Nations that have contributed in the development of the International Law. Some of them have been discussed as follows:

World Health Organisation (WHO):

In July 22, 1946 the WHO adopted its Constitution and in July 1948 this Organisation was brought in the relationship with United Nations. The main function of WHO is to raise the standard of living and eradicate diseases from the world. The major contribution of it was in Malaria, TB and Influenza.

It is very crucial to understand that WHO has been contributing in the development of International law in various ways. The International Sanitary Regulations one of the initiatives of WHO in 1951 aimed in eradication of disease with public cooperation. This has been described by Professor Jenks as “one of the major achievements of the international legislative process.” [4]

International Civil Aviation Organisation (ICAO)

The ICAO was established on 14th April 1947. The chief aim of the organization is to encourage and develop international civil aviation. Art.37 authorises ICAO to adopt such regulations that would assist in with a safe and swift operation of International Civil Aviation. The regulation must come into force within a specified period of time either three months after its submission to the member States or within the time specified by the Council, unless the contracting State register disapproval. [5]

Further, Art.38 states that if the member does not comply with any international standards or procedures adopted by the Council it is the obligation to notify ICAO immediately of the differences between its own practices and the practices established by as per Art.90. If failed to notify it will stand accepted. The enlightened procedures of ICAO for modification permits it to keep up with rapid changes that are taking in civil aviation and at the same time to avoid being embroiled in many of the ordinary time consuming activities of other international organizations. [6]

International Labour Organisation (ILO)

The ILO was established in April 1919, it was brought into relationship with United Nations in 1946 through a special agreement. ILO has conventions that are designed for better working and living conditions and grant human rights. It is considered as a very successful inter governmental institution and specialized agency. In the words of C. W Jenks "The International Labour Code has become for labour lawyers throughout the world what *corpus juris civiles* is for the civilians or works of authority of the Common Law for the Common Lawyers." The legislative procedure of ILO is unique and unusual it was introduced in 1919. [7]

The members of ILO have undertaken an obligation to submit the conventions and recommendations adopted by the conference by two thirds majority for the consideration of the national authorities competent to give effect to their provisions. Once it is accepted it becomes binding upon members. The legislative procedure, was a great innovation because of two important reasons, firstly the concept of adoption of convention by international conference by two thirds majority and authenticated by the President and the Secretary General was a new concept. Secondly, the participation in the act of adoption of non government delegates voting independently. Thus, not only States has the representation but also the workers and employees are given representation. This element has portrayed this agency as the most democratic and representative in true sense. [8]

Universal Postal Union (UPU)

It was established in July 1875 and it became the specialized agency in 1947. It aims to have a regular postal service and to have an international cooperation among different postal services in the world. Millions of employees work in UPU making it a largest physical distribution network in the world. The proposals which are not responded by the postal administration put to them by the International Bureau within the period of three months will be considered to be an agreement with the proposal. Thus, UPU encompasses this essential feature that helps in accelerating the growth of International law. [9]

United Nations Educational, Scientific, and Cultural Organisation (UNESCO)

UNESCO was established in the year 1946. The basic purpose of UNESCO is to spread peace in the world. It works in promotion of education, protection of culture and fosters scientific programmes. Thus it creates a bond among the nations. This fundamental feature of UNESCO has given a broad dimension in spreading and developing international law. Whatsoever circumstances are faced by the world it affirms to humanist mission of education, science and culture. [10]

It has rendered signal services for the development of knowledge and its determination. In order to achieve these objectives it aims State and non State institution. In earlier times UNESCO was not working efficiently resulting to financial constraints on withdrawal of USA and UK. However, in the recent years poor management and politicization is removed and thus it is back on track.

Various works are done by UNESCO regarding future education, preventing violent extremism and many more.

It can be interpreted from aforementioned specialized agencies that their legislative procedures are much more advanced. Codding Jr. stated "The experience of WHO and ICAO have a high potential value. Other international agencies could possibly adopt them profitably to their own use, particularly those agencies whose activities are of a technical nature. A combination of all special procedures of ILO, WHO and UPU in one international organisation provides speculation. In any case, it is becoming increasingly obvious that some major changes are needed in the international legislative process if the international community is to be able to keep up with the amount of work that is being delegated by States to international organisations. The WHO and ICAO have atleast, made a start." [11]

2. Conclusion

It is rightly said by Edward Collins "International Law must be continuously developed by revision in content, expansion of scope, and improvement of the means of securing compliance, so that it is kept in accord with changing needs of the international community." [12] The development of International Law means the development of international society. As law according to Ihering law is "the sum of conditions of social life, of society, assured by State's power of constraint". [13]

In order to have a better reach in the society for development, there is a requirement of major new branches of international law. The existing ones must be reformed. The future belongs to these specialised agencies. As we can understand that organizations like UNESCO, WTO, IMF etc are reaching the individual in order to bring changes. The United Nations have completed more than sixty years and it has become an indispensable organization and thus the development of international law will continue in the future. For modern international law in making we have to look beyond the law making conferences to the law implementing conferences, the specialized agencies are rigorously involved in giving new dimension to International law. However the challenges before International Law in the third phase are of economic constraints. Despite having proper constitutional framework of specialized agencies, countries like Asia and Africa are facing poverty, shortage of goods etc. With orderly implementation of the laws of such agencies various demerits could be curbed.

Hence, it can be undoubtedly said that the specialized agencies are effectively contributing in the development of International Law.

References

- [1] Dr. S.K Kapoor, International Law and Human Rights, 32, (Central Law Agency, Prayagraj 21st edn., 2017)
- [2] Ibid at 613
- [3] Supra Note 1 at 32
- [4] Supra Note 1 at 617

- [5] Supra Note 1 at 20
- [6] Ibid
- [7] Supra Note 1 at 616
- [8] Ibid
- [9] Ibid
- [10] United Nations Educational, Scientific and Cultural Organisation, *available at*, <https://en.unesco.org/> (Visited on September 09,2021)
- [11] Supra Note 1 at 21
- [12] Supra Note 1 at 20
- [13] Dr. N.V Paranjape, *Studies in Jurisprudence and Legal Theory*,210,(Central Law Agency, Prayagraj 9thedn.,2019)