

A Tribute to Professor Finn Seyersted in the light of the 55th anniversary of publishing his article ‘Objective International Personality of Intergovernmental Organizations’. Organised by the Embassy of the Czech Republic in Oslo, the Faculty of Law, University of Oslo and Norsk forening for internasjonal rett, 3 October 2019.

Programme

- Introduction – H. E. Jaroslav Knot, Ambassador of the Czech Republic
- Finn Seyersted’s work and life – Professor Mads Andenæs, QC, Faculty of Law, University of Oslo
- Descriptive comments on the definition of international organizations – Professor Dalibor Jílek – Faculty of Law, Palacký University Olomouc

On Finn Seyersted

1. Finn Seyersted’s legacy: Applying the general principles of international law

Applying the general principles of international law: Against the limitations of the law developing as sector specific, fragmentation. ‘Nordic contribution’ as this may have been in the 20th century?

Main contributions:

International organisations and UN forces

Objective International Personality of Intergovernmental Organisations Copenhagen, 1963



United Nations Forces in the Law of Peace and War Sijthoff 1966

Common Law of International Organizations Nijhoff 2008

2. Personal memoir

(‘Staldthing’ around 1980, with Carsten Smith and Torkel Opsahl)

(ILA Sixty-Sixth Conference - Buenos Aires, 1994)

3. Finn Seyersted’s career: diplomat and jurist scholar

Oslo, 1915 – 2006. Served in the Norwegian Ministry of Justice and the Ministry of Foreign Affairs from 1943 after completion of law studies at the University of Oslo, Norway. Among his appointments and experience may be mentioned: Delegate to the Geneva Conference on the Law of the Sea, 1958, Director Legal Division of the International Atomic Energy Agency, Vienna, 1960-65, Associé of Institut de droit international, chairman of the committee that drafted the constitution of the (former) International Maritime Satellite Organization; participation in conferences and meetings of other IGOs; and member of the international administrative tribunals until 1991 and of relevant committees of other IGOs. Norwegian Ambassador 1968-73, Professor of international law, University of Oslo from 1973.

4. Seyersted’s scholarship

International organisations and UN forces

More about his main publications:

Objective International Personality of Intergovernmental Organisations. Do Their Capacities Really Depend upon Their Constitutions? Copenhagen, 1963

'Settlement of Internal Disputes of Intergovernmental Organisations by Internal and External Courts' ZaöRV24 (1964):79

United Nations Forces in the Law of Peace and War Sijthoff 1966

Common Law of International Organizations Nijhoff 2008

His work in the International Law Association. The ILA Committee on Accountability of International Organizations from 1996

The Vienna Convention on the Law of Treaties between States and International Organizations or Between International Organizations (VCLTIO). Gaja 'that an organization is free from international responsibility if it acts in compliance with its constituent instrument'. ILC Articles on the Responsibility of International Organizations (2011)

More about his contribution in applying the general principles of international law: Against the limitations of the law developing as sector specific, fragmentation. 'Nordic contribution' as this may have been in the 20th century?

State centric in a formal sense. Soviet doctrine.

The legal adviser in an international organisation. ICJ, *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization*, Advisory Opinion, 1960

(Klæstad, Hambro, Grahl-Madsen. Why Seyersted has the shortest bio in Norwegian who's who)

The scholar's role

Why he is still cited today. Farewell to Fragmentation.

[Separate opinion of Judge Cançado Trindade | Order of 17 April 2013](#)

Case: [Certain Activities Carried Out by Nicaragua in the Border Area \(Costa Rica v. Nicaragua\)](#)

II. “Implied” and “Inherent Powers” Revisited: Some Precisions

4. May I begin by making a brief incursion, for a specific purpose, into the law of international organizations, which — may I observe in *passim* — marks its discreet presence in the present Order (paras. 1-2 and 5). With the rise of international organizations, the conceptions of “inherent powers” as well as “implied powers” took shape in that context, with the contribution of the case law of the ICJ. One year after the Advisory Opinion of the ICJ in respect of Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter) (of 20 July 1962), the doctrinal formulation of F. Seyersted (1963) found the light of the day¹, invoking the “inherent powers” of the UN, and seeking to demonstrate them, by means of an arguable analogy — which promptly attracted criticisms — with the legal position of States.

5. After all, the ICJ itself had clarified, in its celebrated *obiter dictum* in the Advisory Opinion on Reparations for Injuries Suffered in the Service of the United Nations (of 11 April 1949), that while the State is endowed with the totality of rights and duties recognized by international law, the rights and duties of an entity such as the UN ought to depend on the purposes and functions, specified or implicit in their constitutive docu¹ F. Seyersted, *Objective International Personality of Intergovernmental Organizations*, Copenhagen, 1963, pp. 28-29, 35-36, 40, 45-46. 4 CIJ1043.indb 58 11/04/14 10:58 174 certain activities (sep. op. cançado trindade) 12 ments and developed in practice². The ICJ thus espoused to the doctrine of “implied powers”³, surely distinct from that of “inherent powers”, inspired in an analogy with comparative constitutional law.

6. While the doctrinal construction of “implied powers” was intended to set up limits to powers transcending the letter of constitutive charters — limits found in the purposes and functions of the international organization at issue⁴ — the doctrinal construction of “inherent powers”, quite distinctly, was intended to assert the powers of the juridical person at issue for the accomplishment of its goals, as provided for in its constitutive charter. The point I wish here to make is that the same expression — “inherent powers” — has at times been invoked in respect of the operation of international judicial entities; yet, though the expression is the same, its rationale and connotation are different, when it comes to be employed by reference to international tribunals. Another precision is here called for, for a proper understanding of the operation of these latter. Understanding and operation go hand in hand: *ad intelligendum et ad agendum*.