

A Case for Individual Standing in International Law

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Abstract

This paper begins with the examination of the early recognition of the legal personality of the individual to sue or be sued before international tribunals. As the world moves away from the cold war era in which international relations were dominated by the struggle for power between the United States of America and the Soviet Union, to a new world in which other world powers seem to be emerging such as China and India, there can be no doubt that the world is going through a fundamental change.

Apart from India and China, other Asian and African countries are beginning to assert strong voices on the international stage, and with it is the continuous increase on the influence of individuals and other non-state actors in international law. In recent times we have seen the conviction of James Ibori, the former Governor of Delta state of Nigeria in a British court (after he had been acquitted of all charges in the Nigerian court), the United States District court's exercise of jurisdiction in the case of Saro Wiwa vs. Shell Nigeria and the recent judgment of a Dutch court in favor of the four farmers that instituted the action. There is also the case of Bowot vs. Chevron Nigeria brought under the United States' Alien Tort Law Act (28 U.S.C. §1350).

This paper concludes that in the present global situation of multipolarism, and given the opportunities provided by The United States' Alien Tort Law Act (28 U.S.C. §1350) and the Torture Victim Prevention Act (28 U.S.C. §1350), individual standing in international law is inevitable, and should be vigorously encouraged, especially for third world nationals where factors ranging from corruption to weakness in governance deprive the citizens of access to justice.