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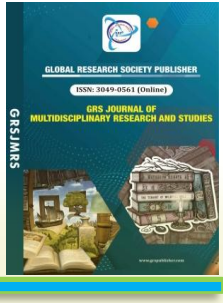

The Role and Position of International Organizations in the Regulation of Digital Currencies

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Abstract: In contemporary commerce, digital currencies and related trademarks have become an integral part of economic life and are increasingly subject to international legal scrutiny. The global community, therefore, requires comprehensive legal frameworks to ensure transparency, accountability, and effective regulation of transactions in this domain. International organizations, as key actors in the international legal order, bear a crucial responsibility in shaping these frameworks. Their role in developing new rules and standards is essential to address the emerging challenges posed by digital currencies and cryptographic technologies.

Adopting a descriptive-analytical approach, this article examines the regulatory efforts of international organizations in the field of digital currencies and seeks to answer the central question: What role do international organizations play in the formulation of rules governing digital currencies and cryptographic transactions? By analyzing founding documents and the existing practices of international organizations, the study concludes that these institutions possess both the mandate and the capacity to establish rules regulating digital transactions. Such regulation is indispensable not only for maintaining the integrity of international commercial exchanges but also for safeguarding the political and institutional legitimacy of international organizations themselves.

Keywords: *digital currencies, international law, international organizations, regulation of transactions.*

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Introduction

With the growing use of cryptocurrencies in commercial transactions, international law has increasingly prompted states to formulate regulatory frameworks aimed at monitoring and controlling digital currencies. While some states have reacted negatively to the rise of cryptocurrencies, others have adopted more cautious or mixed approaches. A common governmental response—often led by central banks—has been to highlight the risks posed by cryptocurrencies as potential instruments for illicit activities such as money laundering, terrorism financing, and organized crime.

As cryptocurrencies continue to expand globally, the demand for comprehensive and coherent regulations becomes more urgent. Analyzing the international regulatory environment surrounding cryptocurrencies and their trade through digital exchanges reveals the diverse measures being adopted. Beyond the initiatives of nation-states, international organizations—recognized as key actors under international law—have also undertaken responsibilities in addressing the legal and institutional challenges posed by cryptocurrencies.

Legal uncertainties, security vulnerabilities, and limited technical comprehension of blockchain and cryptographic mechanisms remain among the most pressing obstacles in this field. Since the nineteenth century, bilateral and multilateral relations have undergone significant transformation due to the deepening interdependence of states, rendering organized international cooperation an indispensable feature of global governance. In this context, the emergence of cryptocurrencies as a complementary element of modern economic systems necessitates both states and international organizations to develop foundational rules and standards for their regulation.

Like any technological innovation, cryptocurrencies bring both advantages and disadvantages. Yet, international organizations often face challenges in dealing with issues that were unforeseen in their statutes and founding instruments. This raises a crucial research question: *Through what mechanisms can international organizations formulate rules and regulations governing cryptocurrencies?*

This article proceeds on the assumption that international organizations, by invoking their founding documents and applying them to the realities of digital finance, are capable of establishing legal frameworks for regulating cryptocurrencies. Such rule-making not only serves as a foundation for preventing and combating criminal activities but also proves essential for maintaining the political legitimacy of international organizations and for supervising the financial conduct of their member states—despite opposition from certain quarters.

Research Background

One of the significant contributions in this field is Chan Li's (2022) article entitled *"The Regulation of International Regulations for Tokens and the Emergence of Digital Currencies in the International Arena."* The study highlights the emergence of digital currencies as a transformative factor in the global economic and monetary system. It emphasizes their novelty, which has generated supervisory challenges for the global economy. Chan Li argues that in order to mitigate risks and effectively guide the development of digital currencies, it is essential to analyze their unique characteristics, identify potential risks, and evaluate supervisory mechanisms. He proposes the establishment of an international supervisory framework for cryptocurrencies, founded on international cooperation, comprehensive regulations, and information-sharing systems. However, while the article addresses the global supervisory challenges of cryptocurrencies, it does not explore in detail the regulatory role of international organizations.

In another relevant study, Emert (2023), in his work entitled *"National Measures for the Regulation of Digital Assets,"* provides a detailed analysis of the relationship between international law and domestic regulatory measures in the United States. He examines how decisions of the U.S. Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC) apply to blockchain technologies and digital currencies, ultimately concluding that both individuals and corporations can operate transparently under central bank supervision. Nevertheless, the article primarily addresses national regulatory frameworks and does not consider the role of international organizations.

Morton (2020), in his article *"Digital Assets: An Unregulated Tool in the Global Economy,"* focuses on cybersecurity issues in cryptographic systems. He critiques existing international regulations for being inadequate in addressing fraud, money laundering, and terrorist financing risks associated with digital currencies. Morton emphasizes that despite instruments such as the EU General Data Protection Regulation (GDPR), there is a pressing need for supplementary regulations specific to blockchain technologies. He warns that without stronger regulatory frameworks, cryptocurrencies may facilitate terrorism and large-scale fraud. While insightful, this study also does not examine the contribution of international organizations to regulatory standardization.

Additionally, Rahimi and Sharifian (2020), in their article *"The Position of Coins in the National and International System,"* discuss the lack of recognition of cryptocurrencies by nation-states and highlight the predominantly negative reactions of governments to this form of currency. However, the article neglects the regulatory role of non-state actors, including international organizations.

In contrast, previous studies have occasionally referred to the involvement of international organizations such as the World Trade Organization (WTO), the World Bank, and the International Monetary Fund (IMF) in financial governance, yet they have not thoroughly examined how the founding documents of these institutions may apply to the regulation of cryptocurrencies.

Therefore, while the aforementioned works provide valuable insights into the regulatory, economic, and security dimensions of digital currencies, none have sufficiently addressed the specific role of international organizations in this field or the mechanisms by which their founding documents can be adapted to govern cryptocurrencies. In this respect, the present article seeks to fill this gap by offering a novel and innovative perspective on the role of international organizations in the regulation of digital currencies.

Conceptual Framework

In international law, **international organizations** are generally defined as associations of states established through founding treaties, with the objective of pursuing common goals via continuous cooperation and institutional mechanisms (Mousazadeh, 2018: 29). Functionally, these organizations may be viewed as representatives of a quasi-federal global system, wherein the scope of their activities is determined by their constitutive instruments. A critical element affirming their authority is their **international legal personality**, which delineates both their explicit and implied competences. Like sovereign states, international organizations require financial instruments and resources to carry out their functions; these are typically provided through organizational budgets. Consequently, the potential recognition of digital currencies or blockchain-based tokens as legitimate instruments of finance must conform to the statutes and regulatory frameworks of such organizations.

The emergence of **blockchain-based tokens** has introduced a novel dimension to global commerce. Unlike traditional currencies or tokens, blockchain tokens function in a **decentralized** manner, operating on distributed ledger systems secured by advanced cryptographic protocols (Glass, 2017: 57). Their decentralized structure ensures that no single entity or institution exercises control, thereby challenging traditional centralized financial systems.

Since 2008, the development of **virtual tokens** has facilitated peer-to-peer (P2P) exchanges, enabling direct payments without intermediaries (McKee, 2013: 22). These exchanges are not dependent on institutional backing, making them even more decentralized than existing global financial exchanges. In 2009, the pseudonymous creator of Bitcoin introduced the first cryptocurrency, envisioning a system where public distrust of centralized institutions and traditional intermediaries could drive individuals toward cryptographic alternatives (Pedro, 2014).

The primary purposes of cryptocurrencies are twofold: (1) to enhance **security** by reducing the risks of fraud and financial manipulation, and (2) to **facilitate direct exchanges** by eliminating intermediaries between buyers and sellers. The process of cryptocurrency transactions, though technically complex, is designed to ensure high levels of security. Buyers and sellers submit their information, which is validated by miners. Upon

verification, the transaction is recorded on the blockchain, and the associated cryptocurrency is extracted through mining processes.

One of the defining features of cryptocurrencies is their **global recognition and borderless nature**. Unlike national currencies, cryptocurrencies are not tied to any state, enabling financial transactions to occur internationally without geographical limitations (Oran & Irhan, 2022: 82; Singh & Chui, 2020: 1). While they lack a tangible, physical existence, they can serve as substitutes for physical money in large-scale transactions where transferring cash involves significant logistical costs.

The rise of cryptocurrencies has created an increasingly attractive financial market. The influx of retail and institutional investors has driven both rapid growth and extreme volatility in cryptocurrency values. Beyond commercial usage, cryptocurrencies are also leveraged as instruments to **circumvent international sanctions**, functioning in ways similar to other valuable assets such as gold. This has strengthened their role as alternative financial instruments, particularly in politically sensitive contexts.

The most prominent and widely used cryptocurrency remains **Bitcoin**, notable for its features of anonymity and untraceability. In transactions, the identities of the parties remain hidden, making oversight and taxation nearly impossible. While this anonymity provides advantages in terms of privacy and the avoidance of transaction costs, it simultaneously raises concerns regarding criminal misuse, money laundering, and tax evasion.

Overall, the conceptual framework of cryptocurrencies highlights both their **innovative potential** and their **regulatory challenges**. Tokens offer multiple advantages, including security, efficiency, international accessibility, and resilience against sanctions (Birch, 2020: 161). Yet, these very features also complicate the ability of international organizations and states to integrate cryptocurrencies within existing legal and regulatory frameworks.

The History of Cryptocurrencies in the Global System

The academic literature on digital currencies primarily traces its origins to the introduction of **Bitcoin in 2008**, during the height of the global financial crisis. While earlier attempts were made to develop electronic currencies—such as *e-cash*, *hashed cash*, and *bit gold*—these efforts failed largely because they relied on a trusted third party to oversee transactions (Narayanan & Clark, 2017: 36). On **October 31, 2008**, an anonymous individual under the pseudonym *Satoshi Nakamoto* published a white paper on a cryptography mailing list, proposing *"a peer-to-peer electronic cash system"* that would allow online payments to be transferred directly between parties without the need for financial intermediaries.

Despite initial skepticism, cryptocurrencies have expanded remarkably over the past two decades, evolving from a niche technological experiment into a major component of the international financial landscape. Today, the market capitalization of digital currencies exceeds **$200 billion**, positioning it as one of the largest unregulated financial markets globally (Foley et al., 2019: 1798).

The launch of Bitcoin not only established the foundation for future digital currencies but also triggered wider debates about the **digitization of economic systems**. Its underlying technology, **blockchain**, soon became central to discussions of financial and non-financial applications. Blockchain's capacity to operate securely without central authority challenged traditional banking models while simultaneously offering opportunities for innovation. For instance, global cashless payments have expanded rapidly in the past decade, rising more than fivefold in China and India and threefold in Russia (Chang & Harano, 2020).

The characteristics of blockchain-based tokens—**decentralization, immutability, transparency, and global accessibility**—have attracted widespread interest. These features enable trust-based transactions without centralized oversight. However, their speculative nature has also concentrated much cryptocurrency activity within exchanges, raising questions of stability and oversight (Rauchs et al., 2018).

The expansion of blockchain-based transactions has increasingly influenced **international relations**, with international organizations beginning to recognize and explore their potential applications. Some organizations have initiated discussions on adopting digital tokens for **payment systems and financial operations**, viewing this innovation as consistent with their mandates of promoting international cooperation and efficiency. Interviews with institutional managers suggest that several organizations are actively considering blockchain integration, particularly for its ability to **facilitate global transactions independent of state control**.

Scholars argue that cryptocurrencies embody qualities—such as decentralization, cross-border functionality, and institutional independence—that may ultimately affect the very **survival and relevance of international organizations** in the digital age (Yermack, 2013: 197). This historical trajectory indicates not only the disruptive potential of cryptocurrencies but also the necessity for international organizations to adapt their legal and financial frameworks to remain effective within a rapidly digitizing global system.

The Role of International Organizations in Cryptocurrency Regulation

The emergence of cryptocurrencies presents significant challenges to the global financial system. Unlike traditional currencies, cryptocurrencies operate without centralized authority, making it difficult to implement fiscal and monetary policies in a coordinated manner. This raises important questions regarding their role in the global financial system and the need for appropriate oversight mechanisms. Specifically, international organizations may play a crucial role in establishing effective frameworks to curb misuse—including tax evasion, money laundering, and other illicit activities—while also promoting innovation and financial inclusion.

Given the transnational nature of cryptocurrencies, effective management can only be achieved through **international cooperation**. Oversight could be exercised by existing institutions such as the **World Trade Organization (WTO), International Monetary Fund (IMF), World Bank, Basel Committee on Banking Supervision, and the Financial Action Task Force (FATF)**, or through the creation of a new specialized agency. Such an approach would allow for experimentation with global currencies while limiting risks associated with an abrupt transition to a unified monetary system. It could also serve as a testing ground for new models of global financial governance.

The World Trade Organization (WTO) and Tokens

The **World Trade Organization (WTO)**, as the principal body governing international trade, has yet to formally address cryptocurrencies either as a means of payment or as a tradable

commodity. The **General Agreement on Tariffs and Trade (GATT) 1994** contains no explicit provisions recognizing currency as a commodity, largely because currencies have traditionally fallen outside the scope of trade in goods.

However, in the context of **trade in services**, digital currencies can be interpreted as a means of payment. Recent WTO studies highlight the potential of cryptocurrencies to reduce transaction costs, increase transparency, and facilitate faster and more secure cross-border transactions (WTO, 2021). Nevertheless, legal and regulatory uncertainties remain major barriers to adoption (Zhang, 2019: 35). The **decentralized nature of cryptocurrencies** complicates monitoring, thereby creating uncertainty for businesses and investors.

Some scholars argue that digital currencies could be recognized as a distinct category of **commodities**, given their rapid technological development and use in investment (Reinm, 2019). If treated as such, WTO members would be required to ensure the security of cryptocurrency transactions through **domestic regulations**, such as licensing requirements, minimum capital thresholds for exchanges, and consumer protection mechanisms. In this regard, **Article VI of GATT** provides the WTO with authority to oversee domestic regulations of member states, ensuring that measures are applied in an objective and impartial manner.

Furthermore, the **Working Party on Domestic Regulation** monitors member compliance with WTO agreements and could potentially extend its oversight to cover cryptocurrency transactions (Irina, 2018: 18). Similarly, **Article XIV(c)** of the GATS allows members to adopt measures ensuring compliance with laws and regulations, which could provide a legal basis for regulating digital currencies as either recognized commodities or means of payment in international trade.

The World Bank and Cryptocurrencies

The **World Bank** acknowledges cryptocurrencies as the most advanced application of blockchain technology, enabling the creation of money without central banks and payments without traditional financial intermediaries. However, their volatility and lack of legal guarantees make them unsuitable as substitutes for sovereign currencies. The Bank has therefore adopted a cautious stance: recognizing their potential while emphasizing risks such as instability, lack of regulation, and investor vulnerability (Zarei, 2019: 74).

Many central banks worldwide issue **public warnings** to educate citizens about the difference between state-backed legal tender and cryptocurrencies, stressing that investors have limited legal recourse in case of losses. Nonetheless, under the **World Bank's Articles of Agreement**, there is scope to integrate digital currencies into its operations. **Article I** identifies promoting investment and supporting development as core objectives, while **Article V, Section 12** recognizes "acceptable forms of currency," which could extend to digital currencies. Similarly, **Article II, Section 7**—relating to loan repayments—could theoretically allow cryptocurrency use in settlement of obligations.

Such a development would mark a revolutionary shift, enabling the Bank to harness cryptocurrencies for lending and development purposes. However, the World Bank must proceed cautiously to avoid reputational risks associated with speculative or unstable markets. Greater **awareness and understanding** of cryptocurrencies is also necessary to encourage their adoption in international trade (Kshetri, 2018: 89).

The International Monetary Fund (IMF) and Cryptocurrencies

Since its establishment under the **Bretton Woods system**, the **IMF** has played a central role in maintaining global monetary stability. Today, the international monetary system remains dominated by the US dollar, which provides liquidity and stability but also creates dependencies and imbalances (Yudong, 2021: 105). Cryptocurrencies, by contrast, offer neutrality and independence from state control, raising the possibility of reducing reliance on the dollar-dominated system.

Under **Article I** of its Articles of Agreement, the IMF is mandated to promote global monetary cooperation, ensure financial stability, and coordinate exchange rate policies. While cryptocurrencies are currently outside its jurisdiction—since they are not issued or backed by states—their rapid growth poses risks to financial stability and foreign exchange markets (Matsui, 1998: 306). Scholars argue that if the IMF delays engagement, it will become increasingly difficult to regulate their impact (Dingle, 2013: 124).

Potential approaches include:

- **Direct regulation** of cryptocurrencies within member states, in line with **Article IV, Section 5** of the IMF Articles.
- **Quasi-membership status** for cryptocurrencies, providing them with legitimacy while subjecting them to surveillance.
- **Collective oversight mechanisms**, similar to those used for exchange rate policies, to monitor global crypto markets.

These measures could allow the IMF to integrate cryptocurrencies into the existing international monetary framework while ensuring stability. From the Fund's perspective, successful adoption of cryptocurrencies in international trade requires addressing legal frameworks, security concerns, awareness, transaction costs, and integration with existing systems.

Conclusion

From the summary of the previous discussions, it can be concluded that cryptocurrencies, like any other financial phenomenon, possess both advantages and disadvantages. However, international organizations encounter unique challenges in regulating and applying cryptocurrencies—challenges that were not anticipated in their statutes or founding documents.

Although the rapid growth of cryptocurrencies has raised numerous supervisory concerns at both national and global levels, governments and international institutions have recognized the seriousness of these issues. Chief among them is the absence of an appropriate legal framework for oversight. In this sense, cryptography has become one of the pressing challenges of commercial life under international law in the twenty-first century. Consequently, the international community urgently requires the formulation of clear laws and regulations to ensure transparency, stability, and control of commercial exchanges in this field.

Under Article (1) of the GATT Agreement, any regulation on digital assets as commodities would effectively transform them into investment targets. Moreover, Article VI of GATT and Article XIV(c) of the Agreement empower the WTO to oversee the domestic regulations of member states, obligating them to apply general rules concerning trade in services. Each commercial transaction must therefore be conducted rationally, objectively, and

impartially. Within this framework, the recognition of cryptocurrencies—or "codes"—as nationally or internationally recognized prices could be justified.

Similarly, Article 5, Section 12 of the **World Bank Charter** suggests that cryptocurrencies may be accepted as legal tender without violating the Bank's principles, since the term "currency" may reasonably encompass digital assets. Furthermore, Section 7, Article 2 of the Charter provides for loan repayments in the same currency in which they were granted. This implies that the acceptance of digital currencies could revolutionize the repayment mechanisms of international loans.

In the same vein, Article (1) of the **Charter of the International Monetary Fund (IMF)** assigns the institution the task of coordinating the international foreign exchange market. Section 2, Article 1 further establishes that the Fund is responsible for regulating international economic transactions, including the foreign exchange market. Notably, the IMF remains the only international financial institution that has explicitly recognized the nature of cryptocurrencies and proposed mechanisms for their regulation and development.

Taken together, these provisions indicate that the effective governance of cryptocurrencies can best be achieved through international organizations whose mandate is to promote the balanced and equitable development of the global economy—rather than through institutions acting solely in the interest of individual states. Institutions such as the WTO, the World Bank, and the IMF thus have both the authority and the responsibility to develop binding international frameworks that regulate financial transactions in cryptocurrencies. By doing so, they can mitigate risks to commercial activities, particularly those involving money laundering, fraud, and other illicit financial practices.

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