

**CENTRE FOR INTERNATIONAL LEGAL STUDIES  
SCHOOL OF INTERNATIONAL STUDIES**

<b>Programme</b>	<b>: Ph.D.</b>
<b>Course Number</b>	<b>: DI 609</b>
<b>Course Title</b>	<b>: Law of International Organization</b>
<b>Course Type</b>	<b>: Optional</b>
<b>Course Teacher</b>	<b>: Dr. Fazil Jamal</b>
<b>Credits</b>	<b>: 2</b>
<b>Contact Hours</b>	<b>: 2 per week</b>
<b>Semester</b>	<b>: Monsoon</b>

**Course Objectives**

International organizations play a vital role in the State-centric global order. Indeed, their practices and processes have contributed to the growing institutionalization of international life in its varied settings. Constituted under specific treaties and allocated with jurisdictional competence on a functional basis, the promise and record of international organizations testify to the complexity of organizing States on the bedrock of international law. The course seeks to familiarise a student to the common legal issues of international organizations such as jural personality, legal competence and implied powers; admission and expulsion of member States, establishment of subsidiary bodies; budget allocation; privileges and immunities; responsibility and accountability, role of the specialized agencies, etc.

**Learning Outcomes**

A student undertaking the Course will develop and demonstrate the knowledge and skills to do the following:

- (1) Identify and understand the theoretical underpinnings as well as the history of the legalization process in international relations.
- (2) Engage with the interpretation of constituent instruments of IOs to reflect on the nature and scope as well as seminal ‘constitutional problems’ of institutions/organizations: legal personality; rule-making as well as implied powers; privileges and immunities; nature of legal relations with third parties; the role of international administrative tribunals, etc.

- (3) Review disciplinary approaches to enhance rule of law, transparency and fairness in the decision-making processes and other functional settings of IOs.
- (4) Explain functions and processes of IOs within the wider framework of international law-making and law interpretation today.

### **Evaluation Methods**

<b>No</b>	<b>Type of Assessment</b>	<b>Weightage(%)</b>
1	Class Participation	<b>10</b>
2	Book Review/Case Review	<b>10</b>
3	Term Paper	<b>20</b>
4	Final Examination	<b>60</b>
<p><b>Note:</b> <i>University rules concerning promotion of academic integrity and prevention of plagiarism apply vis-a-vis submission of all written assignments in the Course.</i></p>		

### **Course Content**

1. International Organization: History and Normative Approaches
2. Internal Legal Issues: jural personality, legal competence and implied powers; admission and expulsion of Member States, establishment of subsidiary bodies; budget allocation; privileges and immunities; responsibility and accountability, etc.
3. Legal Relations with Third Parties: Host-States; other IOs; contractual engagements; other legal claimants.
4. IOs in International Law: functions and processes; impacts on norm creation, rule interpretation and adjudication
5. Recent Debates: Rule of Law and Internal Justice; Accountability and Responsibility; immunity from legal process; access to justice.

## Selected Reading List

### **1. International Organization: History and Normative Approaches**

Abbott, Kenneth & Duncan Snidal (1998), “Why States Act through Formal International Organizations”, *Journal of Conflict Resolution*, 42(1): 3-32.

Anand, R. P. (2010), “The Formation of International Organizations and India: A Historical Study”, *Leiden Journal of International Law*, 23(1): 5- 21.

Anghie, Antony (2002), “Colonialism and the Birth of International Institutions: Sovereignty, Economy and the Mandate System of the League of Nations”, *New York University Journal of International Law and Politics*, 34 (3): 513- 634.

Chimni, B.S. (2017), “International Organizations, 1945- Present,” in Jacob Katz Cogan *et al* (ed.), *The Oxford Handbook of International Organizations*, Oxford: Oxford University Press.

Elias, Taslim O. (1963), “The Berlin Treaty and the River Niger Commission”, *The American Journal of International Law*, 37(4): 873- 882.

Kennedy, David (1987), “The Move to Institutions”, *Cardozo Law Review*, 8 (5): 841- 988.

Khan, Rahmatullah (1965), “Development of Juridical Status of the International Organization through the World Court”, *The Journal of the Indian Law Institute*, 7: 189- 205.

Kirgis, F. L. (1995), “Specialised Law-Making Processes,” in Oscar Schachter and Christopher C. Joyner (eds.), *United Nations Legal Order*, Volume I, Chapter 2, Cambridge: Cambridge University Press.

Klabbers, Jan (2015), “The Transformation of International Organizations Law”, *The European Journal of International Law*, 26(1): 9- 82.

Schmalenbach, Kirsten (2014), “International Organizations or Institutions, General Aspects”, *Max Planck Encyclopedia of Public International Law [MPEPIL] Online*.

Szasz, Paul (1995), “General Law-Making Processes,” in Oscar Schachter and Christopher C. Joyner (eds.), *United Nations Legal Order*, Volume I, Chapter 1, Cambridge: Cambridge University Press.

### **2. Internal Legal Issues** [*jural personality, legal competence and implied powers; admission and expulsion of Members, establishment of subsidiary bodies; budget allocation; privileges and immunities; responsibility and accountability, etc*].

Bederman, David J. (1996), “The Souls of International Organizations: Legal Personality and the Lighthouse at Cape Spartel”, *Virginia Journal of International Law*, 36 (2): 275- 378.

Bianchi, Andrea (2006), “Assessing the Effectiveness of the UN Security Council’s Anti-terrorism Measures: The Quest for Legitimacy and Cohesion”, *The European Journal of International Law*, 17(5): 881–919.

Crawford, James (2019), *Brownlie's Principles of Public International Law*, 9<sup>th</sup> edn., Oxford: Oxford University Press [Chapter 7: International Organizations].

Miller, Anthony J. (2009), "Privileges and Immunities of the United Nations", *International Organizations Law Review*, 6(2): 7- 115.

\_\_\_\_\_ (2007), "Privileges and Immunities of United Nations Officials", *International Organizations Law Review*, 4 (2): 169- 257.

\_\_\_\_\_ (2007), "United Nations Experts on Mission and their Privileges and Immunities", *International Organizations Law Review*, 4(1): 11-56.

### **3. Legal Relations with Third Parties [Host-States; international organizations; contractual engagements; other legal claimants].**

Amerasinghe, C. F. (2005), *Principles of the Institutional Law of International Organizations*, second edition, Cambridge: Cambridge University Press.

Kingsbury, B. and Lorenzo Casini (2009), "Global Administrative Law Dimensions of International Organizations Law", *International Organizations Law Review*, 6(2): 319–358.

Murthy, CSR (2013), "Non Aligned Movement Countries as Drivers of Change in International Organizations", *Comparativ*, 23 (4-5): 118– 36.

Reinisch, August (ed.; 2010), *Challenging Acts of International Organizations Before National Courts*, Oxford: Oxford University Press.

\_\_\_\_\_ (2014), "To What Extent Can and Should National Courts Fill the Accountability Gap", *International Organizations Law Review*, 10(2): 572- 587.

Ryngaert, Cedric (2010), "The Immunity of International Organizations before Domestic Courts: Recent Trends", *International Organizations Law Review*, 7(1): 121-148.

Ryngaert, Cedric, Ige F. Dekker, Ramses A. Wessel and Jan Wouters (eds. 2016), *Judicial Decisions on the Law of International Organizations*, Oxford: Oxford University Press.

### **4. International Organizations in International Law [functions and processes; impacts on norm creation, rule interpretation and adjudication]**

Abbott, K.W. and D. Snidal (2000), "Hard and Soft Law in International Governance", *International Organizations*, 54 (3): 421–456.

Alvarez, José E. (2006), "International Organizations: Then and Now", *American Journal of International Law*, 100 (2): 324- 347.

Alvarez, José E. (2017), *The Impact of International Organizations on International Law*, Leiden: Brill Nijhoff.

Bogdandy, Armin *et al.* (eds.; 2010), *The Exercise of Public Authority by International Institutions: Advancing International Institutional Law*, Heidelberg: Springer.

Chimni, B.S. (2004), "International Institutions Today: An Imperialist Global State in the Making", *European Journal of International Law*, 15 (1): 1- 37.

Gordon, Edward (1965), "The World Court and the Interpretation of Constitutive Treaties", *American Journal of International Law*, 59 (4): 794- 833.

Klabbers, Jan (2012), "International Institutions," in James Crawford & Martti Koskenniemi (eds.), *The Cambridge Companion to International Law*, Cambridge: Cambridge University Press.

Sinclair, Guy Fiti (2017), *To Reform the World: The Legal Powers of International Organizations*, Oxford: Oxford University Press.

**5. Recent Debates [rule of law and internal justice; accountability and responsibility; immunity from legal process; access to justice; institutional designs].**

Alvarez, Jose E. (1996), "Judging the Security Council", *American Journal of International Law*, 90 (1): 1-39.

Bedjaoui, Mohammed (1995), *The New World Order and the Security Council: Testing the Legality of its Acts*, Leiden: Brill Nijhoff.

Blokker, Niels and Nico Schrijver (eds.) (2015), *Immunity of International Organizations*, Leiden: Brill Nijhoff.

Desai, Bharat H. (2022), "The Repurpose of the UN Trusteeship Council for the Future", *Environmental Policy and Law*, 52 (3-4): 223–235.

\_\_\_\_\_ (2022), "The 2022 Stockholm+50 Outcome and the Limits of Global Conferencing Technique: A Challenge for International Law", *Indian Journal of International Law*, 62 (3-4): 197-223.

Freedman, Rosa (2018), "UNaccountable: A New Approach to Peacekeepers and Sexual Abuse", *The European Journal of international Law*, 29 (3): 961-985.

Hovell, Devika (2016), "Due Process in the United Nations," *American Journal of International Law*, 110 (1): 1-48.

Moeckli, Daniel and Raffael N Fasel (2017), "A Duty to Give Reasons in the Security Council: Making Voting Transparent", *International Organizations Law Review*, 14 (1): 13-86.

Schrijver, Nico (2014), "Beyond Srebrenica and Haiti: Exploring Alternative Remedies against the United Nations", *International Organizations Law Review*, 10 (2): 588-600.

**Additional Reading**

- Bedjaoui, Mohammed (1979), *Towards New International Economic Order*, Paris: UNESCO.
- Chimni, B.S. (2017), *International Law and World Order: A Critique of Contemporary Approaches*, 2<sup>nd</sup> edition, Cambridge: Cambridge University Press.
- Claude, Inis Jr. (1971), *Swords Into Plowshares: The Problems and Progress of International Organization*, 4<sup>th</sup>edn., New York: Random House.
- Conforti, Benedetto and Carlo Focarelli (eds. 2016), *The Law and Practice of the United Nations*, Fifth Revised Edition, Leiden: Brill Nijhoff.
- Desai, Bharat H. (2014), *International Environmental Governance: Towards UNEPO*, Boston: Brill Nijhoff.
- \_\_\_\_\_ (2012), “The Quest for a United Nations Specialized Agency for the Environment”, *The Roundtable*, 101 (2): 167-179.
- \_\_\_\_\_ (2010), *Multilateral Environmental Agreements: Legal Status of the Secretariats*, Cambridge: Cambridge University Press.
- \_\_\_\_\_ (2003), *Institutionalizing International Environmental Law*, New York: Transnational Publishers Inc.
- \_\_\_\_\_ (2000), “Revitalizing International Environmental Institutions: The UN Task Force Report and Beyond”, *Indian Journal of International Law*, 40 (3): 455-504.
- Harrington, A.R. (2018), *International Organizations and the Law*, London: Routledge.
- Khan, Rahmatullah (1970), *Implied Powers of the United Nations*, Delhi: Vikas Publications.
- \_\_\_\_\_ (1990), *The Iran-US Claims Tribunal: Controversies, Cases and Contribution*, Dordrecht: Martinus Nijhoff.
- Klabbers, Jan (2015), *An Introduction to International Organizations Law*, 3<sup>rd</sup>edn., Cambridge: Cambridge University Press.
- Klabbers, Jan and Asa Wallendahl (2011), *Research Handbook on the Law of International Organizations*, Cheltenham, UK: Edward Elgar.
- Murthy, C.S.R. (2020), *India in the United Nations: Interplay of Interests and Principles*, New Delhi: Sage Publications.
- Rajagopal, Balakrishnan (2003), *International Law from Below: Development, Social Movements and Resistance from Below*, Cambridge: Cambridge University Press.
- Sarooshi, Dan (2005), *International Organizations and Their Exercise of Sovereign Powers*, Oxford: Oxford University Press.
- Schermers, HG and NM Blokker (2018), *International Institutional Law: Unity Within Diversity*, 6<sup>th</sup> edn., Boston and Leiden: Brill Nijhoff.

Steinberg, Richard H. (2016), *Contemporary Issues Facing the International Criminal Court*, Leiden: Brill Nijhoff.

The United Nations (2023), *The Work of the International Law Commission*, Volume I & II, 10<sup>th</sup> edn, April 2023, <https://doi.org/10.18356/9789210025911>

Weiss, Thomas G. and Sam Daws (eds; 2007).), *The Oxford Handbook on the United Nations*, Oxford: Oxford University Press.

## **Primary Agreements**

\* [\*Draft Articles on Responsibility of International Organizations\*](#), United Nations, International Law Commission, Report on the Work of Its Sixty-Third Session (26 April–3 June and 4 July–12 August 2011), General Assembly, Official Records, 63<sup>rd</sup> Session, Supplement No. 10 (A/66/10.)

\* [\*Convention on the Safety of United Nations and Associated Personnel\*](#), 9 December 1994, 2051 UNTS 363 (entered into force 15 January 1999); and the [\*Optional Protocol\*](#) thereto, 8 December 2005, UN Doc. A/RES/60/42, Annex, Registration No. A-35457 (entered into force 19 August 2010).

\* [\*Convention on the Privileges and Immunities of the United Nations\*](#), 14 December 1946, 1946–1947 UNTS 15 (entered into force 17 September 1946).

\* [\*Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character\*](#) (opened for signature 14 March 1975, not yet in force) UN Doc A/CONF.67/16.

## **Selected Cases**

*Agim Behrami and Bekir Behrami v France*, App. No. 71412/ 01 and *Ruzhdi Saramati v France, Germany, and Norway*, App. No. 78166/ 01, *European Court of Human Rights*, 2 May 2007. [<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-80830%22%7D%7D>].

*Appeal relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement* (Bahrain, Egypt and United Arab Emirates v. Qatar), Judgment, I.C.J. Reports 2020, p. 172. [<https://www.icj-cij.org/sites/default/files/case-related/174/174-20200714-JUD-01-00-EN.pdf>]

*Applicability of Article VI, Section 22 of the Convention on the Privileges and Immunities of the United Nations*, [1989] ICJ Reports, p.177. [<https://www.icj-cij.org/sites/default/files/case-related/81/081-19891215-ADV-01-00-EN.pdf>]

*Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libya Arab Jamahiriya v United States of America)*, Request for the Indication of Provisional Measures, Order of 14 April 1992, [1992]

ICJ Reports, p.3. [<https://www.icj-cij.org/sites/default/files/case-related/88/088-19920414-ORD-01-00-EN.pdf>]

*Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)*, International Court of Justice, Advisory Opinion, [1962] ICJ Reports, p.151. [<https://www.icj-cij.org/sites/default/files/case-related/49/049-19620720-ADV-01-00-EN.pdf>]

*Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, Preliminary Objections, Judgment, I.C.J. Reports 2019 (I), p. 7; Final Judgement of 30 March 2023, pp.1-70. [<https://www.icj-cij.org/sites/default/files/case-related/164/164-20230330-JUD-01-00-EN.pdf>]

*Competence of the General Assembly for the Admission of a State to the United Nations (Advisory Opinion)* [1950] ICJ Reports, p. 4. [<https://www.icj-cij.org/sites/default/files/case-related/9/009-19500303-ADV-01-00-EN.pdf>]

*Conditions of Admission of a State to Membership in the United Nations (Advisory Opinion)* [1948] ICJ Reports, p.57. [<https://www.icj-cij.org/sites/default/files/case-related/3/003-19480528-ADV-01-00-EN.pdf>]

*Difference relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*, Advisory Opinion, [1999] ICJ Reports, p. 62. [<https://www.icj-cij.org/sites/default/files/case-related/100/100-19990429-ADV-01-00-EN.pdf>]

*Effect of Awards of Compensation Made by the United Nations Administrative Tribunal* Advisory Opinion [1954] ICJ Reports, p. 47. [<https://www.icj-cij.org/sites/default/files/case-related/21/021-19540713-ADV-01-00-EN.pdf>]

*Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt (WHO and Egypt)*, Advisory Opinion, 20 December 1980, [1980] ICJ Reports, p.73. [<https://www.icj-cij.org/sites/default/files/case-related/65/065-19801220-ADV-01-00-EN.pdf>]

*Jadhav (India v. Pakistan)*, Judgment of 17 July 2019, I.C.J. Reports 2019, p. 418. [<https://www.icj-cij.org/sites/default/files/case-related/168/168-20190717-JUD-01-00-EN.pdf>].

*Maclaine Watson & Co. Ltd v International Tin Council*, 26 October 1989, United Kingdom House of Lords, 81 ILR 670. [[https://www.ilsa.org/Jessup/Jessup07/basicmats/ilm\\_intltin\\_case.pdf](https://www.ilsa.org/Jessup/Jessup07/basicmats/ilm_intltin_case.pdf)].

*Mothers of Srebrenica v The Netherlands and the UN*, LJN: BW1999, Dutch Supreme Court, 13 April 2012 [<https://www.asser.nl/upload/documents/20120905T111510-Supreme%20Court%20Decision%20English%2013%20April%202012.pdf>] and *Stichting Mothers of Srebrenica and Others against The Netherlands*, European Court of Human Rights, 11 June 2013. [<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-122255%22%7D>]

*Prosecutor v Duško Tadić*, Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia, 2 October 1995.

*Reparation for Injuries Suffered in the Service of the United Nations (Advisory Opinion)* [1949] ICJ Reports, p. 174. [<https://www.icj-cij.org/sites/default/files/case-related/4/004-19490411-ADV-01-00-EN.pdf>]

*Yassin Abdullah Kadi v Council of the European Union and Commission of the European Communities*, 21 September 2005, [<https://curia.europa.eu/juris/showPdf.jsf?text=&docid=59906&pageIndex=0&doclang=EN&>]



[mode=lst&dir=&occ=first&part=1&cid=474783](https://curia.europa.eu/juris/document/document.jsf?text=&docid=139745&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=474783)] and *Commission and United Kingdom v Kadi*, Judgment of the Court (Grand Chamber) of 18 July 2013 (*Kadi II*) [<https://curia.europa.eu/juris/document/document.jsf?text=&docid=139745&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=474962>]

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