



SOUTH ASIAN UNIVERSITY

Faculty of Legal Studies

LLM

2023–2025

Winter Semester (Second Semester)

Course Information

Part I

Course Title	Law of International Organizations
Course Code	LW007
Course Instructor	Prof. Ravindra Pratap
Course Duration	One semester
Course Units	4
Medium of Instruction	English
Prerequisites	Nil
Precursors	Nil
Equivalent Courses	N/A

Course Overview

International organizations are now being seen more importantly, but only differently. The law of international organizations, which is part of the discipline of international law, was organization-specific until about the middle of the twentieth century when it came to be studied as a unified field of study. Much of this development was the reflection of a considerable institutional commonality among different international organizations, such as their membership, legal personality, decision-making procedures, rule-making, and privileges and immunities. These common institutional elements have been critically complemented recently by an increasingly important issue of organizational responsibility and accountability mainly as a result of the expanding domain of activities more institutionally performed by the United Nations Organization (UN) and its various relationships, particularly in the area of international peace and security: the UN General Assembly and Security Council, the UN and the North Atlantic Treaty Organization (NATO), the UN and the World Bank, the International Monetary Fund and the World Trade Organization (WTO), the WTO and the European Union, the UN and inter-governmental organizations, including the Asian-African Legal Consultative Organization (AALCO), the UN and non-governmental organizations, specially the International Committee of the Red Cross (ICRC), and the South Asian Association for Regional Cooperation (SAARC). This course therefore endeavours to study the normative regime of international institutions with special reference to the UN and its particular institutional relations.

The course will be offered using a combination of lectures and class discussions. The students are expected to prepare and debate the course materials in the class.

Part II

Course

Aims

The course aims to help the student develop a learning approach that combines critical thought and practical knowledge of the law of international organizations. This will be pursued by studying the structure and functions of, and major legal issues within and across, international organizations. Thus, upon successfully completing the course, the student will be able to distinguish different types of international organizations, understand the criteria of their membership, comprehend the consequences of their legal personality, know their different kinds of powers, understand the purpose and consequences of their privileges and immunities, see the rationales of different decision-making procedures, recognize their rule-making functions, distinguish and assess the functioning of various relationships of the UN, particularly in the field of international peace and security, and understand the complexities of conceptual and operational issues underlying the responsibility and accountability of international organizations.

Part III

Evaluation Criteria

There will be two written examinations of 80 marks and one or more written assignments carrying 20 marks.

Part IV

Course Structure

Week 1

Introduction to the law of international organizations

Required readings

Charter of the United Nations, 1945, Preamble.

Kenneth W Abbott and Duncan Snidal, 'Why states act through formal international organizations' (1998) 42 *Journal of Conflict Resolution* 3.

Supplementary readings

Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, Articles 2.1(j) and 5.

B S Chimni, 'International Organizations, 1945—Present' (2017) in Jacob Katz Cogan (ed) *Oxford Handbook of International Organizations* (London: OUP) Chapter 5.

Carolina Milhorance and Folashade Soule-Kohndou, 'South-South Cooperation and Change in International Organizations' (2017) 23 *Global Governance: A Review of Multilateralism and International Organizations* 461.

Further readings

David Mitrany, *A Working Peace System* (Quadrangle 1966).

Lisa Martin and Beth A Simmons, 'Theories and Empirical Studies of International Organizations' (1998) 52 *International Organization* 729.

Jan Klabbers, 'The EJIL Foreword: The Transformation of International Organizations Law' (2015) 26 *EJIL* 9.

Benedict Kingsbury and Lorenzo Casini, 'Global Administrative Law Dimensions of International Organizations Law' (2009) 6 *International Organization Law Review* 319.

José E Alvarez (2016) *The Impact of International Organizations on International Law* (The Hague: Brill Nijhoff) Chapter 2.

Bob Reinalda, 'International Organizations as a field of research since 1910', in Bob Reinalda (eds), *Routledge Handbook of International Organization* (Routledge 2013) 1.

Week 2

Membership and representation in international organizations

Required readings

Charter of the United Nations, 1945, Article 4.

Admission of a State to the United Nations (Charter, Art. 4) (Advisory Opinion) [1948] ICJ Rep 57.

Supplementary readings

Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, 1975.

General Assembly Resolution 52/250 (7 July 1998).

Niels Blokker, 'International Organizations and their Members' (2004) 1 *International Organizations Law Review* (2004) 139.

Kerstin Martens, *NGOs and the United Nations: Institutionalization, professionalization and adaptation* (Palgrave Macmillan 2005) chapters 4 and 5.

Further readings

Vienna Convention on Succession of States in Respect of Treaties, 1978, Article 4.

Vienna Convention on the Law of Treaties, 1969, Article 62.

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, Advisory Opinion of the ICJ, 9 July 2004.

Dan Ciobanu, 'Credentials of Delegations and Representation of Member States at the UN' (1976) 25 *ICLQ* 351.

Ramses A Wessel, 'Memberships in International Organizations: Paradigms of Membership Structures, Legal Implications of Membership and the Concept of International Organizations' (2021) 18 International Organizations Law Review 286.

Week 3

Legal personality of international organizations

Required readings

Charter of the United Nations, 1945, Article 1.

Reparation for Injuries Suffered in the Service of the United Nations (Advisory Opinion) [1949] ICJ Rep 174.

Supplementary readings

Treaty on the Functioning of the European Union, 2012, Article 282 (3).

Decision on the "Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute, International Criminal Court, Pre-Trial Chamber I, 6 September 2018.

P R Menon, 'The Legal Personality of International Organizations' (1992) 4 Sri Lanka J Int'l L 79.

Further readings

Agreement for Establishment of South Asian University, 2007, Article 1 (3).

Branno v Ministry of War, Decision of the Italian Court of Cassation, 14 June 1954, 22 ILR (1955) 756.

Dan Sarooshi, 'The Role of Domestic Public Law Analogies in the Law of International Organizations' (2008) 5 International Organizations Law Review 237.

Week 4

Powers of international organizations, including particularly the implied powers of the United Nations

Required readings

Charter of the United Nations, 1945, Preamble, Article 1.

Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter) (Advisory Opinion) [1962] ICJ Rep 151.

Supplementary readings

Vienna Convention on the Law of Treaties, 1969, Articles 31 and 32.

Prosecutor v Dusko Tadic, Decision of the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia, 2 October 1995.

Niels Blokker, 'International Organizations or Institutions: Implied Powers', in R Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (Oxford University Press 2009) vol VI, 18.

Further readings

The South Asian University Act, 2008, Sections 8, 12, 23 and 32.

Effect of Awards of Compensation made by the United Nations Administrative Tribunal (Advisory Opinion) [1954] ICJ Rep 47.

Adrien Schifano, 'Distribution of Power within International Organizations' (2017) 14 *International Organizations Law Review* 346.

Dan Sarooshi, *International Organizations and their Exercise of Sovereign Powers* (Oxford 2005) chapter 1.

Week 5

Privileges and immunities of international organizations

Required readings

Convention on the Privileges and Immunities of the United Nations, 1946.

Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights (Advisory Opinion), [1999] ICJ Reports 62.

Supplementary readings

Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, 1975.

G Bassi Reddy v International Crops Research Institute, Judgment of the Supreme Court of India, 14 February 2003.

Yaraslau Kryvoi, 'Procedural Fairness as a Precondition for Immunity of International Organizations' (2016) 13 *International Organizations Law Review* 255.

Further readings

Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, 1947.

Abdi Hosh Askir v Boutros Boutros-Ghali, Joseph E. Connor et al., US District Court SDNY, 29 July 1996, 933 F Suppl 368 (SDNY 1996).

Mahendra Pal Singh, 'India', in August Reinisch (ed), *The Privileges and Immunities of International Organizations in Domestic Courts* (Oxford 2013) 141.

Week 6

Decision-making in international organizations

Required readings

Charter of the United Nations, 1945, Articles 18, 27, 99.

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) (Advisory Opinion) [1971] ICJ Rep 16.

Supplementary readings

Marrakesh Agreement Establishing the World Trade Organization, 1994, Articles IX, X.
Sumitra Chisti, 'Decision-making in the World Trade Organization and the South Asian Countries' (2002) 9 South Asian Survey 219.

Further readings

Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2012, Article 23.

Ofar Eldar, 'Vote Trading in International Institutions' (2008) 19 EJIL 3.

Week 7

Rule-making by international organizations

Required readings

UN General Assembly Resolution 377 (V) A (3 November 1950).

UN Security Council Resolutions 1373 (28 September 2001).

Supplementary readings

UN Security Council Resolution 1540 (28 April 2004).

Lorenzo Gasbarri, 'The Dual Legality of the Rules of International Organizations' (2017) 14 International Organizations Law Review 87.

José E Alvarez, *International Organizations as Law-makers* (Oxford 2005) chapters 2 and 5.

Further readings

Charter of the United Nations, 1945, Articles 2 (7), 24.

UN Security Council Resolution 2178 (24 September 2014).

R P Dhokalia, *Codification of Public International Law* (Manchester University Press 1970) chapter 1.

Michael, Wood, 'The Negotiation of Multilateral Treaties at the United Nations: A Negotiator's View' in *The Oxford Handbook of United Nations Treaties* (Oxford: Oxford University Press, 2019) <https://doi.org/10.1093/law/9780190947842.003.0037>.

S K Agrawala, 'The role of General Assembly resolutions as trend-setters of State practice' (1981) 21 Indian J Intl L 513.

Week 8

The UN General Assembly and Security Council

Required reading

Charter of the United Nations, 1945, Articles 4, 8, 10–12, 20, 93, 97.

Supplementary readings

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, Advisory Opinion of the ICJ, 9 July 2004.

Nigel D White, 'The Relationship between the UN Security Council and General Assembly in Matters of International Peace and Security', in Marc Weller (ed), *The Oxford Handbook of the Use of Force in International Law* (Oxford 2015) 311.

Further readings

Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter) (Advisory Opinion) [1962] ICJ Rep 151.

Bruno Simma et al (eds), *The Charter of the United Nations: A Commentary* (Oxford 2012).

Week 9

The UN and regional organizations in the field of international peace and security: The UN and the North Atlantic Treaty Organization

Required readings

Charter of the United Nations, 1945, Articles 52–54.

The North Atlantic Treaty, 1949.

Supplementary readings

UN Security Council Resolution 1510 (13 October 2003).

The situation in Afghanistan and its implications for the international peace and security, Report of the UN Secretary-General, UN Doc. A/70/1033-S/2016/768, 7 September 2016.

Bruno Simma, 'NATO, the UN and the Use of Force: Legal Aspects' (1999) 10 EJIL 1.

Further readings

UN General Assembly Resolution 60/1 (24 October 2005).

UN Security Council Resolution 2042 (14 April 2012).

Cooperation between the United Nations and regional and subregional organizations in the maintenance of international peace and security, Repertoire of the Practice of the Security Council, 19th Supplement, 2014–2015.

L M Howard and A K Dayal, 'The Use of Force in UN Peacekeeping' (2018) 72 *International Organization* 71.

Week 10

The UN and its specialized agencies: The UN and the World Bank [Class 1]

Required reading

Charter of the United Nations, 1945, Articles 57, 63.

Supplementary reading

United Nations-World Bank Partnership Framework for Crisis and Post-Crisis Situations, 2008.

Further readings

IBRD Articles of Agreement, 1989, as amended.

Report of the Special Rapporteur on extreme poverty and human rights, Note by the UN Secretary-General, UN Doc. A/70/274 (4 August 2015).

The UN specialized agencies and UN-related organizations: The International Monetary Fund and the World Trade Organization (WTO) [Class 2]

Required reading

Declaration on the Relationship of the World Trade Organization with the International Monetary Fund, 1994.

Supplementary reading

Marrakesh Agreement Establishing the World Trade Organization, 1994, Article II.

Further readings

General Agreement on Tariffs and Trade, 1994, Article XV.

Articles of Agreement of the International Monetary Fund, 1945.

India – Quantitative Restrictions on Imports of Agricultural, Textile, and Industrial Products, Report of the WTO Appellate Body, WT/DS90/AB/R (23 August 1999).

D E Siegel, 'Legal Aspects of the IMF/WTO Relationship: The Fund's Articles of Agreement and the WTO Agreements' (2002) 96 AJIL 561.

Week 11

The UN and intergovernmental organizations with special reference to the Asian-African Legal Consultative Organization [Class 1]

Required reading

UN General Assembly Resolution 35/2 (13 October 1980): Observer Status for the Asian-African Consultative Committee in the General Assembly.

Supplementary reading

Agreement Governing the relationship between the UN and the International Atomic Energy Agency, 1957.

Further readings

Statutes of the Asian-African Legal Consultative Organization, 2004, Article 1 (c).

Report of the Secretary-General on the Work of the Asian-African Legal Consultative Organization, 2016.

The UN and non-governmental organizations with special reference to the International Committee of the Red Cross [Class 2]

Required reading

UN General Assembly Resolution 45/6 (16 October 1990): Observer Status for the International Committee of the Red Cross.

Supplementary readings

Charter of the United Nations, 1945, Article 71.

Kerstin Martens, *NGOs and the United Nations: Institutionalization, professionalization and adaptation* (Palgrave Macmillan 2005) chapter 1.

Katherine Fortin, 'Complementarity between the ICRC and the United Nations and International Humanitarian Law and the International Human Rights Law, 1948–1968' (2012) 94 *International Review of the Red Cross* 1433.

Further readings

UN ECOSOC Resolution 1996/31 (25 July 1996).

K Anderson, 'The Ottawa Convention banning landmines, the role of international non-governmental organizations and the idea of international civil society' (2000) 11 *European Journal of International Law* 91.

Yogesh K Tyagi, 'Cooperation between Human Rights Committee and Non-governmental Organizations: Permissibility and Propositions' (1983) 18 *Texas Int'l L Journal* 273.

Week 12

The UN-related organizations and regional organizations in the field of trade and commerce: The WTO and the European Union

Required readings

General Agreement on Tariffs and Trade, 1994, Article XXIV.

Marrakesh Agreement Establishing the World Trade Organization, 1994, Article XI.

Supplementary readings

Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2012, Article 133.

Opinion 1/94 (WTO Agreements) [1994] ECR-I 5267.

Further readings

Case 21-24/72 *International Fruit Company NV et al v Produktschap voor Groentenen Fruit* [1972] ECR 1219.

Grainne De Burca and Joanne Scott (eds), *The EU and the WTO: Legal and Constitutional Issues* (Hart 2001).

Week 13

South Asian Association for Regional Cooperation (SAARC)

Required readings

SARRC Charter, 1985.

Supplementary readings

SAARC Regional Convention on Suppression of Terrorism, 1987.

SAARC Convention on Mutual Assistance in Criminal Matters, 2008.

Peter Lehr et al, 'Responding to Terrorism and Ideology of Hate', in S O Wolf et al (eds), *The Merits of Regional Cooperation: The Case of South Asia* (Springer 2014) 11.

Further readings

SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, 2002.

Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism, 2004.

Ravindra Pratap, "The Implementation of Child Labour Standard in Asia: Overview and Selected Issues", in Giuseppe Nesi, Luca Nogler and Marco Pertile (eds), *Eliminating Child Labour: The Plight of the ILO in a Globalized World* (Ashgate 2008) 369.

Week 14

Responsibility and accountability of international organizations

Required readings

Draft Articles on Responsibility of International Organizations, 2011.

The State of the Netherlands v Hasan Nuhanović, Decision of the Supreme Court of the Netherlands, 6 September 2013.

Supplementary readings

UN General Assembly Resolution 70/114 (14 December 2015).

Al-Jedda v United Kingdom, No. 27021, European Court of Human Rights, Judgment of 7 July 2011.

Further readings

UN General Assembly Resolution 56/83 (12 December 2011).

Case No. IT-95-9-PT, Decision on the Motion for a Judicial Assistance to be Provided by SFOR and Others, Trial Chamber of the International Criminal Tribunal for the former Yugoslavia, 18 October 2000.

Andrea Gattini, 'Responsibility to Protect and the Responsibility of International Organizations', in Peter Hilpold (ed), *Responsibility to Protect: A New Paradigm of International Law* (Brill 2015) 219.

Textbooks

C F Amerasinghe, *Principles of the Institutional Law of International Organisations* (Cambridge University Press 2005).

Frederic L Kirgis, *International Organizations in Their Legal Setting* (West 1993).

Henry G Schermers and Niels M Blokker, *International Institutional Law* (Martinus 2011).

H O Agarwal, *International Organizations* (Central Law Publishers 2016).

Jan Klabbers, *An Introduction to International Institutional Law* (Cambridge 2015).

Philippe Sands and Pierre Klein, *Bowett's Law of International Institutions* (Sweet & Maxwell 2009).

Teaching Method

The course will be offered using a combination of lectures and class discussions. The students are expected to prepare and debate the course materials in the class.

Assessment Method

There will be two written examinations totalling 80 marks and a term paper/case study/written assignment of 20 marks.