Law of International Organizations
LW007
Dr Juliee Sharma and Dr Ravindra Pratap
One semester
4
English
Nil
Nil
N/A

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.

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.

Further readings


Week 2

Membership and representation in international organizations

Required readings

*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).

Further readings

*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.
Week 3

Legal personality of international organizations

Required readings

Supplementary readings
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.

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.

Week 4

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

Required readings

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

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


**Week 5**

**Privileges and immunities of international organizations**

**Required readings**


**Supplementary readings**

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


**Further readings**


**Week 6**

**Decision-making in international organizations**

**Required readings**


**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 

Further readings

Consolidated Versions of the Treaty on European Union and the Treaty on the 

Week 7

Rule-making by international organizations

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

Supplementary readings
UN Security Council Resolution 1540 (28 April 2004).
Lorenzo Gasbarri, ‘The Dual Legality of the Rules of International Organizations’ 
José E Alvarez, International Organizations as Law-makers (Oxford 2005) chapters 2 
and 5.

Further readings
R P Dhokalia, Codification of Public International Law (Manchester University Press 
1970) chapter 1.
S K Agrawala, ‘The role of General Assembly resolutions as trend-setters of State 

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, 

Further readings


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

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.

Further readings
UN General Assembly Resolution 60/1 (24 October 2005).
UN Security Council Resolution 2042 (14 April 2012).
UN Security Council Resolution 1772 (20 August 2007).
UN Security Council Resolution 875 (16 October 1993).
Bruno Simma, ‘NATO, the UN and the Use of Force: Legal Aspects’(1999) 10 EJIL 1.

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

Further reading

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.

Week 11

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

Required reading


Supplementary reading


Further readings

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.

Further readings

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

Further readings

Week 13
South Asian Association for Regional Cooperation (SAARC)

Required readings

Supplementary readings

Further readings

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.

Textbooks

**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 case study/written assignment of 20 marks.