

Course Outline

COURSE: LAWS 3604 A – International Organizations

TERM: Winter 2013

PREREQUISITES: LAWS 2601 or LAWS 3603 [1.0] (no longer offered)

CLASS: **Time:** Monday – 14:35 – 17:25
Room: Please check Carleton Central for current room location

INSTRUCTOR: Professor Mahmoud Masaeli

CONTACT: **Office:** B 442 Loeb Building
Office Monday: 17:30-18:00, Wednesday: 14:30 – 15:30
Hrs: Telephone: (613) 520-2600 Ext. 3693
Email: mmasaeli@connect.carleton.ca

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your *Letter of Accommodation* at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Course description

This course has been dedicated to a deep analysis of the law of international organizations. It mainly covers regulation of transnational/global issues that transcend the territorial boundaries of nation-states and led to the creation of inter-governmental organizations (IGOs) by the states. In recent times, the effectiveness of these organizations has become a subject of intense debate by scholars, ethicists, policy makers, and non-governmental organizations. On the one hand, such debates become more sophisticated when international organizations function beyond the scope of their power attributed and consented by the member states. On the other, international organizations must undertake duties that are appropriate for the complexities of the global issues and more importantly for humanization and procedural fairness in international organizations and relations. This seemingly contradiction in the mission and activity of international organizations will be covered throughout the course. In addition, many examples from the International Court of Justice (ICJ) will be taken into account and analysis to show why in some cases international organizations have acted beyond the already attributed power and how these *ultra vires* activities can get their legal values from the agreed upon international law and regulations.

The emergence of non-state actors and a range of complex global issues that requires re-examination of the existing structures of international organizations will be covered in the course as well. Different theoretical accounts justifying the action the power and responsibility of international organizations are other range of discussions in the present course. The issue of personality and subjectivity, accountability, the process and the legal value of the decision made by international organizations and the related issues will be discussed in the course.

Terminal course objectives

By the end of the course, you must:

- Be able to understand the intellectual and historical context within which international organizations have been formed and developed.
- Be able to apply a theoretical framework that best fits the study of IOs and explain the legal and political nature of international organizations.
- Be able to analyze the legal nature of international organizations, the institutional arrangements and legal instruments, and their place and role in the international legal/political system.
- Have an analytical understanding of the powers of international organizations and their impact for socialization and humanization of the lifeworld.
- Have a deep understanding of the law applicable to international institutions both within respect to internal matters and to external relations.
- Be able to interpret the legal instruments that are produced by international organizations and context in which those instruments might be applied.
- Be familiar with certain specific areas of practice of international institutions both at operational and normative levels.

Required reading text

1. Jan Klabbbers, *An Introduction to International Institutional Law* (Cambridge University Press, 2009 and newer versions). It is the required text. The book is available for purchase at Carleton University Bookstore.
2. All cases by the ICJ must be explored by referring to the website of the ICJ
3. Extra readings are assigned to you.

Recommended Texts

- Jan Klabbbers, *Research Handbook on the Law of International Organizations* (Glos, UK: Edward Elgar Publishing Limited, 2011).
- Jan Klabbbers, *The Constitutionlization of International Law* (Oxford; Oxford University Press, 2009).
- Jose E. Alvarez, *International Organizations as Law-Makers* (Oxford: Oxford University Press, 2005).
- Michael P. Scharf, *The Law of International Organizations: Problems and Materials* (Carolina Academic Press, 2007).
- Chittharanjan Felix Amerasinghe, *Principles of the Law of International Organizations* (Cambridge; New York: Cambridge University Press, 2005).
- Philippe Sands & Laurence Boisson de Chazournes ed., *International Law, The International Court of Justice and Nuclear Weapons* (Cambridge University Press, 1999), KZ5665.I585.
- Philippe Sands and Pierre Klein ed., *Bowett's Law of International Institutions* (London: Sweet & Maxwell, 2001).
- Menon, P. K. Lewiston, *The Law of Treaties between States and International Organizations* (Menon, P. K. Lewiston, N.Y., Mellen., 1992).

Evaluation procedure

N.B. All Components must be completed in order to pass this course

- **Weekly questions: 10 marks** - Weekly questions will be posted on CuLearn on Monday of each week. You must answer the question (maximum one page double spaced) and submit in CuLearn in maximum two days (Wednesday). This process starts from the 3rd week and continues for 10 weeks. For each proper answer to the question you will get 1 mark. That means that you will accumulate 10 marks for these questions. 0.50 of one mark will be deducted for every day late submission.
- **Weekly summary of readings: 10 marks for a total of 10 summaries:** Students must submit a maximum two-page double-spaced and typed-written summary of the reading assigned for the week by Saturday of each week (two days before each class). 0.50 mark will be deducted for every day late submission.

- **Participation: 5 marks** – It is the mark for your active and continues participation in class discussions. I will keep a weekly record of participation.
- **Mid-term Test: 20 marks** - There will be a mid-term test in class on Monday, February 11th. The test which is comprehensive and covers all readings, lectures and interpretations and even questions that are posed by students in class. The test will be 2:00 hours in length and includes explanatory/descriptive answer questions. You will choose five out of a list seven questions by your own choice. Most of the extra readings have already been posted on CuLearn.
- **Research Essay: 20 marks** - You are required to write one research essay and submit it in class. The essay must not exceed 2700 words (around 10 pages double-spaced excluding citations). The essay must follow proper essay style and structure, and must use a recognized referencing style (the referencing style must be correct and consistent). This essay should be properly cited and also be accompanied by a bibliography (at least 6 academic sources must be cited. Compulsory readings are excluded). This essay is due on Monday, March 11th. A rubric including how your essay is evaluated and marked has already been posted on CuLearn. You may choose any topic that is of your interest (but it must be related to the law of IOs) or you may choose one of the themes and topics which have already posted on CuLearn. However, in all cases your essay must follow a clear and well-defined thesis statement.
- **Final Exam: 35 marks** - The exam will be comprehensive. It covers all materials for the entire term. Final exam will include explanatory questions, analysis of scenarios, and an essay question. The exam will be taken during the final exam period.

Components of Final Mark

Evaluation format	Weight	Date
Participation	5 marks	N/A
Weekly questions	10 marks for a total of 10	Wednesday of each week
Weekly summary	10 marks for a total of 10	Saturday of each week
Mid-Term test	20 marks	February 11 th
Term paper	20 marks	March 11 th
Final exam	35 marks	During the final exam period
Total	100 marks	N/A

Late assignments

Extensions beyond the original due date will not be granted. If you are ill (with a doctor's note) or have another legitimate reason for lateness, please see the instructor as soon as possible (preferably before the due date).

3 marks per day will be deducted for late assignments. Late assignments must be submitted as an attachment to an e-mail to me or your teaching assistant.

The assignments are expected to be the products of each student's individual effort, and will be evaluated based on the quality of the answers including originality, quality of grammar, accuracy of spellings, and soundness of their contents. You should be aware of the university's rules on plagiarism.

CLASS SCHEDULE

Week 1 January 7 Introduction to the Course

Reading: Klabbers, pp. 3–37.
Introduction of the professor, distribution and discussion of course outline, and evaluation procedures
The difference between international institutions and international organizations, Definition and the historical background of IOs, classification of IOs, the reasons for cooperation of states in IOs, and legal theory of IOs

Week 2 January 14 Theoretical Frameworks

Reading: Alvarez, pp. 17-63.

Why do we need the theory in the study of international organizations?
What theoretical framework best fits the study of international organization? What are the arguments advanced by functionalist and realist theorists or their discontents? What is new with critical theory and constructivism? How do lawyers look at the competing schools of thought in the study of international organizations?

Week 3 January 21 Legal Personality of International Organizations

Readings: Klabbers, pp. 38-52.

Meaning and judicial construction of legal personality of international organizations, characteristics and consequences of legal personality in international law and domestic legal systems, legal position of international organizations as global, multilateral, autonomous or supranational actors?

Week 4 January 28 Foundations of the Powers of International Organizations

Week 12 Mach 25 Issues of Responsibility

Readings: Klabbers, pp. 271-293.

Week 13 April 01 Re-Apprising of Organizations: The Promise and perils

Readings: Klabbers, pp. 307-319.

Alvarez, pp. 585-650.

International organizations v. members: a zero-sum game? Transnational forces, global civil society and formalism, international organizations and the changing content of international law, New challenges to the legitimacy of international law and organization, international organizations and the changing context of compliance

Week 14 April 08 Final remarks

SOME USEFUL WEB SITES

The United Nations < www.un.org >

World Health Organization < www.who.int >

World Trade Organization < www.wto.org >

International Court of Justice < <http://www.icj-cij.org/> >

International Criminal Court < <http://www.icc-cpi.int/> >

Academic Council on the United Nations System < <http://www.yale.edu/acuns/> >

International Peace Bureau, Geneva, Switzerland < <http://www.ipb.org/> >

United Nations University, Tokyo, Japan < <http://www.unu.edu> >

United Nations Environment Program (UNEP) < <http://www.unep.org/> >

Center for International Development, Harvard University < www.cid.harvard.edu/ >

G8 Research Program, University of Toronto < www.g7.utoronto.ca >

Global Governance (Journal) < <http://www.arts.ualberta.ca/GlobalGovernance/> >

Liu Centre for the Study of Global Issues, University of British Columbia <

<http://www.liucentre.ubc.ca> >

Centre for Global Studies, University of Victoria < www.globalcentres.org/ >

International Development Research Centre (IDRC), Ottawa < <http://www.idrc.ca> >

Carnegie Corporation of New York < <http://www.carnegie.org> >

United States Institute for Peace < www.usip.org >

Centre for Globalization and Regionalization, University of Warwick, Coventry, UK

< <http://www.warwick.ac.uk/fac/soc/CSGR/> >

Centre for International Studies, University of Toronto < <http://www.utoronto.ca/cis/> >

For Religious Observance: Students requesting accommodation for religious observances should apply in writing to their instructor for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Instructors and students may contact an Equity Services Advisor for assistance (www.carleton.ca/equity).

For Pregnancy: Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a *letter of accommodation*. Then, make an appointment to discuss your needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

Plagiarism: The Undergraduate Calendar defines plagiarism as: "to use and pass off as one's own idea or product, work of another without expressly giving credit to another." The Graduate Calendar states that plagiarism has occurred when a student either: (a) directly copies another's work without acknowledgment; or (b) closely paraphrases the equivalent of a short paragraph or more without acknowledgment; or (c) borrows, without acknowledgment, any ideas in a clear and recognizable form in such a way as to present them as the student's own thought, where such ideas, if they were the student's own would contribute to the merit of his or her own work. Instructors who suspect plagiarism are required to submit the paper and supporting documentation to the Departmental Chair who will refer the case to the Dean. It is not permitted to hand in the same assignment to two or more courses. The Department's Style Guide is available at: <http://www.carleton.ca/polisci/undergrad/Essay%20Style%20Guide.html>

Oral Examination: At the discretion of the instructor, students may be required to pass a brief oral examination on research papers and essays.

Submission and Return of Term Work: Papers must be handed directly to the instructor and will not be date-stamped in the departmental office. Late assignments may be submitted to the drop box in the corridor outside C 473 Loeb Building. Assignments will be retrieved every business day at **4 p.m.**, stamped with that day's date, and then distributed to the instructor. For essays not returned in class please attach a **stamped, self-addressed envelope** if you wish to have your assignment returned by mail. Please note that assignments sent via fax or email will not be accepted. Final exams are intended solely for the purpose of evaluation and will not be returned.

Approval of final grades: Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Course Requirements: Students must fulfill all course requirements in order to achieve a passing grade. Failure to hand in any assignment will result in a grade of F. Failure to write the final exam will result in a grade of ABS. FND (Failure No Deferred) is assigned when a student's performance is so poor during the term that they cannot pass the course even with 100% on the final examination. In such cases, instructors may use this notation on the Final Grade Report to indicate that a student has already failed the course due to inadequate term work and should not be permitted access to a deferral of the examination. Deferred final exams are available ONLY if the student is in good standing in the course.

Connect Email Accounts: The Department of Law strongly encourages students to sign up for a campus email account. Important course and University information will be distributed via the Connect email system. See <http://connect.carleton.ca> for instructions on how to set up your account.