

Course Outline

COURSE:	LAWS 3604A – Law of International Organizations
TERM:	Winter 2007-08
PREREQUISITES:	LAWS 3603 or LAWS 3603 [1.0] (no longer offered)
CLASS:	Day & Time: Friday – 8:30-11:30 am Room: 3165 ME (Mackenzie Engineering)
INSTRUCTOR: (CONTRACT)	Mahmoud Masaeli
CONTACT:	Office: C475 LA (Loeb) Office Hrs: Monday 9:30-11:30 am Telephone: 613-520-2600 x. 3693 (during office hours only) Email: mmasaeli@connect.carleton.ca

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is March 14, 2008 for April examinations. For further information, please see, http://www.carleton.ca/pmc/students/accm_policy.html

COURSE OBJECTIVES AND CONTENT

The regulation of transnational/global issues that transcend the territorial boundaries of nation-states has led to the creation of inter-governmental organizations (IGOs) by states. It is estimated that more than 500 international organizations exist today. In recent times, the effectiveness of these organizations has become a subject of intense debate by scholars, ethicists, policy makers, and non-governmental organizations. The emergence of non-state actors as well as a range of complex global issues calls for a re-examination of the existing structures of multilateral governance. This course consists of two parts. The first part is designed to introduce students to the historical evolution of international organizations/multilateral institutions, issues of membership, legal personality, privileges and immunities, their mandates, and legal powers in an inter-dependent world. The second part includes the explanation, interpretations, and critical analysis of concrete cases preoccupied the minds of scholars and analysts. The cases are respectively the issue of human rights in the framework of the United Nations, Social justice and the United Nations, The United Nations (Especially Security Council) and the use of force, collective security, self-defense, and humanitarian intervention, and the United Nations and the International Criminal Court.

REQUIRED READING/COMPULSARY TEXT

- Jan Klabbbers, *An Introduction to International Institutional Law* (Cambridge University Press, 2002).

"Klabbbers" is the required/compulsory text for the first part of debates, hence is read partly. Extra readings have been placed on reserve section in the Mac Odrum Library.

Texts for Future Research:

These texts are not compulsory and are not required for classroom discussion. They are for students' further and "after class" research concerning the first part of the course. Copies are in the library but not on Reserve.

1. N.D White, *The Law of International Organisations* (Manchester University Press, 1996)
2. P. Sands & P. Klein, *Bowett's Law of International Institutions*, 5th ed., (London: Sweet & Maxwell, 2001)
3. C.F. Amarasinghe, *Principles of the Institutional Law of International Organisations* (Cambridge University Press, 1996)

4. A.S. Muller, *International Organisations and Their Host States: Aspects of Their Legal Relationship* (Kluwer Law International, 1995)
5. A. Leroy, Bennett, *International Organizations: Principles and Issues* (Prentice-Hall Inc., 1995)
6. Thomas M. Franck, *Fairness in International Law and Institutions* (Clarendon Press, 1995)
7. Henry G. Schermers & Niels M. Blokker, *International Institutional Law*. 4th ed., (Martinus Nijhorff Publishers, 2003)

EVALUATION PROCEDURES

- **1st Assignment: 20 Marks** - Case Analysis (Maximum of 5 double-spaced pages). This assignment involves critical and analytical perspectives on a case that is related to the mandate of an international organization. The list of the cases among which you choose one for analysis will be handed out in the Second Week Class, and is due in class on Friday, February 1st.
- **2nd Assignment: 20 Marks** - Global/Multilateral Issue Analysis I (Maximum of 5 double-spaced pages). This assignment involves an understanding of the mandate and legal powers of one selected international organizations and its critical analysis. This assignment is due on Friday, February 29th.
- **3rd Assignment: 60 Marks** - Global/Multilateral Issue Analysis II including two parts. The first part includes short response questions on principles, concepts and practice of international organizations. The second part involves addressing essay questions. This assignment will be handed out on Friday, March 28th and is due on Friday, April 4th in class or through the Law Department Drop Box.

All assignments should be properly cited and also be accompanied by a bibliography.

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).

One grade point per day will be deducted for late assignments. Friday to Monday will count as one day. Late assignments should be placed in the Department of Law Drop Box before 4pm on the day of submission. Assignments submitted after 4pm will be stamped with the following day's date.

The marks for the three assignments will be based on each student's understanding of the dynamics, and complexities of regulating an assigned problem or the relevance of the assigned case within the mandate of an international organization. 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 stringent rules on plagiarism.

ALL COMPONENTS MUST BE COMPLETED IN ORDER TO GET A PASSING GRADE

Class Schedule: Part One
The Law of International Organizations

- Week 1 Introduction of the instructor and students. Distribution of course outline, discussion of students' expectations in the course, discussion of the outline, and evaluation procedures. General overview and basic introduction to the course and the relevant web sites. Introduction to the history, and complexities of theory of international organizations.
- Readings: Course Outline; Klabbers pp3 – 41
- Week 2 Legal/juristic personality of international organizations. 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?
- Readings: Klabbers pp42 - 59; ICJ advisory opinion on Reparations for Injury Suffered in the Service of the United Nations ICJ advisory opinion requested by the World Health Organization (WHO) on The Legality of the Threat or Use of Nuclear Weapons (ICJ 1996) (American Journal of International Law); ICJ advisory opinion on Interpretation of the Agreement of 25 March 1951 between the World Health Organization and Egypt (1980) (ICJ website)
- Week 3 Legal instruments, decision-making capacity & powers of international organizations: binding decisions & power to make treaties, binding and non-binding regulations, recommendations, and declarations.
- Readings: Klabbers pp197 –225
- Week 4 The foundations of powers of international organizations, judicial review and the doctrine of ultra vires, implied powers, and inherent powers
- Readings: Klabbers pp60 – 81, Virginia Leary, "The WHO Case: Implications for Specialized Agencies," in International Law, The International Court of Justice and Nuclear Weapons Philippe Sands & Laurence Boisson de Chazournes eds. (Cambridge University Press, 1999), [KZ5665.I585](#).
- Week 5 Privileges and Immunities of international organizations; Issues of Membership of International Organizations: Rights, Duties and Obligations of membership, withdrawal, suspension and expulsion of members, representation, and state succession
- Readings: Klabbers pp.104 – 127 & pp.146 – 168
- Week 6 International Organizations and the law of treaties; treaty-making power of international organizations
- Readings: Klabbers pp. 82-102 and 278-299.
- Week 7 Judicial Settlement of Disputes between nation-states: The jurisdiction and limits of the International Court of Justice (ICJ) and other judicial bodies of global competence.
- Readings: Klabbers pp253 – 277

Part Two - Specific Cases and Materials

- Week 8 International protection of human rights, its monitoring and enforcement, and the United Nations mechanisms to promote human rights.
- Readings: (all Readings on Reserve)
 Zdzislaw Kedzia, "UN Mechanisms to Promote and Protect Human Rights," in Human Rights: International Protection, Monitoring, Enforcement, Janusz Symonides eds. (Aldershot, England; Burlington, VT: Ashgate: UNESCO Publications, 2003), pp. 3-90, [K3240 .H8575 2003](#).
 Mark Freeman and Gibran Van Ert, Essentials of Canadian Law: International Human Rights Law (Toronto: Irwin Law, 2004), pp. 51-67 and 69-84, [K3240 .F74 2004](#).
- Week 9 The role of the United Nations in promotion of social justice
- Readings: Social Justice in an Open World: The Role of the United Nations (New York: United Nations, 2006). This document is available Carleton library on-line system.
 It is also recommended to read Polly Vizard, Poverty and Human Rights, Sen's Capability Perspective Explored (Oxford University Press, 2006), chapter on "Poverty and Human Rights: The International Legal Framework," pp. 140-94, [HC79.P6 V59 2006](#).
- Week 10 The United Nations and the use of force, collective security, self-defense, peace keeping and humanitarian intervention
- Readings: (All Readings on Reserve)
 Mary Ellen O'Connell, International Law and the Use of Force, Cases and Materials (New York: Foundation Press/Thomson West, 2005), pp 211-376, [KZ6374 .O226 2005](#).
 John W. Lango, "Preventing Wars, Just War principles, and The United Nations," in Current Debates in Global Justice Gillian Brock & Darrel Moellendorf eds. (Dordrecht, Netherland: Springer, 2005), pp. 247-68, HM.671.C87.2005.
 Edwin M. Smith, "Collective Security, Peace-keeping, and ad hoc Multilateralism," in Democratic Accountability and International Institutions Using Military Force, Harold K. Jacobson & Charlotte Ku eds. (Cambridge: Cambridge University Press, 2002), pp. 81-103, [KZ6376 .D46 2002](#).
 Michael Wood, "Toward New Circumstances in which the Use of Force May be Authorized," and Jutta Brunnee, "The Security Council and Self-Defense, which Way to Global Security?" in The Security Council and the Use of Force: Theory and Reality, A Need for Change? Niels Blokkev & Nico Schrijver eds. (Leiden; Boston: Martinus Nijhoff Publishers, 2005), pp. 75-90 & 107-132, [KZ5038 .S43 2005](#).
- Week 11 The United Nations and the International Criminal Court, The Rome Status of ICC, the role of NGOs in progress of ICC
- Readings: (On reserve)
 William A. Schabas, An Introduction to International Criminal Law (Cambridge: Cambridge University Press, 2001), pp. 1-53, [KZ6310 .S33.2001](#).
- Week 12 Innovations in International Governance and the Future of International Organizations, emergence of non-state and the search for a humane world order
- Readings: Klabbers pp334-343; Jessica T. Mathews, "Power Shift," Foreign Affairs 76, issue 1 (1997): 50-66. (Reserve Material)

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/> >
Stockholm International Peace Research Institute < <http://first.sipri.se> >
International Peace Bureau, Geneva, Switzerland < <http://www.ipb.org/> >
United Nations University, Tokyo, Japan < <http://www.unu.edu> >
United Nations Environment Programme (UNEP) < <http://www.unep.org/> >
Center for International Development, Harvard University < www.cid.harvard.edu/ >
G8 Research Programme, 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/> >
Normal Paterson School of International Affairs, Carleton University < <http://temagami.carleton.ca/npsia/> >

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 B640 Loeb. 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 Political Science 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.