

**Course Outline**

**COURSE:** LAWS 3604A – International Organizations

**TERM:** Winter 2012

**PREREQUISITES:** LAWS 3603 or LAWS 3603

**CLASS:** Day & Time: Wednesday – 11:35-14:25  
Room: Please check Carleton Central for current room location

**INSTRUCTOR:** Mahmoud Masaeli

**CONTACT:** Office: B442 (Loeb Building)  
Office Hrs: Wednesday – 8:30-11:25  
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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 7, 2012 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**Course description**

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 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. 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 presents a survey of these developments. The course begins with an analysis of theoretical frameworks applied to the study of international organizations and continues to examine the power, personality, accountability of organizations, the process and the value of making decisions, the validity of the legal instruments, and the related issues.

**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). It is the required text. The book is available for purchase at Carleton University Bookstore.
2. Extra readings are assigned to you.

#### **Recommended Texts**

1. Jan Klabbbers, *Research Handbook on the Law of International Organizations* (Glos, UK: Edward Elgar Publishing Limited, 2011).
2. Jan Klabbbers, *The Constitutionlization of International Law* (Oxford; Oxford University Press, 2009).
3. Jose E. Alvarez, *International Organizations as Law-Makers* (Oxford: Oxford University Press, 2005).
4. Michael P. Scharf, *The Law of International Organizations* (Carolina Academic Press, 2007).
5. Chittharanjan Felix Amerasinghe, *Principles of the Law of International Organizations* (Cambridge; New York: Cambridge University Press, 2005).
6. Philippe Sands and Pierre Klein ed., *Bowett's Law of International Institutions* (London: Sweet & Maxwell, 2001).

#### **Evaluation procedure – All Components must be completed in order to pass this course**

- **Participation: 10%** - It means 5% for your attendance and another 5% for active and continues participation in class discussions.
- **Short essays: 20%** - you are required to write two short essays and submit them on Web CT on January 29<sup>th</sup> and February 19<sup>th</sup>. The individual essays include your responses to the questions that have been assigned to you and have already been posted on Web CT. Your essays must follow an appropriate theoretical framework. Essays must also be analytical, properly cited, and not exceed more than 1500 words. For each essay you will receive a maximum grade of 10%
- **Mid-term Test: 20%** - There will be a mid-term test in class on Wednesday, February 29. The test which is comprehensive and covers all readings, lectures and interpretations and even questions that are posed in class. The test will be 2:00 hours in length and includes 1) short answer/definition questions, and 2) one longer essay question. During the lectures, I will draw on the most important questions and the possible themes that must be analyzed as the essay format question.
- **Essay proposal: 10%** - You will submit a short (one page) research essay proposal on Web CT on Sunday, March 11<sup>th</sup>. Proposals are evaluated and returned to you with comments based upon which you are confirmed to write your term essay.
- **Research Essay: 40%** - You are required to write one research essay and submit it on Web CT. The essay must not exceed 3200 words (around 12 pages double space 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. This essay is due on Wednesday, April 04 which is our last class. A rubric including how your essay is evaluated and marked has already been posted on Web CT. You may choose the topic of your essay (but it must be related to the law of IOs) or you may choose one of the themes and topic which have already posted on Web CT.

### Components of Final Mark

Evaluation format	Weight	Date
Participation	10%	N/A
Short essays	Each 10% (together 20%)	January 29 <sup>th</sup> February 19 <sup>th</sup>
Mid-Term test	20%	February 29 <sup>th</sup>
Essay proposal	10%	March 11 <sup>th</sup>
Term paper	40 %	April 4 <sup>th</sup>
Total	100 %	

#### **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% 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**

#### **Wk 1      Jan 04      Introduction to the Course**

Introduction of the instructor and students, distribution of course outline, discussion of students' expectations in the course, discussion of the outline, and evaluation procedures and introduction to the history, and complexities of the theory of international organizations

Reading: Klabbers, pp. 3–41

#### **Wk 2      Jan 11      Theoretical Frameworks**

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?

Reading: Alvarez, pp. 17-63

#### **Wk 3      Jan 18      Legal 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, pp. 42-59; 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).

**Wk 4 Jan 25 The Foundations of Powers of International Organizations**

The foundations of powers of international organizations, judicial review and the doctrine of ultra vires, implied powers, and inherent powers

Readings: Klabbers, pp. 60–81, 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.

**Wk 5 Feb 01 The Validity of the Legal Instruments**

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, pp. 197–225

**Wk 6 Feb 08 Membership, 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

**Wk 7 Feb 15 Decision-Making and Judicial Review**

Adopting legal instruments within the context of the United Nations and the European Community, evaluation and interpretation of the legal value of decisions by drawing on the authority of the ICJ, judicial review in the United Nations, and the hierarchy of actions

Readings: Klabbers, pp. 226-252

**Wk 8 Feb 20-24 Winter break begins, no Class**

**Wk 9 Feb 29 Mid-Term Test, worth 20% of your total mark**

**Wk 10 Mar 10 Judicial Settlements of Disputes**

Judicial settlement of disputes between nation-states; the jurisdiction and limits of the International Criminal Court and other judicial bodies of global governance

Readings: Klabbers, pp. 253–277

### **Wk 11 Mar 17 International Organizations and the Law of Treaties**

Treaty-making power of international organizations, the importance of the Vienna Convention of 1986 as applied to international organizations, the binding nature of treaties created by international organizations, and the validity of agreements

Readings: Klabbers, pp. 82-102 and 278-299.

### **Wk 12 Mar 24 Re-Appraising of International Organizations: The Promise and perils**

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

Readings: Klabbers, pp. 334-344  
Alvarez, pp. 585-650

### **Wk 13 Mar 31 Review session and conclusion**

#### **SOME USEFUL WEB SITES**

The United Nations < [www.un.org](http://www.un.org) >

World Health Organization < [www.who.int](http://www.who.int) >

World Trade Organization < [www.wto.org](http://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/](http://www.cid.harvard.edu/) >

G8 Research Program, University of Toronto < [www.g7.utoronto.ca](http://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/](http://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](http://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](http://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 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.