

Course Outline

COURSE:	LAWS 3604 B – International Organizations	
TERM:	Winter 2007-08	
PREREQUISITES:	LAWS 3603 or LAWS 3603 [1.0] (no longer offered)	
CLASS:	Day & Time:	Thursday, 2:35-5:25
	Room:	236 TB (Tory Building)
INSTRUCTOR: (CONTRACT)	Alberto Alvarez	
CONTACT:	Email:	aalva076@uottawa.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/accom_policy.html

COURSE OBJECTIVES, CONTENT AND METHODOLOGY:

International organizations (IOs) have become powerful actors in international relations and international law during the last decades, and have also increased their influence on domestic policies in some areas of the world. The course will present the past, present and future of IOs from a broad set of perspectives: history, international relations, political science and law, and it will also include assessments of some of the major IOs, such as the United Nations, the World Bank, the International Monetary Fund and the World Trade Organization, among others. Students should be able to identify how IOs affect domestic and international decision-making in areas such as peace, health, human rights and international trade, among others. Students should also understand the role that IOs play regarding some contemporary issues such as the Darfur genocide, the Balkan crisis, and North Korea's and Iran's nuclear program, among others.

Students are expected to read the material before each class in order to enhance the quality of discussions.

REQUIRED READING/COMPULSORY TEXT:

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

"Klabbers" is the required/compulsory text for classroom instruction. I have placed an order for the text through the University bookstore.

TEXTS FOR FURTHER RESEARCH -

These texts are not compulsory and are not required for classroom discussion. They are for students' further and "after class" research. 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. Leroy, Bennett, *International Organizations: Principles and Issues* (Prentice-Hall Inc., 1995)
5. Thomas M. Franck, *Fairness in International Law and Institutions* (Clarendon Press, 1995)
6. Henry G. Schermers & Niels M. Blokker, *International Institutional Law*. 4th ed., (Martinus Nijhoff Publishers, 2003)

7. Bruno Simma, *The Charter of the United Nations* (Oxford University Press, 2002)

EVALUATION PROCEDURES

- **1st Assignment: 40 Marks:** Case Analysis (maximum of 5 double-spaced pages). The case to be analyzed will be handed out immediately after Week 4 class and is due in class in 2 weeks.
- **2nd Assignment: 60 Marks:** Case Analysis. This assignment will be handed out at least 3 weeks in advance and is due by Week 12 class through the Law Department Drop Box.

Late submission of any class assignment is subject to a penalty of 2 marks for each day after the due date for the assignment.

The marks for the two assignments will be based on each student's understanding of the dynamics and complexities of regulating an assigned problem. 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 spelling, use of bibliography and soundness of contents. Students must be aware of the university's stringent rules on plagiarism.

CLASS SCHEDULES

- 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. Introduction to the history and complexities of theory of IOs.
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 pp 42 – 59.
- 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 pp 197 –225.
 "Can International Organizations be Controlled? Accountability and Responsibility" in Charles H. Brower II & Nancy L. Perkins, eds., Proceedings of the Ninety-Seventh Annual Meeting of the American Society of International Law (Washington: The American Society of International Law, 2003) pp 231 – 245.
- Week 4** **United Nations.** General description of its history and mandates. Assessment of the operation of the General Assembly and of the Security Council.
Readings: Chapters I, III, and IV of the UN Charter available at <http://www.un.org/aboutun/charter/index.html>
 Karl Zemanek, "Basic Principles of UN Charter Law" in Ronald St. John Macdonald & Douglas M. Johnson eds., Towards World Constitutionalism. Issues in the Legal Ordering of the World Community (Martinus Nijhoff Publishers, 2005) pp 401 – 430.
 "Self-Defense in an Age of Terrorism" Proceedings of the 97th Annual Meeting of the American Society of International Law (American Society of International Law, 2003) pp 141 – 152.
 "Rethinking Collective Action: The Responsibility to Protect and Duty to Prevent" Proceedings of the 98th Annual Meeting of the American Society of International Law 78 – 94.
 Lee Feinstein & Anne-Marie Slaughter, "A Duty to Prevent" (2004) 83 Foreign

Affairs pp 136 – 149.

Optional Readings: “Roundtable: Humanitarian Intervention After 9/11” (2005) 19 *International Relations* 211 – 250.
 Daniel W. Drezner, “The Hidden Hand of Economic Coercion” (2003) 57 *International Organization* pp 643 – 659.
 Corneliu Bjola, “Legitimizing the Use of Force in International Politics: A Communicative Perspective” (2005) 11 *European Journal of International Relations* pp 266 – 303.
 Erik Voeten, “The Political Origins of the UN Security Council’s Ability to Legitimize the Use of Force” (2005) 59 *International Organization* pp 527 – 557.

Week 5

United Nations. The law and practice of the use of force and of economic sanctions. The Darfur genocide and Iran’s nuclear program.

Readings: Stephen Peter Rosen, “After Proliferation. What to Do If More States Go Nuclear” (2006) 85 *Foreign Affairs* pp 9 – 14.
 Niels Blokker, “The Security Council and the Use of Force – On Recent Practice” in Niels Blokker & Nico Schrijver eds., *The Security Council and the Use of Force. Theory and Reality – A Need for Change?* (Martinus Nijhoff Publishers, 2005). pp 1 – 30.
 Peter van Walsam, “The security Council and the Use of Force: The Cases of Kosovo, East Timor, and Iraq” in Niels Blokker & Nico Schrijver eds., *The Security Council and the Use of Force. Theory and Reality – A Need for Change?* (Martinus Nijhoff Publishers, 2005). pp 65 – 74.
 Scott Straus, “Darfur and the Genocide Debate” (2005) 84 *Foreign Affairs* pp 123 – 133.

Week 6

NATO. Its past and recent history and structure. Humanitarian interventions and its role in the war against terrorism.

Readings: Celeste A. Wallander, “Institutional Assets and Adaptability: NATO after the Cold War” (2000) 54 *International Organization* pp 705 – 735.
 Ivo Daalder & James Goldgeier, “Global NATO” (2006) 85 *Foreign Affairs* 105 – 113.
 J. Thies Wallace, “Was the US Invasion of Iraq NATO’s Worst crisis Ever? How Would We Know? Why Should We Care?” (2007) *European Security* pp 29 – 59.
 Dan Reiter, “Why NATO Enlargement Does Not Spread Democracy” (2001) 25 *International Security* pp 41 – 67.

Week 7

The World Bank and the International Monetary Fund. Their history and their role in shaping domestic policies in Latin America, Asia and Africa.

Readings: Morten Boas & Desmond McNeill, “Ideas and institutions” in Morten Boas & Desmond McNeill, eds., *Global Institutions and Development. Framing the World?* (Routledge, 2004) 206 – 223.
 Ngaire Woods, *The Globalizers. The IMF, the World Bank, and their Borrowers* (Cornell University Press, 2006) pp 1 – 38 & 65 – 84.
 Strom C. Tracker, “The high politics of IMF lending” in Gustav Ranis, James Raymond Vreeland & Stephen Kosack, *Globalization and the Nation State. The Impact of the IMF and the World Bank* (Routledge, 2006) pp 111- 142.

Suggested reading: Devesh Kapur, “Conditionality and Its Alternatives” in *The IMF and the World Bank at Sixty* (Anthem Press, 2005).

Stanley Fisher, *IMF Essays from a Time of Crisis. The International Financial System* (MIT, 2004) pp 37 – 64 & 71 – 94.

Week 8

The World Trade Organization. Its history, structure and recent operation. WTO law, national treatment and States’ domestic regulation. International trade law and States sovereignty. WTO and Civil Society.

Readings: John H. Jackson, "Sovereignty-Modern: A New Approach to an Outdated Concept" (2003) 97 *American Journal of International Law* pp 782 – 802.
 John H. Jackson, *The World Trading System* (MIT, 1997) pp 213 – 228.
 Daniel C. Esty, "We the People: Civil Society and the World Trade Organization" in Marco Bronckers & Reinhard Quick, ed., *New Directions in International Economic Law. Essays in Honour of John. H. Jackson* (Kluwer, 2000) pp 87 – 99.

Week 9 **The World Trade Organization.** WTO law and protection of the environment and of human and animal health. Analysis on the basis of the WTO Appellate Body case-law.

Readings: European Communities—Measures Affecting Asbestos and Asbestos-Containing Products (2001), WTO Doc. WT/DS135/AB/R (Appellate Body Report), online: WTO http://doconline.wto.org/gen_search/asp.
 United States—Import Prohibition of Certain Shrimp and Shrimp Products (1998), Doc. WT/DS58/AB/R (Appellate Body Report), online: WTO http://doconline.wto.org/gen_search/asp.
 Steve Charnovitz, "The WTO's Environmental Progress" (2007) 10 *Journal of International Economic Law* 685 – 706.
 Andrew Green & Tracey Epps, "The WTO, Science, and the Environment: Moving Towards Consistency" (2007) 10 *Journal of International Economic* pp 285 – 316.

Week 10 **Public Health and Infectious Diseases:** The Legal Powers of the World Health Organization (WHO), Articles 19-23 of the WHO Constitution, WHO's International Health Regulations (IHR) on infectious diseases, the Framework Convention on Tobacco Control (FCTC) and the future of global health governance.

Readings: David P. Fidler, "The Future of the World Health Organization: What Role for International Law?" (1998) 31 *Vanderbilt Journal of Transnational Law* 1079
 O. Aginam, *International Law and Communicable Diseases* (2002) Vol. 80 *International Journal of Public Health*.]

Week 11 **International Dispute Settlement.** The International Court of Justice and the WTO Dispute Settlement System. Disputes among members of IOs. Domestic and international issues related to compliance with international decisions.

Readings: Judge Hisashi Owada, "Some Reflections on Justice in a Globalizing World" in Charles H. Brower II & Nancy L. Perkins, eds., *Proceedings of the Ninety-Seventh Annual Meeting of the American Society of International Law* (The American Society of International Law, 2003). 181 – 192.
 Donald M. McRae, "The WTO in International Law: Tradition Continued or New Frontier?" (2000) 27 – 41.
 Alberto Alvarez, "The Enhancing of the WTO Judiciary's Control over Disputes and Suggestions for the Exceptional Expansion of Such Control to Favour Developing and Least Developed Countries". (2007) 6 *Law and Practice of International Courts and Tribunals* 269 – 301.
 Naboth van den Broek, "Power Paradoxes in Enforcement and Implementation of World Trade Organization Dispute Settlement Reports. Interdisciplinary Approaches and New Proposals" (2003) 37 *Journal of World Trade* pp 127 – 162.

Week 12 **The Future of IOs.**

Readings: "The Move from Institutions?" in Hilary Charlesworth & Donald Francis Donovan, eds., *Proceedings of the Hundredth Annual Meeting of the American Society of International Law* (The American Society of International Law, 2006) pp 287 – 302.