

Course Outline

COURSE: LAWS 3604 B – International Organizations

TERM: Winter 2008/09

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

CLASS: **Day & Time:** Tuesday – 11:35-14:25
 Room: 403 SA (Southam Hall)

INSTRUCTOR: **Mahmoud Masaeli**
(CONTRACT)

CONTACT: **Office:** C475 LA (Loeb)
 Office Hrs: Tuesday – 8:00-11:15 am
 Email: mmasaeli@connect.carleton.ca

“Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives your Letter of Accommodation no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by November 7, 2008 for December exams and by March 6, 2009 for April exams.” Also available at http://www.carleton.ca/pmc/faculty/acom_statement.html . For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: www.carleton.ca/equity

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. 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 explore 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 that have 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 TEXT:

Jan Klabbers, *An Introduction to International Institutional Law* (Cambridge University Press, 2002). It is the required text for the first part of debates and will be read partly. This book is available for purchase at Carleton University Bookstore.

All other readings for the course will either be placed on reserve section in the Library, or they are accessible on-line.

For each session, I have included the readings that I believe are necessary for you to gain a good understanding of the topic. Always try to do all of the readings for each week.

EVALUATION PROCEDURES:

Students must fulfill all course requirements in order to achieve a passing grade.

- **Mid-term Test: 20 Marks** - There will be a mid-term test in class on Tuesday, February 10th. Mid-terms will be returned in class by March 3rd. The test will be 2:00 hours in length. The test 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 to be analyzed as the essay format question.
- **Research Essay: 30 Marks** - You are required to write one research essay. The essay must not exceed 10 typed pages – double-spaced, using 12 point font. You can choose a topic which is of the interest to you. You can consult, if necessary, with me about your topic of interest. The essay must follow proper essay style and structure, and must use a recognized referencing style (the referencing style must be correct and consistent). Essay should be properly cited and also be accompanied by a bibliography. This essay is due on Tuesday, March 17th in class or through the Law Department Drop Box.
- **Final Exam 40 Marks** - The exam is comprehensive. It covers the materials for the entire term. Further details about the format will be communicated to the students during the term. It will take place during the official exam period and the exact date will be determined by the University.
- **Participation: 10 Marks**

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 rules on plagiarism.

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. Introduction to the history, and complexities of theory of international organizations.

Readings: Klabbers, pp. 3–41

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; 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, pp.197–225

Week 4: The foundations of powers of international organizations, judicial review and the doctrine of *ultra vires*, implied powers, and inherent powers

Readings: Klabbers, 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](#).

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 Criminal Court and other judicial bodies of global governance

Readings: Klabbers, pp. 253–277

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: Jack Donnelly, *Universal Human Rights in Theory and Practice*, Second Edition, (Ithaca and London, Cornell University Press, 2003), pp. 22-37 & 127-154 & 242-260, JC571 D745 2003.
Richard Falk, “The Challenge of Genocide and genocidal Politics in an era of Globalization,” in Tim Dunne and Nick Wheeler, eds., *Human Rights in Global Politics* (Cambridge: Cambridge University Press, 1999), pp. 177-199, [JC571.H769524](#), book on reserve.

- Week 9: The role of the United Nations in promotion of social justice
Readings: Tony Evans, "Chapter 4: The Political Economy of Human Rights," in *The Politics of Human Rights: A Global Perspective*, [JC571.E853 2005](#), book on reserve.
Abigail Gosselin, "Global Poverty and Responsibility: Identifying the Duty-Bearers of Human Rights," *Human Rights Review* (October-December 2006): 35-52, electronic access.
It is also recommended to read *Social Justice in an Open World: The Role of the United Nations* (New York: United Nations, 2006). This document is available at Carleton library on-line.
- Week 10: The United Nations and the use of force, collective security, self-defense, peace keeping and humanitarian intervention
Readings: 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.
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](#).
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](#).
- Week 11: The United Nations and the International Criminal Court, The Rome Status of ICC, the role of NGOs in progress of ICC
Readings: William A. Schabas, *An Introduction to International Criminal Law* (Cambridge: Cambridge University Press, 2001), pp. 1-53, [KZ6310.S33.2001](#).
Chandra Jeet, "International Criminal Justice: Issues and Perspectives," *International Studies* 44, no. 3 (2007): 253-63, electronic access.
Michael Struett, "The Meaning if International Criminal Court," *Peace Review* 16 no. 3 (September 2004): 317-321, electronic access.
- 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, pp.334-343,
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/> >

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/> >