

Course Outline

COURSE: LAWS 3604 B – International Organizations

TERM: Winter 2009-10

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

CLASS: **Day & Time:** Wednesday – 8:35-11:25
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Mahmoud Masaeli
(CONTRACT)

CONTACT: **Office:** C475 LA (Loeb)
 Office Hrs: Monday – 13:00-14:15 & 17:30-18:30
 Wednesday – 11:30-12:30
 Email: mmasaeli@connnect.carleton.ca

"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 . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010 for April examinations**.

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

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 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, participants must:

- Understand the intellectual and historical context within which international organizations are formed and developed.
- Be able to apply theoretical frameworks that better fit the legal and also 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 its impact for socialization and humanization of the world politics.
- Have a deep understanding of the law applicable to international institutions both in respect of internal matters and the external relations.

- Be able to interpret the legal instruments produced by international organizations in respect of the varied context in which those instruments might be applied.
- Be familiar with certain specific areas of practice of international institutions, both operational and normative.

REQUIRED READING TEXTS

1. Jan Klabbers, *An Introduction to International Institutional Law* (Cambridge University Press, 2002). It is the required text. The book is available for purchase at Carleton University Bookstore.
2. Jose E. Alvarez, *International Organizations as Law-Makers* (Oxford: Oxford University Press, 2005). Only two chapters of this book will be read. The book is in the reserve section in the library. For convenience three copies of the first chapter have also been placed in reserve section in the library.

RECOMMENDED READINGS

1. Michael P. Scharf, *The Law of International Organizations* (Carolina Academic Press, 2007).
2. Chittharanjan Felix Amerasinghe, *Principles of the Law of International Organizations* (Cambridge; New York: Cambridge University Press, 2005).
3. Philippe Sands and Pierre Klein ed., *Bowett's Law of International Institutions* (London: Sweet & Maxwell, 2001).

EVALUATION PROCEDURES – All Components must be completed in order to pass this course

- **Mid-term Test: 20 Marks** - There will be a mid-term test in class on Wednesday, February 24. Mid-terms will be returned by March 10 (This is before the Winter Term 'drop date' which is on March 12th). 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). The essay should be properly cited and also be accompanied by a bibliography. This essay is due on Wednesday , March 03 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**Wk 1 Jan 06 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 theory of international organizations

Reading: Klabbers, pp. 3–41

Wk 2 Jan 13 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 20 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 27 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), KZ5665.1585.

Wk 5 Feb 03 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 10 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 17 Winter break begins, no Class**
- Wk 8 Feb 24 Mid-Term Test, worth 20% Of your total mark**
- Wk 9 Mar 03 Decision-Making and Judicial Review**
- Adopting legal instruments within the context of the United Nations and the European Community, evaluation an 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 10 Mar 10 Judicial Settlement 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-Apprising 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 >
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://www2.carleton.ca/law/ccms/wp-content/ccms-files/policy2009.doc>

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.