



SOUTH ASIAN UNIVERSITY

Faculty of Legal Studies

LLM

Winter Semester 2025 (Second Semester)

Course Information

Part I

Course Title	Law of International Organizations
Course Code	LW007
Course Instructor	Prof. Ravindra Pratap
Course Duration	One semester
Course Credit	4
Medium of Instruction	English
Prerequisites	Nil
Precursors	Nil
Equivalent Courses	N/A

Course Overview

International organizations are now being seen more importantly, but only differently. The law of international organizations, which is part of the discipline of international law, was organization-specific until about the middle of the twentieth century when it came to be studied as a unified field of study. Much of this development was the reflection of a considerable institutional commonality among different international organizations, such as their membership, legal personality, decision-making procedures, rule-making, and privileges and immunities. These common institutional elements have been critically complemented recently by an increasingly important issue of organizational responsibility and accountability mainly as a result of the expanding domain of activities more institutionally performed by the United Nations Organization (UN) and its various relationships. This course therefore studies the normative regime of international institutions with special reference to the UN and its particular institutional relations.

Course Objectives

The course aims to help the student develop a learning approach that combines critical thought and practical knowledge of the law of international organizations. This will be pursued by studying the structure and functions of, and major legal issues within and across, international organizations with an emphasis on the South Asian Countries.

Part II

Course Outcomes

Successful completion of the course should enable the student to distinguish different

types of international organizations, understand the criteria of their membership, comprehend the consequences of their legal personality, know their different kinds of powers, understand the purpose and consequences of their privileges and immunities, see the rationales of different decision-making procedures, recognize their rule-making functions, distinguish and assess the functioning of various relationships of the UN, particularly in the field of international peace and security, and understand the complexities of conceptual and operational issues underlying the responsibility and accountability of international organizations..

Part III

Course Structure

Week 1

Introduction to the law of international organizations

Required Reading

Charter of the United Nations, 1945, Preamble.

Supplementary Reading

Kenneth W Abbott and Duncan Snidal, 'Why states act through formal international organizations' (1998) 42 *Journal of Conflict Resolution* 3.

Further Readings

Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, Articles 2.1(j) and 5.

David Mitrany, *A Working Peace System* (Quadrangle 1966).

Jeffrey Dunoff, 'The Law and Politics of International Organizations' in in Jacob Katz Cogan et al (eds), *The Oxford Handbook of International Organizations* (Oxford 2016) 60.

Week 2

Membership and representation in international organizations

Required Reading

Charter of the United Nations, 1945, Article 4.

Supplementary Reading

Henry G Schermers and Niels M Blokker, *International Institutional Law* (Martinus 2011) Chapter 2.

Further Readings

Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, 1975.

Admission of a State to the United Nations (Charter, Art. 4) (Advisory Opinion) [1948] ICJ Rep 57.

Ramses A Wessel, 'Memberships in International Organizations: Paradigms of Membership Structures, Legal Implications of Membership and the Concept of International Organizations' (2021) 18 *International Organizations Law Review* 286.

Week 3

Legal personality of international organizations

Required Reading

Charter of the United Nations, 1945, Article 1.

Supplementary Reading

Philippe Sands and Pierre Klein, *Bowett's Law of International Institutions* (Sweet & Maxwell 2009) Chapter 15.

Further Readings

Agreement for Establishment of South Asian University, 2007, Article 1 (3).

Reparation for Injuries Suffered in the Service of the United Nations (Advisory Opinion) [1949] ICJ Rep 174.

Dan Sarooshi, 'The Role of Domestic Public Law Analogies in the Law of International Organizations' (2008) 5 *International Organizations Law Review* 237.

Week 4

Powers of international organizations, including particularly the implied powers of the United Nations

Required Reading

Charter of the United Nations, 1945, Preamble, Article 1.

Supplementary Reading

Henry G Schermers and Niels M Blokker, *International Institutional Law* (Martinus 2011) Chapter 3.

Further Readings

The South Asian University Act, 2008, Sections 8, 12, 23 and 32.

Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter) (Advisory Opinion) [1962] ICJ Rep 151.

Adrien Schifano, 'Distribution of Power within International Organizations' (2017) 14 *International Organizations Law Review* 346.

Week 5

Privileges and immunities of international organizations

Required Reading

Convention on the Privileges and Immunities of the United Nations, 1946.

Supplementary Reading

Henry G Schermers and Niels M Blokker, *International Institutional Law* (Martinus 2011) Chapter 3.

Further Readings

Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, 1947.

Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights (Advisory Opinion) [1999] ICJ Rep 62.

Yaraslau Kryvoi, 'Procedural Fairness as a Precondition for Immunity of International Organizations' (2016) 13 *International Organizations Law Review* 255.

Week 6

Decision-making in international organizations

Required Reading

Charter of the United Nations, 1945, Articles 18, 27, 99.

Supplementary Reading

Henry G Schermers and Niels M Blokker, *International Institutional Law* (Martinus 2011) Chapter 6.

Further Readings

Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2012, Article 23.

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) (Advisory Opinion) [1971] ICJ Rep 16.

Ofar Eldar, 'Vote Trading in International Institutions' (2008) 19 *EJIL* 3.

Week 7

Rule-making by international organizations

Required Reading

Security Council Resolutions 1373 (28 September 2001).

Supplementary Reading

Henry G Schermers and Niels M Blokker, *International Institutional Law* (Martinus 2011) Chapter 6.

Further Readings

UN General Assembly Resolution 377 (V) A (3 November 1950).

José E Alvarez, *International Organizations as Law-makers* (Oxford 2005) Chapters 2 and 5.

Week 8

The UN General Assembly and Security Council

Required Reading

Charter of the United Nations, 1945, Articles 4, 8, 10–12, 20, 93, 97.

Supplementary Reading

C F Amerasinghe, *Principles of the Institutional Law of International Organisations* (Cambridge 2009) Chapter 5.

Further Readings

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, Advisory Opinion of the ICJ, 9 July 2004.

Nigel D White, 'The Relationship between the UN Security Council and General Assembly in Matters of International Peace and Security', in Marc Weller (ed), *The Oxford Handbook of the Use of Force in International Law* (Oxford 2015) 311.

Week 9

The UN and regional organizations in the field of international peace and security: The UN and the North Atlantic Treaty Organization

Required Reading

The Charter of the United Nations, 1945, Articles 52–54.

Supplementary Reading

Benedetto Conforti, *The Law and Practice of the United Nations* (Martinus 2005) Chapter Three, Section V.

Further Readings

UN Security Council Resolution 1510 (13 October 2003).

Fernando Lusa Bordin and Jed Odermatt, 'International Law of Regional Organizations: A Comparative Perspective' (2024) 21 *International Organizations Law Review* 19.

Week 10

The UN and its specialized agencies: The UN and the World Bank [Class 1]

Required Reading

Charter of the United Nations, 1945, Articles 57, 63.

Supplementary Reading

Philippe Sands and Pierre Klein, *Bowett's Law of International Institutions* (Sweet & Maxwell 2009) Chapter 3.

Further Readings

IBRD Articles of Agreement, 1989, as amended.

Report of the Special Rapporteur on extreme poverty and human rights, Note by the UN Secretary-General, UN Doc. A/70/274 (4 August 2015).

The UN specialized agencies and UN-related organizations: The International Monetary Fund and the World Trade Organization (WTO) [Class 2]

Required Reading

Declaration on the Relationship of the World Trade Organization with the International Monetary Fund, 1994.

Supplementary Reading

J Samuel Barkin, *International Organization: Theories and Institutions* (Palgrave 2006) Chapter 8.

Further Readings

India – Quantitative Restrictions on Imports of Agricultural, Textile, and Industrial Products, Report of the WTO Appellate Body, WT/DS90/AB/R (23 August 1999).

D E Siegel, 'Legal Aspects of the IMF/WTO Relationship: The Fund's Articles of Agreement and the WTO Agreements' (2002) 96 AJIL 561.

Week 11**The UN and intergovernmental organizations with special reference to the Asian-African Legal Consultative Organization [Class 1]**Required Reading

UN General Assembly Resolution 35/2 (13 October 1980): Observer Status for the Asian-African Consultative Committee in the General Assembly.

Supplementary Reading

Agreement Governing the relationship between the UN and the International Atomic Energy Agency, 1957.

Further Readings

Statutes of the Asian-African Legal Consultative Organization, 2004, Article 1 (c).

Report of the Secretary-General on the Work of the Asian-African Legal Consultative Organization, 2016.

The UN and non-governmental organizations with special reference to the International Committee of the Red Cross [Class 2]Required Reading

UN General Assembly Resolution 45/6 (16 October 1990): Observer Status for the International Committee of the Red Cross.

Supplementary Readings

Charter of the United Nations, 1945, Article 71.

Katherine Fortin, 'Complementarity between the ICRC and the United Nations and International Humanitarian Law and the International Human Rights Law, 1948–1968' (2012) 94 *International Review of the Red Cross* 1433.

Further Readings

UN ECOSOC Resolution 1996/31 (25 July 1996).

Yogesh K Tyagi, 'Cooperation between Human Rights Committee and Non-governmental Organizations: Permissibility and Propositions' (1983) 18 *Texas Int'l L Journal* 273.

Week 12**The UN-related organizations and regional organizations in the field of trade and commerce: The WTO and the European Union**

Required Reading

General Agreement on Tariffs and Trade, 1994, Article XXIV.

Marrakesh Agreement Establishing the World Trade Organization, 1994, Article XI.

Supplementary Readings

Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2012, Article 133.

Opinion 1/94 (WTO Agreements) [1994] ECR-I 5267.

Further Readings

Case 21-24/72 *International Fruit Company NV et al v Produktschap voor Groentenen Fruit* [1972] ECR 1219.

Grainne De Burca and Joanne Scott (eds), *The EU and the WTO: Legal and Constitutional Issues* (Hart 2001).

Week 13**South Asian Association for Regional Cooperation (SAARC)**Required Reading

SARCC Charter, 1985.

Supplementary Reading

Elisa Tino, 'Forty Years of Cooperation in South Asia: A Legal Appraisal of the South Asian Association of Regional Cooperation (SAARC)' (2024) 21 *International Organizations Law Review* 235.

Further Readings

Peter Lehr et al, 'Responding to Terrorism and Ideology of Hate', in S O Wolf et al (eds), *The Merits of Regional Cooperation: The Case of South Asia* (Springer 2014) 11.

Ravindra Pratap, "The Implementation of Child Labour Standard in Asia: Overview and Selected Issues", in Giuseppe Nesi, Luca Nogler and Marco Pertile (eds), *Eliminating Child Labour: The Plight of the ILO in a Globalized World* (Ashgate 2008) 369.

Week 14**Responsibility and accountability of international organizations**Required Reading

Draft Articles on Responsibility of International Organizations, 2011.

Supplementary Reading

Jan Klabbers, *An Introduction to International Institutional Law* (Cambridge 2015) Chapter 14.

Further Readings

UN General Assembly Resolution 70/114 (14 December 2015).

The State of the Netherlands v Hasan Nuhanović, Decision of the Supreme Court of the

Netherlands, 6 September 2013.

Carolyn M Evans, 'Toward a More Accountable United Nations Security Council' (2021)
61 Legal Aspects of International Organizations, Chapter 6.

Part IV

Course Teaching

The course will be taught using a combination of lectures and class discussions. The students are expected to prepare and debate the course materials in the class.

Part V

Course Evaluation

There will be two written examinations of 80 marks and a term paper/case study/written assignment of 20 marks.