

## SYLLABUS

### International Organizations Law and the International Civil Service

**Máster Universitario en  
Diplomacia y Organizaciones  
Internacionales**

**DESCRIPTION SHEET**

**COURSE DETAILS**

<b>CODE</b>	573339
<b>NAME</b>	International Organizations Law and the International Civil Service
<b>NATURE</b>	Core course (Compulsory)
<b>TERM</b>	First term
<b>LANGUAGE</b>	English (two sessions in Spanish)
<b>ECTS CREDITS</b>	3.0

**SUPERVISOR**

Prof. Knut Traisbach, Adjunct Professor of Public International Law at CEI International Affairs.

**AIMS AND SCOPE**

International Organizations (IOs) – including regional inter-governmental organizations – are central and influential actors on the international scene. They are important forums for cooperation between States, they fulfill particular regulatory functions, and they contribute considerably to the creation and enforcement of international law.

This course analyzes the functions and limitations of international organization with a special focus on the creation, legal status, competencies, decision-making processes and internal organization of IOs. The first sessions reflect on the historical development of institutionalized international cooperation, the functions of IOs, their powers, privileges and legal personality. The course also deals with the rules applicable to the internal bureaucracies and staff of IOs, including access to IOs and the rights and obligations of the international civil service.

The course refers to existing IOs, especially the United Nations, to exemplify the tasks, functions and inner workings of IOs, in particular in the areas of conflict stabilization,

human rights, economic development and environmental protection. However, the course is not an in-depth introduction to the numerous existing IOs active in these areas.

## CORE COMPETENCIES AND SKILLS

### GENERAL

- Mastering the specialized language pertaining to the law of IOs in oral and written form.
- Developing a critical and analytical capacity for independent argumentation and reasoning.
- Applying the acquired knowledge and problem-solving skills in new or unfamiliar environments within broader (or multi-faceted) contexts related to the area of study.
- Using and applying the acquired knowledge to complex decision-making situations with limited or incomplete information and reflecting on the related social and ethical responsibilities.
- Conducting independent research and autonomously constructing knowledge about International Organizations.
- Committing to the plurality and diversity of reality in society.

### SPECIFIC

- Understanding the nature, types, legal status and functions of International Organizations in international affairs.
- Understanding the nature, status, rights and obligations of the international civil service.
- Identifying and analyzing the at times conflicting legal, political and economic interests involved in the activities of IOs.
- Recognizing and critically evaluating the strengths, weaknesses and challenges in international political organization.
- Formulating and debating possible solutions to these challenges and problems in international and multicultural environments, supported by original argumentation on an advanced level.

## LEARNING OUTCOMES

- Understanding and being able to explain the structure, competencies and internal functioning of IOs.
- Understanding the professional role and applicable legal regime of the international civil service, including the legal status and privileges of international civil servants.
- Knowing and interpreting the scope and limits of immunities of international organizations and their staff.
- Understanding the legal regime of international responsibility of IOs.
- Critically analyzing the strength and weakness of IOs compared to other international and regional actors in light of their status and functions.
- Organizing and adapting arguments in a discussion and being able to independently analyze cases that relate to IOs.

## SCHEDULE

**Note:** The detailed schedule of the course may be modified as a consequence of circumstances that may arise due to the Covid-19 pandemic and in order to accommodate guest speakers. Some of the assigned readings will be further specified regarding the required page ranges.

Students will find excerpts of the assigned cases on the online platform of the course. While it is not necessary to read the entire cases, students should be familiar with the excerpts and the basic facts of the cases (i.e. parties, legal questions, decision by the court).

### **WEEK 1:** International Organizations in International Affairs.

Introduction to international cooperation in and through international organizations.

Concept and definition of IOs: types and classification.

Historical development.

Theories of international cooperation: liberal institutionalism, neo-functionalism, the organized international community.

### **WEEK 2:** The Structure of International Organizations.

Establishment and structure of IOs.

Constitution, legal personality and powers.

Areas of activity and competencies.

Delegation of powers, expressed and implied powers.

Excess of powers.

Examples of functions of existing IOs.

**WEEK 3:** Members, Participants and Functioning of International Organizations.

Membership in IOs: types of members, conditions, forms of participation, termination of membership.

Financing.

Dissolution and succession of IOs and/or of their members.

**WEEK 4:** Rights and Obligations of International Organizations and their Staff.

Privileges and immunities: notion, scope, and limits.

**WEEK 5:** Organs of IOs and Decision-Making.

Internal architecture of IOs.

Competencies, procedural reforms, functional expansion of competencies.

Institutional balance.

Preparation of simulation exercise.

**WEEK 6:** Practical Simulation Exercise (seminar): Decision-making.

During this simulation session, students will experience first-hand the complexities of institutional decision-making in a multilateral setting.

Students will get acquainted with procedural rules, questions of legality and problems of forum-shopping.

**WEEK 7 (sesión excepcional en castellano):** La competencia normativa. La celebración de tratados internacionales.

¿Cómo se forma el derecho en el seno de la estructura institucional de las Organizaciones Internacionales?

¿Qué instituciones y órganos participan en la formación, aplicación y control del derecho de las Organizaciones Internacionales?

La base jurídica de la capacidad normativa de las Organizaciones Internacionales.

¿A través de qué actos jurídicos se plasma la voluntad autónoma de las Organizaciones Internacionales?

¿Qué incidencia tiene la actividad de las Organizaciones internacionales en la formación de otras normas internacionales?

La recepción de los actos normativos de las Organizaciones Internacionales en los ordenamientos nacionales.

La celebración de tratados internacionales

**WEEK 8:** Tasks and Institutional Acts of International Organizations.

Tasks of International Organization.

Soft-law Making/Standard-setting.

Examples of activities of various IOs.

**WEEK 9 (sesión excepcional en castellano):** La competencia relativa a los medios de arreglo pacífico de controversias; la competencia jurisdiccional.

Diferencias susceptibles de solución en las organizaciones internacionales.

La adaptación de los medios de solución de controversias.

La solución institucional.

La solución en que es parte una organización internacional.

El caso particular de la Unión Europea.

Consideraciones finales.

**WEEK 10:** The International Civil Service.

Status, typology, characteristics, functions of personnel of IOs, including their rights, privileges and obligations.

Access to IOs.

Administrative law of IOs.

Situations of employment.

**WEEK 11:** Administrative tribunals and employment disputes.

Administrative tribunals.

Disputes between organizations and their staff members.

Disciplinary measures.

**WEEK 12:** Responsibility of IOs.

Notion and legal regime of responsibility of IOs.

Wrongful acts of IOs and of their members.

Consequences of responsibility.

For the last class, students will prepare short presentations on cases before international, regional or domestic courts that involved the responsibility of IOs. The cases will be assigned during the course.

#### PREVIOS KNOWLEDGE REQUIRED

Previous knowledge of international affairs, international organizations and the role of norms in international relations is welcomed but not strictly necessary.

#### RELATION TO OTHER MASTER'S COURSES

No enrollment restrictions. This course is part of the Master's module "International Legal and Institutional Order", together with "*Ordenamiento Jurídico de la Comunidad Internacional*".

## OTHER REQUIREMENTS

Students who come from undergraduate studies other than those specified in the official regulations of the master's degree must have attended prior the following "Preparatory Courses":

- Introduction to Public International Law (2 ECTS)
- Introduction to International Relations and International Politics (2 ECTS)
- Introduction to Global Economy and Trade (2 ECTS)

## TEACHING METHODS

This course consists of one in-person class session per week of two hours.

Class sessions will consist of lectures, debates (with the entire class and within smaller groups) and assignments (both in and outside class). The sessions will be devoted to learning, challenging and applying the different aspects and concepts of International Organizations Law presented during the course. Activities will be based on prior announced research tasks, small test or group activities. Analysis of cases will give you the opportunity of applying the concepts to real world situations and will allow you to test your understanding and knowledge with other class members.

The teacher will assume that students have studied the assigned readings in advance.

**Note:** Both the methodology of the course and the evaluation may be modified as a consequence of circumstances related to the Covid-19 pandemic.

## GRADING

The course offers the options of single and continuous evaluation. Students may choose the option they prefer by filling out a form available at the secretary's office of the affiliated center within the deadlines established by CEI's regulations. The minimum compulsory attendance for the two evaluations is 80% of the sessions (9.5 sessions, 2 hours each).

**Continuous evaluation:** The evaluation will combine grades for attendance and participation (15%), three continuous evaluation assignments (15% each) and a final exam (40% of the final grade). Late submissions of assignments will not be accepted, unless an exception has been requested and granted before the deadline. If a student misses an assignment unexcused, the assignment will count as 'not presented' without the possibility of an alternative assignment.

In case of the **single evaluation**, the final grade will consist of the grade for the final exam (100%).

**WORKLOAD**

**EXPECTED HOURS COMMITTED**

<b>TOTAL</b>	75
<b>THEORETICAL CLASSES AND SEMINARS</b>	25
<b>SUPERVISED PERFORMANCE</b>	25
<b>INDEPENDENT PERFORMANCE</b>	25

**BASIC BIBLIOGRAPHY**

- C. F. AMERASINGHE, *Principles of the Institutional Law of International Organizations*, Cambridge: Cambridge University Press, 2<sup>nd</sup> edn, 2005. Access to e-book via UB library: [https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC\\_UB/acbrpu/alma991004383489706708](https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/acbrpu/alma991004383489706708).
- M. DIEZ DE VELASCO, J. M. SOBRINO HEREDIA (coord.), *Las Organizaciones Internacionales*, Madrid: Tecnos, 16<sup>th</sup> edn, 2010.
- I. HURD, *International Organizations: Politics, Law, Practice*, Cambridge: Cambridge University Press, 4<sup>th</sup> edn, 2020.
- J. KATZ COGAN, I. HURD, and I. JOHNSTON (eds), *The Oxford Handbook of International Organizations*, Oxford: Oxford University Press, 2016.
- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3<sup>rd</sup> edn, 2015. \*Recommended textbook.
- J. KLABBERS & A. WALLEND AHL (eds), *Research Handbook on International Organizations Law: Between Functionalism and Constitutionalism*, Glos: Edward Elgars, 2011.
- C. RYNGAERT, I.F. DEKKER, R.A. WESSEL and J. WOUTERS (eds.), *Judicial Decisions on the Law of International Organizations*, Oxford: Oxford University Press, 2016.
- P. SANDS, *Bowett's Law of International Institutions*, London: Sweet & Maxwell, 6<sup>th</sup> edn, 2009.
- H. SCHERMERS & N. BLOKKER, *International Institutional Law: Unity within Diversity*, Leiden: Brill, 6<sup>th</sup> edn, 2018.