

SYLLABUS

International Organizations Law and the International Civil Service

Máster Universitario en Diplomacia y Organizaciones Internacionales

Curso 2021-2022

DESCRIPTION SHEET

COURSE DETAILS

CODE	573339
NAME	International Organizations Law and the International Civil Service
NATURE	Core course (Compulsory)
TERM	First term: 27.09.2021 – 20.12.2021
SCHEDULE	Mondays, 11:45h-13:45h (for exceptions, check the schedule below)
LANGUAGE	English (two sessions in Spanish)
ECTS CREDITS	3.0

SUPERVISOR

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

TEACHERS

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

Guest Teachers: Prof. Dr. José Manuel Sobrino Heredia, Professor of Public International Law, University of Coruña; Dr. Asier Garrido Muñoz, Lecturer on Law of International Organizations at the Hague University for Applied Sciences.

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 (Monday, Sep. 27th): 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.

Prof. Knut Traisbach

Compulsory reading:

- J. E. ALVAREZ, *International Organizations as Law-makers*, Oxford: Oxford University Press, 2006, "Introduction", pp. 1-64, read (especially) pp. 4-17. Access to e-book via UB library: Access to e-book via UB library: https://cercabib.ub.edu/permalink/34CSUC_UB/13d0big/alma991012509198606708.

- J. KLABBERS, "The Life and Times of the Law of International Organizations", *Nordic Journal of International Law*, Vol. 70, 2001, pp. 287-317. Access via UB library: https://brill-com.sire.ub.edu/view/journals/nord/70/3/article-p403_6.xml.

Recommended readings:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, chapter 1: "Introduction", pp. 1-15 and chapter 2: "The rise of international organizations", pp. 16-18.

- I. HURD, *International Organizations: Politics, Law, Practice*, Cambridge: Cambridge University Press, 4th edn, 2020, chapter 1: "Introduction to International Organizations", pp. 1-15 and chapter 2: "Theory, Methods, and International Organizations", pp. 16-41.

- S. Parks, "International organizations in world politics", in J. BAYLIS, S. SMITH and P. OWENS, *The Globalization of World Politics*, Oxford: Oxford University Press, 8th edn, 2020, pp. 319-333.

- J. M. SOBRINO HEREDIA, "El componente institucional de las organizaciones internacionales contemporáneas: un rasgo consustancial, pero de geometría variable", in L. HUICI SANCHO (dir), A. M. BADIA MARTÍ (dir), A. SÁNCHEZ COBALEDA (ed), *Las organizaciones internacionales en el siglo XXI*, Madrid: Marcial Pons, 2021, pp. 45-74.

WEEK 2 (Monday, Oct. 4th): 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.

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Compulsory reading:

- D. SAROOSHI, *International Organizations and their Exercise of Sovereign Powers*, Oxford: Oxford University Press, 2007, chapter 2: "The Processes by which States Confer Powers on International Organizations", pp. 18-27 and chapter 3: "Conferrals by States of Powers on International Organizations: a Typology", pp. 28-32. Access via UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/acbrpu/alma991012544442406708.

Recommended readings:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, chapter 3: "The legal position of international organizations", pp. 41-69.

- M. N. BARNETT & M. FINNEMORE, "The Politics, Power, and Pathologies of International Organizations", *International Organization*, vol. 53, 1999, pp. 699-732.

WEEK 3 (Monday, Oct. 11th): 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.

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Compulsory reading:

- C. F. AMERASINGHE, *Principles of the Institutional Law of International Organizations*, Cambridge: Cambridge University Press, 2nd edn, 2005, chapter 4: "Membership and representation", pp. 105-130. Access to e-book via UB library: <https://csuc->

ub.primo.exlibrisgroup.com/permalink/34CSUC UB/acbrpu/alma991004383489706708.

- *Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)*, ICJ Advisory Opinion, 28 May 1948. Available at: <https://www.icj-cij.org/public/files/case-related/3/003-19480528-ADV-01-00-EN.pdf>.

Recommended readings:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, especially chapter 5: "Issues of membership", pp. 90-112. Chapter 6: "Financing", pp. 113-129, chapter 9: "Dissolution and succession", pp. 189-204, and chapter 13: "Organizational liaisons", pp. 286-305.

- R. WESSEL, "You Can Check out Any Time You like, but Can You Really Leave: On Brexit and Leaving International Organizations", *International Organizations Law Review*, Vol. 13, 2016, pp. 197-209. Access via UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC UB/e62qjn/cdi narcis_primary_ut_oai_ris_utwente_nl_publications_4c88869a_2a7d_42db_a41b_1da33cee630c.

WEEK 4 (Monday, Oct. 18th): Rights and Obligations of International Organizations and their Staff.

Privileges and immunities: notion, scope, and limits.

Prof. Knut Traisbach

Compulsory reading:

- P. OLSON, "Immunities of International Organizations", *International Organizations Law Review*, Vol. 10, 2014, pp. 419-433. Access via UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC UB/e62qjn/cdi_crossref_primary_10_1163_15723747_01002010.

- R. A. WESSEL, "Immunities of the European Union", *International Organizations Law Review*, Vol. 10, 2014, pp. 395-418. Access via the UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC UB/e62qjn/cdi_crossref_primary_10_1163_15723747_01002009.

Recommended readings:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, chapter 7: "Privileges and immunities", pp. 130-153.

- A. REINISCH, "Privileges and Immunities", in J. KATZ COGAN, I. HURD, and I. JOHNSTON (eds), *The Oxford Handbook of International Organizations*, Oxford: Oxford University Press, 2016, pp. 1048-1068.

WEEK 5 (Monday, Oct. 25th): Organs of IOs and Decision-Making.

Internal architecture of IOs. Competencies, procedural reforms, functional expansion of competencies. Institutional balance. Preparation of simulation exercise.

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Compulsory reading:

- G. F. SINCLAIR, *To Reform the World: International Organizations and the Making of Modern States*, Oxford: Oxford University Press 2017, "Introduction", pp. 1-28 and chapter 4: "Into International Executive Rule", pp. 160-200, read 160-180. Access to e-book via UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/13d0big/alma991012527684706708.

Recommended readings:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, chapter 10: "Institutional structures", pp. 207-241.

- J. v. BERNSTORFF, "Procedures of Decision-Making and the Role of Law in International Organizations", in A. v. BOGDANDY et al., *The Exercise of Public Authority by International Institutions: Advancing International Institutional Law*, Heidelberg: Springer, 2010, pp. 777-806. Access to e-book via UB library: https://cercabib.ub.edu/permalink/34CSUC_UB/13d0big/alma991010153089706708.

WEEK 6 (Monday, Nov. 1st): 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.

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WEEK 7 (Monday, Nov. 8th) (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

Prof. Dr. José Manuel Sobrino Heredia

Compulsory reading:

- J. WOUTERS & P. DE MAN, "International Organizations as Law-Makers", in J. KLABBERS & A. WALLEND AHL (eds), *Research Handbook on International Organizations Law: Between Functionalism and Constitutionalism*, Glos: Edward Elgars, 2011, pp. 190-224. Available at: https://ghum.kuleuven.be/ggs/publications/working_papers/new_series/wp21-30/wp21.pdf.

Recommended reading:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, chapter 4: "International organizations and the law of treaties", pp. 70-89, and chapter 12: "Treaty-making by international organizations", pp. 267-285.

- E. ALVAREZ, *International Organizations as Law-makers*, Oxford: Oxford University Press, 2006, chapter 5: "International Organizations as Treaty-makers", pp. 273-337. Access to e-book via UB library: https://cercabib.ub.edu/permalink/34CSUC_UB/13d0big/alma991012509198606708.

WEEK 8 (Monday, Nov. 15th): Tasks and Institutional Acts of International Organizations.

Tasks of International Organization. Soft-law Making/Standard-setting. Examples of activities of various IOs.

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Compulsory reading:

- E. ALVAREZ, *International Organizations as Law-makers*, Oxford: Oxford University Press, 2006, chapter 4: "The Varied Forms of International Institutional Law", pp. 184-272, read pp. 183-217, skim through 217-272. Access to e-book via UB library: Access to e-book via UB library:

https://cercabib.ub.edu/permalink/34CSUC_UB/13d0big/alma991012509198606708.

- S. PARK, "Norm diffusion within international organizations: a case study of the World Bank", *Journal of International Relations and Development*, Vol. 8, 2005, pp. 111-141. Access via UB library: https://cercabib.ub.edu/iii/encore/record/C_Rb2160062.

- UN Security Council Resolution 1373 (2001). Available at: https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf.

- UN Security Council Resolution 1540 (2004). Available at: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20\(2004\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20(2004)).

Recommended readings:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, chapter 8: "Legal instruments", pp. 154-188.

- Á. J. RODRIGO, "Los actos de las organizaciones internacionales: entre el *hard law* y el *soft law*", in L. HUICI SANCHO (dir), A. M. BADIA MARTÍ (dir), A. SÁNCHEZ COBALEDA (ed), *Las organizaciones internacionales en el siglo XXI*, Madrid: Marcial Pons, 2021, pp. 103-130.

WEEK 9 (Monday, Nov. 22th) (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.

Dr. Asier Garrido Muñoz

Compulsory Reading:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, pp. 224-237.

WEEK 10 (Monday, Nov. 29th): 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.

Prof. Knut Traisbach

Compulsory reading:

- F. MÉGRÉT, "La Función Pública Internacional: Un Reto Para los Organismos Internacionales", in Y. GAMARRA CHOPO, *El discurso civilizador en Derecho Internacional: cinco estudios y tres comentarios*, Zaragoza : Institución "Fernando el Católico", 2011, pp. 61-78. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1987421.

- C. F. AMERASINGHE, *Principles of the Institutional Law of International Organizations*, Cambridge: Cambridge University Press, 2nd edn, 2005, chapter 9: "The internal law: employment relations", pp. 271-314, read pp. 271-282 and 299-314, and chapter 10: "Privileges and immunities", pp. 315-351, read pp. 337-343. Access to e-book via UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/acbrpu/alma991004383489706708.

Recommended readings:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, chapter 11: "The bureaucracy", pp. 242-264.

- S. Villalpando, "The Law of the International Civil Service", in J. KATZ COGAN, I. HURD, and I. JOHNSTON (eds), *The Oxford Handbook of International Organizations*, Oxford: Oxford University Press, 2016, pp. 1069-1084.

- I. VENZKE, "International Bureaucracies from a Political Science Perspective: Agency, Authority and International Institutional Law", in A. v. BOGDANDY et al., *The Exercise of Public Authority by International Institutions: Advancing International Institutional Law*, Heidelberg: Springer, 2010, pp. 67-98. Access to e-book via UB library: https://cercabib.ub.edu/permalink/34CSUC_UB/13d0big/alma991010153089706708.

WEEK 11 (Monday, Dec. 13th): Administrative tribunals and employment disputes.

Administrative tribunals. Disputes between organizations and their staff members. Disciplinary measures.

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Compulsory reading:

- C. F. AMERASINGHE, *Principles of the Institutional Law of International Organizations*, Cambridge: Cambridge University Press, 2nd edn, 2005, chapter 16: "The settlement of disputes", pp. 479-511, read pp. 489-503. Access to e-book via UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/acbrpu/alma991004383489706708.

Recommended readings:

- X. PONS RAFOLS, "Nuevos desarrollos en la resolución de la conflictividad laboral en las organizaciones internacionales", in L. HUICI SANCHO (dir), A. M. BADIA MARTÍ (dir), A. SÁNCHEZ COBALEDA (ed), *Las organizaciones internacionales en el siglo XXI*, Madrid: Marcial Pons, 2021, pp. 163-188.

- S. Villalpando, "International Administrative Tribunals", in J. KATZ COGAN, I. HURD, and I. JOHNSTON (eds), *The Oxford Handbook of International Organizations*, Oxford: Oxford University Press, 2016, pp. 1085-1106.

WEEK 12 (Monday, Dec. 20th): 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.

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Compulsory reading:

- J. M. CORTÉS MARTÍN, "The Responsibility of Members Due to Wrongful Acts of International Organizations", *Chinese Journal of International Law*, Vol. 12, 2013, pp. 679-721. Access via UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/e62qjn/cdi_gale_infotracacademiconfile_A357177716.

- Familiarize yourself with the Analytical Guide to the Work of the International Law Commission on Responsibility of international organizations, https://legal.un.org/ilc/guide/9_11.shtml. The Draft Articles on the Responsibility of International Organizations, 2011 are available at: https://legal.un.org/ilc/texts/9_11.shtml.

- *Reparation for injuries suffered in the service of the United Nations*, ICJ Advisory Opinion, 11 April 1949. Available at: <https://www.icj-cij.org/public/files/case-related/4/004-19490411-ADV-01-00-EN.pdf>.

Recommended readings:

- J. KLABBERS, *An Introduction to International Organizations Law*, Cambridge: Cambridge University Press, 3rd edn, 2015, chapter 14: "Issues of responsibility", pp. 306-339.

- L. HUICI SANCHO, "La irresponsabilidad internacional de las organizaciones internacionales y sus Estados miembros", in L. HUICI SANCHO (dir), A. M. BADIA MARTÍ (dir), A. SÁNCHEZ COBALEDA (ed), *Las organizaciones internacionales en el siglo XXI*, Madrid: Marcial Pons, 2021, pp. 131-162.

- J. KLABBERS, "Reflections on Role Responsibility: The Responsibility of International Organizations for Failing to Act", *European Journal of International Law*, Vol. 28, 2017, pp. 1133-1161. Available at: <https://academic.oup.com/ejil/article/28/4/1133/4866310>.

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

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

TOTAL	75
THEORETICAL CLASSES AND SEMINARS	25
SUPERVISED PERFORMANCE	25
INDEPENDENT PERFORMANCE	25

BASIC BIBLIOGRAPHY

- C. F. AMERASINGHE, *Principles of the Institutional Law of International Organizations*, Cambridge: Cambridge University Press, 2nd edn, 2005. Access to e-book via UB library: 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, 16th edn, 2010.
- I. HURD, *International Organizations: Politics, Law, Practice*, Cambridge: Cambridge University Press, 4th 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, 3rd 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, 6th edn, 2009.
- H. SCHERMERS & N. BLOKKER, *International Institutional Law: Unity within Diversity*, Leiden: Brill, 6th edn, 2018.