

Masters in International Affairs / Master en affaires internationales (MIA)

Academic year 2021-2022

International Organizations Law in Action Colloquium

MINT189 – Fall – 3 ECTS

Thursdays 12:15-14:00

This course will meet on 23 September, 7 and 21 October, 4 and 18 November, and 2 and 16 December

Course Description

This colloquium introduces students to the practice of law in different international organizations. The aim is to better understand the functioning of the organizations in question and to initiate a discussion with senior legal officers from the organizations on current legal issues they face. We place particular emphasis on institutions that are not typically in focus, and on organizations of different types so as to capture the varied landscape of today's global governance. In the fall of 2021, we host guest speakers from the OECD, UNHCR, GAVI (The Vaccine Alliance), the Universal Postal Union, the International Standardization Organization, and the Secretariat of the Convention on Illegal Trade in Endangered Species (CITES). The course will be held in seven sessions throughout the semester.

> PROFESSORS

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Syllabus

The colloquium is designed to enable students to deepen their understanding of international law and international organizations through engagement with real-life issues arising in the work of international organizations in interaction with practitioners from the organizations themselves. For this, we go beyond the typical focus on the UN and its specialized agencies and take into view a group of other organizations which, for different reasons, often attract less attention but which, in their variety, help us better understand the complex landscape of global governance today. These include organizations with global vocation but private form (such as ISO and GAVI), a specialized sub-entity of another organization (UNHCR), an old, specialized organization centrally affected by changes in the global economy (UPU), a specialized organization dedicated to administering a particular treaty (the CITES Secretariat), and a regional organization with global reach (the OECD). With this we hope to gain a better sense of differences in institutional design and the range of legal issues arising in global governance today.

Students who seek to gain a background in international law or international organizations law may start with the following resources:

- Evans, Malcolm, ed., *International Law*, 5th ed., Oxford University Press, 2018
- Klabbers, Jan. *An Introduction to International Organizations Law*. 3rd ed. Cambridge University Press, 2015.
- Hurd, Ian. *International Organizations: Politics, Law, Practice*. 4th ed., 2020
- Benvenisti, Eyal. *The Law of Global Governance*. The Hague, 2014

Useful resources for reference purposes are

- Schermers, Henry G., and Niels Blokker. *International Institutional Law: Unity within Diversity*. 5th ed. Leiden: M. Nijhoff, 2011
- Klabbers, Jan, and Åsa Wallendahl, eds. *Research Handbook on the Law of International Organizations*. Cheltenham: Edward Elgar Publishing, 2011.
- Cogan, Jacob Katz, Ian Hurd, and Ian Johnstone, eds. *The Oxford Handbook of International Organizations*. Oxford University Press, 2016.
- C. F. Amerasinghe, *Principles of the Institutional Law of International Organizations*, Cambridge University Press, 2005

The Colloquium, being a 3-credit course, will meet on seven Thursdays throughout the fall semester: on 23 September, 7 and 21 October, 4 and 18 November, and 2 and 16 December. In all sessions except the first one, an experienced practitioner from an international organization will introduce current legal questions in the work of the organization. This will lead over to a discussion among participants about those questions and others that arise with respect to the particular organization, or international organizations in general.

Students are expected to read the materials assigned for each session and to come prepared with questions and reflections for discussion.

The assessment will be based on participation (20 percent) and a final take-home exam (80 percent, handed out on 18 December and to be submitted by 23 December). Instead of the exam, students can opt to write a short research paper (3000 words excl references) on a question to be discussed with the instructors; the paper has to be submitted by 31 December 2021.

Schedule

23 September: Introductory Session (Profs. Burci and Krisch)

This session introduces core questions in the law of international organizations so as to provide a basis and background for the in-depth discussions in the following weeks. We ask: what are the guiding ideas of international organizations law? How does international law portray international organizations? What is the role of states in the context of organizations? What is the role and the power of the secretariat? How are international organizations situated in the broader landscape of contemporary global governance? And how do we interpret the proliferation and occasional success of hybrid public-private bodies?

Required readings

Akande, Dapo. "International Organizations." In *International Law* (M. Evans, Ed.), 5th ed., 2018, pp. 227-258

Klabbers, Jan. "Unity, Diversity, Accountability: The Ambivalent Concept of International Organisation." *Melb. J. Int'l L.* 14 (2013): 149.

Aziz, Davinia. "Global Public-Private Partnerships in International Law." *Asian Journal of International Law* 2, no. 2 (July 2012): 339–74

Further readings

Klabbers, Jan. "The Life and Times of the Law of International Organizations." *Nordic Journal of International Law* 70, no. 3 (2001): 287–317.

Kingsbury, Benedict, Nico Krisch, and Richard B. Stewart. "The Emergence of Global Administrative Law." *Law & Contemporary Problems* 68, no. 3 (2005): 15–61.

Burci, Gian Luca. "Public/Private Partnerships in the Public Health Sector." *International Organizations Law Review* 6, no. 2 (January 1, 2009): 359–82.

Abbott, Kenneth W., Jessica F. Green, and Robert O. Keohane. "Organizational Ecology and Institutional Change in Global Governance." *International Organization* 70, no. 2 (April 2016): 247–77.

Casini, Lorenzo. "Global Administrative Law." *International Legal Theory: Foundations and Frontiers* (J. Dunoff and M. Pollack, eds., Cambridge University Press, forthcoming), available [here](#)

7 October: The Organization for Economic Cooperation and Development

Guest: Nicola Bonucci (former Director of Legal Affairs, OECD)

Required readings

Nicola Bonucci and Gita Kothari, "Organization for Economic Development and Cooperation (OECD)" (2013) (pdf available)

Flavia de Campos Mell, "The OECD enlargement in Latin America and the Brazilian candidacy" (2020), available [here](#)

“Why OECD work on anti-corruption matters to business” (2020), available [here](#)

Linda Broyser and Jasper Bossuyt, “Legitimacy in International Tax Law-Making: Can the OECD Remain the Guardian of Open Tax Norms?” *World Tax Journal* (May 2020). Please browse sections 2 and 4 only. Available [here](#)

Further readings

Woodward, Richard. *The Organisation for Economic Co-Operation and Development (OECD)*. London: Routledge, 2009.

Salzman, James. “The Organization for Economic Cooperation and Development’s Role in International Law.” *The George Washington International Law Review* 43 (2011): 101–22.

21 October: The International Organization for Standardization

Guest: Sandy Gros-Louis (Head, Legal Services, ISO)

Readings TBD

4 November: GAVI, the Vaccine Alliance

Guest: Jelena Madir (General Counsel, GAVI)

Readings TBD

18 November: The UN High Commissioner for Refugees

Guest: Lance Bartholomeusz (Principal Legal Adviser, UNHCR)

Readings TBD

2 December: The Universal Postal Union

Guest: Ricardo Guilherme (Director of Legal Affairs, UPU)

Readings TBD

16 December: The Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

Guest: Sofie H. Flensburg (Legal Advisor, CITES Secretariat)

Readings TBD

18 to 23 December: Exam

31 December: Submission of short research papers (for those taking that option)