



**Swiss National
Science Foundation**

International Conference

**Alternative Approaches to International Organizations in International Law:
Potentials, Complexities, and Pitfalls**

Convenors:

Negar Mansouri & Daniel Quiroga-Villamarin (PhD candidates)

With the support of Professor Nico Krisch, the Global Governance Center, and the International Law Department

Graduate Institute of International and Development Studies (Geneva, Switzerland)

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Summary

As International Organizations (IOs) tend to work in practice, few international lawyers have paid much thought to how they work in theory. As Klabbers and Sinclair noted recently, international organization law “is one of those fields of international law where the theorization by lawyers has been kept to a minimum” (2020, p. 489). As an example, functionalism -the main theoretical approach produced by international lawyers- which unsurprisingly “has been developed by practitioners, responding to practical challenges, often in piecemeal fashion and through mimicry or comparison” (Klabbers 2016, p. 618). Our neighboring disciplines, however, have been much more attentive to the theorization of these institutions. In the last three decades, scholars have increasingly applied the tools of international relations (IR), history, or ethnography -*inter alia*- to rethink the role of IOs in global governance (Katzenstein, Keohane, & Kraser 1998; Mazower 2013; Niezen & Sapignoli, 2017).

Against this background, it is surprising that the study of IOs in international law has remained largely dominated by doctrinal approaches, geared towards finding ‘legal’ answers to ‘legal’ questions. Scholarly inquiries of IOs in international law are usually restricted to a fixed list of topics (e.g., legal personality, membership, financing, external relations, legal status of normative output, application of international law, etc.) and methods (interpretation of IOs’ constituent instruments, rulings of international and domestic courts, etc.). Recently, Global Administrative Law (GAL) approaches have shown the importance of a broader approach to the study of IOs that goes beyond traditional positivism (Krisch & Kingsbury 2006; Kingsbury & Casini 2009). We want to take this work further, to pluralize the subjects, methods, and aims of international organizations law in a decidedly non-doctrinal fashion (Deplano 2019).

While alternative approaches (interdisciplinary, critical, etc.) to the study of rules, regime complexes, and concepts of international law have long found their ways into the literature and

teaching materials, the employment of non-doctrinal methods into the study of institutions - where the international law is shaped and contested- has remained rather marginal (inter alia, Chimni 2004; Pahuja 2011; Klabbers 2014; Sinclair 2017; Halme-Tuomisaari 2018; Roele 2020). As Chimni noted in 1999 (p. 343), “[i]n the corpus of literature which constitutes international legal studies, there is little reflection on the role of international institutions in sustaining a particular vision of world order.” This can be attributed to the fact that the study of dynamic sociological beings -here, IOs- requires concepts and methods quite different from those employed for the study of rules and regime complexes. Additionally, inter-governmental organizations are normatively and sociologically semi-open/semi-closed structures and function within various levels of authority. Sociologically, the functions and functioning of IOs are shaped by their member states and, at the same time, they themselves can forge their paths. At a normative level and unlike states, the unity of international organizations is not assumed in international law and international relations.

With the generous support of the Swiss National Science Foundation and the Global Governance Centre & International Law Department at the Graduate Institute, Geneva (IHEID), our conference aims to open up the space for multidisciplinary discussions on potentials of non-doctrinal approaches to the study of IOs in international law. The main premise of the event is that ‘alternative’ approaches could not only shed light on the unexplored nature and functioning of international organizations in international law, but they are also integral to a thorough understanding of rules and legal regimes in international law. The term ‘alternative approaches’ includes both interdisciplinary methods (the use of concepts and methods of other disciplines to study international organizations in international law) and the application of critical approaches developed within international law (Critical Legal Studies/New Stream, Marxism, Third World Approaches to International Law, Feminism, Historical Materialism) to international organizations. We aim to capture both ‘subjects of enquiry’ (e.g., what IR scholars or sociologists focus on in the study of institutions and how that could be useful in the study of IOs in international law), as well as how different disciplines study the same subject differently (for example the binary of formal and ultra vires acts in IOs law versus the spectrum of power in international relations and sociology).

In this vein, we invite our speakers and panelists to focus their contributions on the institutional aspect of IOs and either:

- discuss the potentials of alternative approaches to international organizations in international law from a methodological perspective; or
- deploy an alternative approach/approaches to a specific empirical case study.

By the term ‘international organizations’, we do not intend to limit the subjects of enquiry to intergovernmental organizations with operational and standard setting functions. It could include other international or transnational settings where the ‘global’ is shaped. International courts and tribunals, and specifically their secretariats, could also be considered covered by the

initiative. Non-governmental organizations (e.g., the ICRC or the ISO) could also fall within the scope. The conference is, however, intended to go beyond mere inter-state congresses; it aims to focus on institutional settings with a permanent non-state body and with a high degree of 'institutionality' (in the sense that we could confidently talk about the existence of sociological beings different from inter-state gatherings). It is the different faces of interventions that 'institutions' themselves make in 'local' and 'global' spaces that we are interested in.

See, *inter alia*,

- Chimni, B. S. "International Institutions Today: An Imperial Global State in the Making." *European Journal of International Law* 15, no. 1 (2004): 1–37. <https://doi.org/10.1093/ejil/15.1.1>.
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- Halme-Tuomisaari, Miia. "Methodologically Blonde at the UN in a Tactical Quest for Inclusion." *Social Anthropology* 26, no. 4 (November 2018): 456–70. <https://doi.org/10.1111/1469-8676.12583>.
- Katzenstein, Peter J., Robert O. Keohane, and Stephen D. Krasner. "International Organization and the Study of World Politics." *International Organization* 52, no. 4 (1998): 645–85.
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- Klabbers, J. "The Emergence of Functionalism in International Institutional Law: Colonial Inspirations." *European Journal of International Law* 25, no. 3 (2014): 645–75. <https://doi.org/10.1093/ejil/chu053>.
- Klabbers, Jan. *An Introduction to International Organizations Law*. Third edition. Cambridge, United Kingdom: Cambridge University Press, 2015.
- . "Theorizing International Organizations." In *The Oxford Handbook of the Theory of International Law*, edited by Anne Orford and Florian Hoffmann, 618–34. Oxford: Oxford University Press, 2016.
- Klabbers, Jan, and Guy Fiti Sinclair. "On Theorizing International Organizations Law: Editors' Introduction." *European Journal of International Law* 31, no. 2 (2020): 489–96. <https://doi.org/10.1093/ejil/chaa043>.
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- Mazower, Mark. *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*. Princeton: Princeton University Press, 2009.
- Niezen, Ronald, and Maria Sapignoli, eds. *Palaces of Hope: The Anthropology of Global Organizations*. Cambridge: Cambridge University Press, 2017. <https://doi.org/10.1017/9781316412190>.
- Pahuja, Sundhya. *Decolonising International Law: Development, Economic Growth and the Politics of Universality*. Cambridge: Cambridge University Press, 2011.
- Roele, Isobel. "Around Arendt's Table: Bureaucracy and the Non-Permanent Members of the UN Security Council." *Leiden Journal of International Law* 33, no. 1 (2020): 117–37. <https://doi.org/10.1017/S0922156519000645>.



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Programme

(due to the sanitary situation, changes in the programme could occur)

Thursday 14 October 2021

9:00-9:15 - Words of Welcome: Nico Krisch – *Graduate Institute, Geneva*

9:15-9:45 Plenary Address - Jan Klabbers - *University of Helsinki*

Discussant: Negar Mansouri - *Graduate Institute, Geneva*

Auditorium A1B

Coffee Break: 9:45-10:00

Cafeteria

Panel I: International Relations and Global Governance

Auditorium A1B

10:00- 10:15	Annabelle Littoz-Monnet - <i>Graduate Institute, Geneva</i> - “How to Study the Making of Expert Knowledge in Global Governance”
10:15 - 10:30	Juanita Uribe Garcia - <i>Graduate Institute, Geneva</i> - “IOs and Global Governance Objects: the case of Hidden Hunger”
10:30 - 10:45	Lucile Maertens - <i>Université de Lausanne</i> - “Why International Organizations Hate Politics: Depoliticizing the World”
10:45- 11:00	Lorenzo Gasbarri & Niccolò Ridi - <i>Università Bocconi & University of Liverpool</i> - “Promises and Perils of Computational Analysis as applied to the Study of International Organizations: A Case Study on Security Council Resolutions”

11:00-11:15	Gor Samvel – <i>Yerevan State University</i> - “Compliance Mechanisms of Multilateral Environmental Treaties in International Law: from Laws to Institutions and Back”
11:15 - 12:00	Discussion

Panel Discussant: Jan Klabbers – *University of Helsinki*

13:30-14:00 Plenary Address - Miia Halme-Tuomisaari – *Lund University*

Discussant: Julie Billaud – *Graduate Institute, Geneva*

Auditorium A1B

Coffee Break: 14:00-14:15

Cafeteria

Panel II: Sociology and Anthropology of International Institutions

Auditorium A1B

14:15- 14:30	Julie Billaud – <i>Graduate Institute, Geneva</i> - “Double Accountability and the Impossibility of Humanitarianism in Israel and Occupied Palestine: The ICRC program of Family Visits for Palestinian Prisoners”
14:30-14:45	Tommaso Soave – <i>Central European University</i> - “Institutional Bias and its Limits: Structure and Contingency in International Dispute Settlement”
14:45 - 15:00	Josef Ostransky – <i>European University Institute</i> - “New International Development Banks and Re-Configurations of International Development Discourse”
15:00- 15:15	Maria Sapignoli – <i>University of Milan</i> - “The Future of Global Governance Today: Algorithms, Experts, and Data-identities”
15:15-15:30	Kiri Santer – <i>University of Berne</i> - "Assembling Cooperative Interdiction at the EU’s External Maritime Border: Law and Policy in Practice"
15:30 -15:45	Stephania Yate – <i>University of Deusto & Universidad de los Andes</i> - “Water and Environmental Funds Proliferation in Latin America: The New Bet for Participatory Governance”
15:45- 16:15	Discussion

Panel Discussant: Miia Halme-Tuomisaari – *Lund University*

Coffee Break 16:15-16:30

Cafeteria

Concluding Roundtable: Feminist Approaches: 16:30- 18:00 – Isobel Roele (Queen Mary University of London), Anna Leander, & Lena Holzer (Graduate Institute, Geneva)

Auditorium A1B

Conference Dinner 19:30

(for speakers only)

Friday 15 October 2021

9:00- 10:00 Opening Roundtable - Guy Fiti Sinclair – Auckland Law School & Sundhya Pahuja – University of Melbourne

Discussant: Carolyn Biloft – *Graduate Institute, Geneva*

Room S5

Coffee Break: 10:00-10:15

Cafeteria

Panel III: Historical Perspectives of Global and Regional Governance

Room S5

10:15 - 10:30	Carolyn Biloft - <i>Graduate Institute, Geneva</i> - “The Marked and the Unmarked: Seeing IOs Differently”
10:30 - 10:45	Negar Mansouri - <i>Graduate Institute, Geneva</i> - “Money, Magic, Machine: International Telecommunications Union and the Changing Ownership of Networks (1971-1998)”
10:45 - 11:00	Francisco-José Quintana – <i>University of Cambridge</i> - “Small Powers, International Organisation, and the Role of Law: Jorge Castañeda’s View from Mexico”
11:00 - 11:15	Daniel Quiroga-Villamarín - <i>Graduate Institute, Geneva</i> - “Placeholders: Towards an Interim History of International Organizations”
11:15 - 11:30	Justina Uriburu - <i>Graduate Institute, Geneva</i> - “The Place and Purpose of Regional Paradigms of Peace in the Post-War World: Collective Security, Adjudication, and the Establishment of the Organization of American States”
11:30 - 12:00	Discussion

Panel Discussant: Sundhya Pahuja – *University of Melbourne*

13:30 - 14:00 Plenary Address - BS. Chimni – Jindal Global Law School

Discussant: Janne Nijman - *Graduate Institute, Geneva*

Auditorium A2

Coffee Break: 14:00 - 14:15

Cafeteria

Panel IV: Critical Approaches to International Organizations and their Law(s)

Auditorium A2

14:15- 14:30	Fuad Zarbiyev - <i>Graduate Institute, Geneva</i> - “The ICJ and Specialized Adjudicative Bodies: From Indifference to Authority-Trading”
14:30-14:45	Robert Knox - <i>University of Liverpool</i> - “Capitalism, Race and the Shaping of International Institutions”
14:45 -15:00	Richard Clements – <i>Tilburg University</i> - “Translating International Organizations and the Politics of Reform”
15:15- 15:30	Juliana Carvalho - <i>Graduate Institute, Geneva</i> - “Under the Shadow of Legality: A Feminist Analysis on the Legal Construction of the Women, Peace and Security agenda”.
15:30-15:45	Parvathi Menon – <i>University of Helsinki</i> - “A Tale of Two Capitals: Multilateralism, Imperialism, and the Open Door Policy at the League of Nations”
15:45-16:00	Dimitri Van Den Meerssche – <i>University of Edinburgh</i> - “‘The Critic is not the one who Debunks, but the one who Assembles’ - On Professional Performances and Material Practices”
16:00-16:15	Discussion

Panel Discussant: BS. Chimni – *Jindal Global Law School*

Coffee Break 16:15-16:30

Cafeteria

16:30-18:00 Concluding Roundtable – René Urueña (*Universidad de los Andes*), Megan Donaldson (*University College London*), Deval Desai (*University of Edinburgh*), & Nico Krisch (*Graduate Institute, Geneva*)

- Moderators: Negar Mansouri & Daniel Quiroga-Villamarin (*Graduate Institute, Geneva*)

Auditorium A2