

LL.M./M.C.L., 2/3 YEAR COURSE (I TERM)

INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS [YLM-103]

2022

Note:

1. *The following course content should not be treated as exhaustive. The questions may be set from any topic which the examiner feels relevant to the subject.*
2. *There shall be one written examination of three hours' duration in each subject at the end of each Term. One question paper shall be set in each of the subjects prescribed for study and examination. Each paper shall carry 100 marks. The minimum pass marks in each subject shall be 50%.*
3. *Every student of this course is required to present a paper in the class for discussion on a topic assigned by the concerned teacher. No student shall be permitted to appear in the examination unless a certificate is issued by the teacher that the paper presented by the student was to his/her satisfaction.*

OBJECTIVE

The objective of this course is to understand and analyse the growth and development of International Organizations (IOs) and particularly that of the United Nations. It provides the ways how these organizations have contributed to the growth and development of international law relevant for the purposes of regulating and facilitating the inter-state relations of member countries. This course also focuses on important basic aspects of international organizations such as powers, functions, privileges, immunities and responsibilities of international organizations with a special emphasis on the United Nations. This course is designed to study and analyse the institutional mechanism for protection and promotion of human rights with a special focus on human rights bodies under the United Nations Charter and certain specific human rights treaties.

PRESCRIBED BOOKS

C.F. Amersinghe, *Principles of the Institutional Law of International Organisations* (Cambridge University Press, 2005)

Jan Klabbbers, *An Introduction to International Organizations Law* (Cambridge University Press, 3rd edn, 2015).

Paul Kennedy, *Parliament of Man: The Past, Present and Future of the United Nations* (Vintage: 2006)

Phillipe Sands QC and Pierre Klein, Bowett: *Law of International Institutions* (6th edn, Sweet & Maxwell 2015).

Simon Chesterman, Thomas Franck and David M. Malone, *Law and Practice of United Nations* (Oxford University Press, 2008)

I: DEVELOPMENT OF INTERNATIONAL ORGANISATIONS

Development of international organisations in historical perspective

Establishment of international organisations: Rationale

Critical approaches to IOs: TWAIL, feminist perspective, and Marxist perspective

India and international organisations

Recommended Readings

Jose E. Alvarez, 'International Organizations: Then and Now', 100 *AJIL* 324 (2006).

B.S. Chimni, 'International Organizations, 1945–Present' in Jacob Katz Cogan, Ian Hurd and Ian Johnstone (eds), *The Oxford Handbook of International Organizations* (OUP 2017).

David Mitrany, 'The Functional Approach to World Organization', 24(3) *International Affairs* 350 (1948).

Kenneth W. Abbott and Duncan Snidal, 'Why States Act through Formal International Organizations?', 42 *Journal of Conflict Resolution* 3 (1998).

R.P. Anand, 'The Formation of International Organizations and India: A Historical Study', 5 *LJIL* 1 (2010).

B.S. Chimni, 'International Institutions Today: An Imperial Global State in the Making' 15 *EJIL* 1 (2004).

Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations 1986 (adopted 21 March 1986) UN Doc A/CONF.129/15, Article 2(1)(i).

ILC, 'Draft articles on the law of treaties between States and international organizations or between international organizations, with commentaries 1982' in *Yearbook of the International Law Commission*, vol II, part two (1982), Article 2(1)(i).

2: CONCEPTS, POWERS AND RESPONSIBILITY

Definition

Classification of international organisations

Legal personality

Powers—express, implied and inherent

Responsibility

Immunities and privileges

Recommended Readings

Jan Klabbbers, *An Introduction to International Organizations Law* (Cambridge University Press, 3rd edn, 2015), Chapters 3, 4, 8 & 14.

Jan Klabbbers, 'Reflections on Role Responsibility: The Responsibility of International Organizations for Failing to Act', 28(4) *EJIL* 1133 (2018).

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

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

Effect of Awards of Compensation Made by UN Administrative Tribunal, [1954] *ICJ Reports* 47.

ILC Draft Articles on the Responsibility of International Organizations, 2011

Al-Jedda v United Kingdom, European Court of Human Rights, No. 27021 (7 July 2011).

Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations (Advisory Opinion) [1989] *ICJ Reports* 177.

3: INTERNATIONAL ORGANIZATIONS AND FORMATION OF INTERNATIONAL LAW

IOs and making of treaties

IOs and creation of customary international law

Recommended Readings

Jan Klabbers, *An Introduction to International Organizations Law* (Cambridge University Press, 3rd edn, 2015), Ch 13.

Jose E. Alvarez, *International Organizations as Law Makers* (OUP, 2006), Chs. 5 & 6.

Kristina Daugirdas, 'International Organizations and the Creation of Customary International Law', 31(1) *European Journal of International Law* 201 (2020).

Jed Odermatt, 'The Development of Customary International Law by International Organizations', 66 *ICLQ* 491 (2017).

Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986.

Interpretation of the Agreement of 25 March 1951 Between the WHO and Egypt, [1980] *ICJ Reports* 73.

4: UNITED NATIONS: INSTITUTIONAL STRUCTURE AND FUNCTIONS

Institutional structure of the UN

UN reforms

Functions—regulation of use of force and international peace and security (UNGA, UNSC-Ch VI & VII)

UN Peacekeeping Operations

Recommended Readings

Bruno Simma *et al* (eds), *The Charter of United Nations: A Commentary*—Vol 1 & II (OUP, 2012).

Hans Kelsen, 'Collective Security and Collective Self-Defense Under the Charter of the United Nations', 42(4) *AJIL* 783 (1948).

Report of the Secretary-General—In larger freedom: towards development, security and human rights for all, 21 March 2005, pp 39-52.

Nigel D. White, 'Peacekeeping and International Law', in Joachim A. Koops et al (eds), *The Oxford Handbook of United Nations Peacekeeping Operations* (OUP, 2015).

Madeleine O. Hosli & Thomas Dörfler, 'The United Nations Security Council: The Challenge of Reform', in D. Lesage and T. Van de Graaf (eds), *Rising Powers and Multilateral Institutions* (Palgrave Macmillan, 2015).

UN Charter

5: INTERNATIONAL JUDICIAL INSTITUTIONS

International Court of Justice

International Criminal Court

Recommended Readings

The Statue of International Court of Justice

The Rome Statue of International Criminal Law

P.S. Rao, 'Reservation to the Optional Clause under Article 36, paragraph 2, of the International Court of Justice', 46(4) *Indian Journal of International Law* 636 (2006).

Andreas Zimmermann et al (eds), *The Statue of International Court of Justice: A Commentary* (OUP, 2012).

Ian Hurd, *International Organizations: Politics, Law, Practice* (Cambridge University Press, 2011), Chs 8 & 9)

Haris Jamil, 'Critical Evaluation of India's Position on the Rome Statue', 57 *IJIL* 442 (2017).

6: HUMAN RIGHTS AND INSTITUTIONAL MECHANISMS

Human rights institutions under the UN Charter

Human rights institutions under treaties

Recommended Readings

Ghanea Nazila, 'From UN Commission on Human Rights to UN Human Rights Council: One Step Forward or Two Steps Sideways?', 55(3) *International and Comparative Law Quarterly* 694 (2006).

Hilary Charlesworth & Emma Larking, 'Introduction—the Regulatory Power of the Universal Periodical Review', in Hilary Charlesworth & Emma Larking (eds), *Human Rights and the Universal Periodical Review: Ritual and Ritualism* (CUP, 2015).