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Jan Klabbers

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## An Introduction to International Institutional Law

International organizations often have to compete with those very states that created them. This complicated relationship often leads to some uncertainty in the law relating to international organizations: the legal argument of an organization will often be counterpointed by an equally valid argument from a member state.

Professor Jan Klabbers is mindful of this complex relationship in his analysis of international institutional law. This second edition has been revised in the light of new developments and case-law. New sections are devoted to judicial review of Security Council acts and discussion of the ICJ's *Genocide* case (2007) and the *Behrami* judgment of the European Court of Human Rights (2007). Recent scholarly developments are also accommodated, such as the rise of constitutionalism and global administrative law, and the increased understanding that international organizations exercise public authority and therefore ought to be subject to some form of control.

**Jan Klabbers** is Professor of international organizations law at the University of Helsinki and Director of the Academy of Finland Centre of Excellence in Global Governance Research. He has served as visiting professor at Hofstra University (New York) in 2007 and at the Graduate Institute of International Studies and Development (Geneva) in 2008.

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‘You are my creator, but I am your master; obey!’  
Mary Shelley

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## Preface to the First Edition

It was in the autumn of 1992, or perhaps the spring of 1993, when I received a phonecall from a former student of mine at the University of Amsterdam, now working for a solicitor's firm in London. After the usual expressions of surprise and politeness, he asked me what I knew about the responsibility of international organizations under international law.

The short answer was: nothing. Teaching international law in Amsterdam, one was not supposed to inquire into the law of international organizations beyond the merest basics (personality, the legal status of General Assembly resolutions, collective security, that sort of thing); after all, we had a separate department (or section, rather) to cover international institutional law.

The one thing I did remember from my student days was that the law of international organizations was taught to us as a seemingly endless enumeration of facts ('The Council of Europe was established in whenever'), numbers ('The European Parliament has umpteen members'), abbreviations ('IRO stands for whatever') and generally incomprehensible phrases ('Specialized agencies?' Specialized in what? Agencies of and for whom?).

Indeed, leafing through the textbooks I had to read as a student, it becomes clear that general legal issues relating to international organizations had no priority. One of our textbooks addressed such issues, but in the part that was not compulsory reading for our exams.<sup>1</sup> The other general textbook was more in the nature of a comparative review of internal provisions some organizations may have had in common, without emphasizing general legal issues.<sup>2</sup> In short, I had to tell my former student that on points of detail my knowledge displayed, er, a slight deficiency, but that I was sure the professor of international law at the London School of Economics at the time could be of more assistance to him.<sup>3</sup>

<sup>1</sup> This book was D. W. Bowett, *The Law of International Institutions* (4th edn, London, 1982). Recently, a new edition appeared: Philippe Sands and Pierre Klein, *Bowett's Law of International Institutions* (London, 2001). Unfortunately, I received it too late to be able to do much with it.

<sup>2</sup> This was the synoptic Dutch version of H. G. Schermers's famous *International Institutional Law*, condensed to some 300 pages under the title *Inleiding tot het internationale institutionele recht* (2nd edn, Alphen aan den Rijn, 1980).

<sup>3</sup> I did not know half how fortunate that suggestion was: Professor (now Judge) Rosalyn Higgins was at the time preparing a report for the Institut de Droit International on the very topic of the responsibility of international organizations and their member states.

Nonetheless, the episode got me thinking that there might be more to the law of international organizations than I had always been accustomed to, and when I started teaching EC law some years later (which involved, at the time, yet another department at the University of Amsterdam), I was forced to look a bit more closely into such notions as implied powers, *ultra vires*, legal personality, treaty-making by organizations, and judicial protection. So, when in 1996 I switched to the University of Helsinki and found out that there was no separate department for the law of international organizations, I readily volunteered to set up a course.

The one problem I encountered was that few of the textbooks available would address the issues I found to be important, with the exception of Amerasinghe's recent textbook.<sup>4</sup> Amerasinghe's excellent book, however, came with two drawbacks: not only was its retail price prohibitive, I also found myself often admiringly disagreeing, in particular when it came to the general outlook on international organizations.<sup>5</sup> While I could appreciate Amerasinghe's scholarship, I still felt that his textbook did not explain things in the way I would. And so, I figured, there was only one thing I could do, and that was to write my own textbook.

The famous (if controversial) philosopher Richard Rorty once wrote that education ought first to socialize people into the customs and ideas that make up the society they are a part of, after which at colleges and universities the happy few should be allowed and stimulated to question and debate all the things they have learned in the past: socialization first, followed by individualization.<sup>6</sup>

It is with both goals simultaneously in mind that the present book is written. All too often perhaps, textbooks and courses on the law of international organizations remain limited to socialization: introducing newcomers to the particular rites of international institutional lawyers. While that is a valuable goal in its own right (and indeed this book contains much socialization as well), my ultimate aims are to get people to think about the law of international organizations, and help the reader to understand how interesting it can be as long as one does not insist on approaching the topic as a mere gathering of numbers, dates, abbreviations and incomprehensible phrases. As my students have convinced me, it might actually be worth the effort of treating them not as mere receptacles for bits and pieces of information – useful only to impress tuition-fee-paying parents and for boosting their chances of victory at Trivial Pursuit – but as intelligent adults with critical faculties.

Admittedly, after reading this book, the reader may still not know how many seats the European Parliament has, or whether the IAEA is properly to be considered a Specialized agency, or in what year the Council of Europe

<sup>4</sup> C. F. Amerasinghe, *Principles of the Institutional Law of International Organizations* (Cambridge, 1996).

<sup>5</sup> I have set this out more broadly in a review of Amerasinghe's book (1997) 66 *Nordic JIL*, 553–55.

<sup>6</sup> Richard Rorty, 'Education as Socialization and as Individualization', reproduced in his *Philosophy and Social Hope* (London, 1999), 114–26.

was established, or what the name of the WTO’s plenary body is. Instead, the reader will hopefully have come to an understanding of why seemingly simple legal questions (May organization X engage in activity Y? May state A become a member of organization B? May state F withhold its contribution from organization G?) usually seem to defy easy answers and become the stuff of politics.

## Preface to the Second Edition

Authors of academic works don't usually get a second chance: once a book is published, it is published, and there is no opportunity left to make improvements. Unless, that is, when somehow a second edition seems opportune. Such a new edition seemed opportune in this case, for a lot has happened since the first edition was written. The EU has almost doubled in membership (from 15 to 27), it saw a Constitutional Treaty rejected by citizens in two of its member states, and a watered down version (the Lisbon Treaty) by the citizens of yet a third. The ECSC Treaty, moreover, died a natural death: it expired. NATO continued its activities out-of-area, which had started with the proverbial bang by bombing Belgrade. 9/11 happened, and arguably is the main factor behind the quasi-legislative role assumed by the UN Security Council and behind the willingness of the US to pay its membership contributions to the UN. But most of all, the discussion on the control of international organizations has really taken off. While the contours of that discussion have been visible since, say, the early 1990s, recent years have seen an explosion of activities somehow related to control: it is no coincidence that over the last couple of years many organizations have created the function of compliance officer, or have created or boosted organs dealing with issues of control and accountability. Organizations have, so to speak, become card-carrying members of 'the audit society'.

In Academia's ivory tower too, interesting things took place. Some important works were published (and one or two earlier ones belatedly discovered by me). Of greater structural importance, though, is that since 2004, international institutional lawyers have had their own forum: the *International Organizations Law Review* brings together practitioners and academics discussing the intricacies and relevance of institutional developments. As the footnotes to this edition testify, IOLR has already made a huge impact. The control discussion has in turn appeared in the form of dozens of studies on constitutionalism, judicial review, accountability and responsibility and the closely related phenomenon of global administrative law.

The structure of this edition has remained faithful to the first edition, as has the central argument that international institutional law owes much to the ambiguous relationship between the international organization and its member states. All chapters have been updated, incorporating new facts, new

case-law, and new insights. Some chapters have been, to some degree, re-written and re-structured. This holds in particular for Chapter 8, on privileges and immunities, which contained a lengthy introduction that I was, in retrospect, not very happy with. Next, Chapter 10 on law-making has been improved in response to some observations in a published review of the first edition. The chapter on responsibility, Chapter 14, has been re-written so as to reflect predominantly the development of my own thinking on the topic, also due to having been exposed to the insights of political and moral theorists. In Chapter 7, on financing, I deleted most of the discussion on the US contribution, in light of the circumstance that the pre-9/11 financial crisis is not, at present, urgent. Some of the general points, of course, remain, and have been generalized. Finally, Chapter 16 has largely been re-written, precisely so as to reflect the discussion on control and accountability beyond the more specific confines of the responsibility discussion in Chapter 14.

Since the publication of the first edition, I have been teaching an entire course, or sizeable part of a course, on international institutional law, using my own book. This applies to Helsinki, of course, but also to Dresden. As a visiting professor at Hofstra Law School during the spring of 2007, exposure to a class of predominantly American students opened a few vistas that would otherwise have remained closed. In addition, I have taught parts of the course in Reykjavik, and conducted an advanced seminar on issues of control at the Graduate Institute of International Studies and Development. Many thanks to my hosts on those occasions: Sabine von Schorlemer, Jay Hickey, Thordis Ingadottir, and Andrea Bianchi. In addition, many, many thanks to James Fry, teaching assistant extraordinaire and an excellent scholar in his own right.

Over the years, the working atmosphere at the University of Helsinki within the Erik Castrén Institute of International Law and Human Rights and, since 2006, the interdisciplinary Centre of Excellence in Global Governance Research has proven to be challenging, stimulating and, quite simply, wonderful: many thanks to all those I work with on a daily basis. In addition, quite a few people have provided me with things to read, look into, or check up on. I have probably forgotten more of them than is socially acceptable, but those I remember having come with tangible suggestions include Niels Blokker, Armin von Bogdandy, Laurence Boisson de Chazournes, Richard Collins, Manfred Elsig, Toni Erskine, André de Hoogh, Antti Kivivuori, Riikka Koskenmäki, Pieter Jan Kuyper, Renato Matos, Anne Peters, Aleksandr Popov, Geir Ulfstein, Wouter Werner and Ramses Wessel. In addition, there has been close contact with the staff at the European Forest Institute and the Nordic Investment Bank, and conversations, debates and discussions with far too many people to mention. To all of them, my heartfelt thanks.

Finally, on the home front, I am hugely indebted to Marja-Leena and Johan for all the usual reasons and many more, and to the staff at CUP, especially Finola O'Sullivan and Sinéad Moloney, for their support, encouragement, and skilful handling of all sorts of problems.

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Anja Lindroos and Jarna Petman have read and commented upon the entire manuscript, as have the anonymous referees for Cambridge University Press. Their comments have done much to improve the quality of the text.

I have also benefited enormously from being able to participate in an interdisciplinary research project undertaken by the United Nations University, on the legitimacy of international organizations (directed by Veijo Heiskanen and Jean-Marc Coicaud: thanks, guys), in which some of the best minds of various disciplines participated. Without our free-flowing discussions at meetings in New York and Geneva, this book would have looked very different indeed.

My thanks go also to the organizations, both intergovernmental and non-governmental, that have over the years asked me to advise them on the law of international organizations. As is so often the case, the main benefit of acting as consultant accrues to the consultant: the insights gained from drafting a constituent document or an agreement on privileges and immunities, as well as from attending international meetings and being able to observe what goes on and how the process works, are invaluable.

As usual, however, the deepest professional gratitude is owed to my students, present and past, both in Helsinki and Amsterdam as well as (during a few visiting stints) in Addis Ababa. They have listened with patience, swallowed what they felt could be deemed plausible, and rejected some of the nonsense that made its way through to the classroom.

At home, thanks to Marja-Leena for her love, guidance, patience and support. Our son Johan feels he has an inherent power to monopolize his father's time and attention, and that any decision to the contrary is simply a decision *ultra vires*. He has a point, of course: it is difficult to imagine those concepts being put to better use.

Helsinki, June 2002



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*Case of the SS Lotus*, [1927] Publ. PCIJ, Series A, no. 10 47, 56

*Certain Questions Relating to Settlers of German Origin in the Territory Ceded by  
Germany to Poland*, advisory opinion, [1923] Publ. PCIJ, Series B, no. 6 8

*Competence of the ILO to Examine Proposals for the Organisation and  
Development of Methods of Agricultural Production*, advisory opinion,  
[1922] Publ. PCIJ, Series B, nos. 2 & 3 54

*Competence of the ILO to Regulate the Conditions of Labour of Persons Employed  
in Agriculture*, advisory opinion, [1922] Publ. PCIJ, Series B, nos. 2 & 3  
53–4

*Competence of the International Labour Organization to Regulate, Incidentally,  
the Personal Work of the Employer*, advisory opinion, [1926] Publ. PCIJ,  
no. 13 54–5

*Interpretation of Article 3, paragraph 2, of the Treaty of Lausanne*, advisory  
opinion, [1925] Publ. PCIJ, Series B, no. 12 207

*Interpretation of the Greco-Turkish Agreement of December 1st, 1926*, advisory  
opinion, [1928] Publ. PCIJ, Series B, no. 16 59

*Jurisdiction of the European Commission of the Danube between Galatz and  
Braila*, advisory opinion, [1926] Publ. PCIJ, Series B, no. 14 55–6, 70

*Nationality Decrees Issued in Tunis and Morocco (French Zone)*, advisory  
opinion, [1923] Publ. PCIJ, Series B, no. 4 57, 223

*Nomination of the Worker's Delegate for the Netherlands*, advisory opinion,  
[1922] Publ. PCIJ, Series B, no. 1 155

*Railway Traffic between Lithuania and Poland (Railway sector  
Landwarów-Kaisiadorys)*, [1931] Publ. PCIJ, Series A/B, no. 42 184–5

*Request for Advisory Opinion Concerning the Status of Eastern Carelia*, [1923]  
Publ. PCIJ, Series B, no. 5 232

### International Court of Justice

*Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*,  
[1972] ICJ Reports 46 249

- Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* (Mazilu), advisory opinion, [1989] ICJ Reports 177 139, 143–4, 234
- Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*, advisory opinion, [1988] ICJ Reports 12 42, 146
- Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal* (Fasla), advisory opinion, [1973] ICJ Reports 166 166, 245–6, 247
- Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*, advisory opinion, [1982] ICJ Reports 325 33
- Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal*, advisory opinion, [1987] ICJ Reports 18 233
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Yugoslavia), preliminary objections, [1996] ICJ Reports 595 102, 106
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Serbia and Montenegro), 26 February 2007, nyr 102, 106
- Border and Transborder Armed Actions* (Nicaragua v. Honduras), [1988] ICJ Reports 69 192
- Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), further request for the indication of provisional measures, [1993] ICJ Reports 325 225
- Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie* (Libya v. UK), preliminary objections, [1998] ICJ Reports 9 172–3, 291
- Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie* (Libya v. UK), order, [1992] ICJ Reports 3 172, 226, 291
- Case Concerning the Barcelona Traction, Light and Power Company, Limited* (Belgium v. Spain), second phase, [1970] ICJ Reports 3 173
- Case Concerning the Frontier Dispute* (Burkina Faso v. Mali), [1986] ICJ Reports 554 240
- Case Concerning the Gabčíkovo-Nagymaros Project* (Hungary/Slovakia), [1997] ICJ Reports 7 102
- Case Concerning Legality of Use of Force* (Serbia and Montenegro v. Belgium), preliminary objections, [2004] ICJ Reports 279 106, 274
- Case Concerning the Vienna Convention on Consular Relations* (Germany v. USA), [1999] ICJ Reports 9 271
- Case of Certain Norwegian Loans* (France v. Norway), [1957] ICJ Reports 9 271

*Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)*, advisory opinion, [1962] ICJ Reports 151 62, 69, 82, 91, 120–1, 122, 170–1, 214–15, 219, 281–2

*Competence of the General Assembly for the Admission of a State to the United Nations*, advisory opinion, [1950] ICJ Reports 4 97–8

*Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)*, advisory opinion, [1948] ICJ Reports 57 96–7

*Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization*, advisory opinion, [1960] ICJ Reports 150 89–90, 215–16

*Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission of Human Rights (Cumaraswamy)*, advisory opinion, [1999] ICJ Reports 62 139, 144–5, 233–4

*Effect of Awards of Compensation made by the United Nations Administrative Tribunal*, advisory opinion, [1954] ICJ Reports 47 61–2, 63, 65, 164–6, 245, 260

*Fisheries Jurisdiction Case (UK v. Iceland)*, jurisdiction, [1973] ICJ Reports 3 23

*Interpretation of Peace Treaties with Bulgaria, Hungary and Romania*, advisory opinion, [1950] ICJ Reports 65 232, 233

*Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, advisory opinion, [1980] ICJ Reports 73 85–6, 147, 284

*Judgments of the Administrative Tribunal of the International Labour Organization upon Complaints made against the United Nations Educational, Scientific and Cultural Organization*, advisory opinion, [1956] ICJ Reports 77 160, 246

*Land and Maritime Boundary between Cameroon and Nigeria (Nigeria v. Cameroon)*, merits, [2002] ICJ Reports 303 254

*Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, advisory opinion, [1971] ICJ Reports 16 62, 202, 209, 222

*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, advisory opinion, [2004] ICJ Reports 136 232

*Legality of the Threat or Use of Nuclear Weapons*, advisory opinion, [1996] ICJ Reports 226 169, 190, 219

*Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, advisory opinion, [1996] ICJ Reports 66 70, 216, 219, 232–3

*Legality of Use of Force (Yugoslavia v. Belgium)* [1999] ICJ Reports 124 102

*Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. USA)*, merits, [1986] ICJ Reports 14 187, 190

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*Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, advisory opinion, [1951] ICJ Reports 15 76, 95  
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*South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa)*, second phase, [1966] ICJ Reports 6 189  
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Court of Justice of the EC

8/55, *Fédération Charbonnière de Belgique v. High Authority* [1954–6] ECR 292 59–60  
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## A note on documentation

In writing this book, two compilations of source materials have proved immensely helpful. Many of the more current constitutional documents are brought together in Louis B. Sohn (ed.), *International Organisation and Integration: Student Edition* (Dordrecht, 1986); additional documents can be found in the tremendously useful eight-volume collection compiled by a number of Dutch scholars: P. J. G. Kapteyn *et al.* (eds.), *International Organization and Integration: Annotated Basic Documents and Descriptive Directory of International Organizations and Arrangements* (2nd rev. edn, The Hague, 1981–4).

More recent documents have sometimes been drawn from publications stemming from the relevant organization itself. Thus, the UN Charter has, since time immemorial, been published by the UN Department of Public Information in a small blue vest-pocket version. In a more updated version, many organizations have websites which invariably produce the organization's constituent document. The names of those sites generally follow the same pattern: the abbreviated name of the organization plus a dot and either the letters 'org' or 'int'. Thus, the Asian Development Bank can be found at [www.adb.org](http://www.adb.org); the OECD at [www.oecd.org](http://www.oecd.org); the Council of Europe, at [www.coe.int](http://www.coe.int), and Interpol also has 'int' in its name: [www.interpol.int](http://www.interpol.int). Sometimes there is a surprise, in that an abbreviation in a language other than English is chosen. Thus, the OAS can be found [www.oea.org](http://www.oea.org). A useful set of links to a number of organizations is maintained by the University of Bologna in Italy, at [www.spfo.unibo.it/spolfo/INTORG.htm#oio](http://www.spfo.unibo.it/spolfo/INTORG.htm#oio).

For the text of the EC and EU treaties I have used the consolidated version published in (1998) 37 *ILM* 56, while more recent documents (the Treaty of Nice comes to mind) have been culled from the EU's official website, at [europa.eu.int/eur-lex](http://europa.eu.int/eur-lex). Here one can also find decisions of the EC courts which have not been published in the European Court Reports just yet.

Finally, the UN maintains a number of important sites for information. One of these, very useful but, alas, accessible only at a fee, is the treaty collection, at [untreaty.un.org/English/treaty.asp](http://untreaty.un.org/English/treaty.asp). When looking for Security Council and General Assembly materials, probably the quickest source nowadays is the UN's Documentation Service, at [www.un.org/documents/index.html](http://www.un.org/documents/index.html).