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0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

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Principles of the Institutional Law of International Organizations

This second edition of C. F. Amerasinghe's successful book, which covers the institutional aspects of the law of international organizations, has been revised to include, among other things, a new chapter on judicial organs of international organizations, as well as a considerably developed chapter on dispute settlement. There is a rigorous analysis of all the material alongside a functional examination of the law.

A brief history of international organizations is followed by chapters on, amongst others, interpretation, membership and representation, international and national personality, judicial organs, the doctrine of ultra vires, liability of members to third parties, employment relations, dissolution and succession, and amendment. Important principles are extracted and discussed, and the practice of different organizations examined.

CHITTHARANJAN FELIX AMERASINGHE was formerly Judge at the UN Tribunal in New York, and of the Commonwealth Secretariat Tribunal in London. He was also Professor of Law and later Honorary Professor of Law at the University of Ceylon, Colombo. He was Director of the Secretariat and Registrar at the World Bank Tribunal in Washington, and is currently a member of the Institut de Droit International. He has advised governments on international law and has written extensively on the subject. He is a Doctor of Law of the University of Cambridge. His publications include *State Responsibility for Injuries to Aliens* (1967), *Studies in International Law* (1969), *The Law of the International Civil Service* (two volumes, 2nd edition, 1994), *Documents on International Administrative Tribunals* (1989), *Case Law of The World Bank Administrative Tribunal* (three volumes, 1989, 1993 and 1997), *Local Remedies in International Law* (2nd edition, 2004), and a treatise entitled *Jurisdiction of International Tribunals* (2002).

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Frontmatter

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**Principles of the institutional law of
international organizations**
Second Revised Edition

by

C. F. Amerasinghe, *PhD, LL.D (Cantab.)*



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Frontmatter
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0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

Contents

	<i>Preface</i>	page xiii
	<i>List of abbreviations</i>	xv
	<i>Table of cases</i>	xxiii
1	Introduction	1
	History of international organizations	1
	Pervasiveness of international organizations	6
	Classifications	9
	The concept of international institutional law	13
	The nature of international institutional law	15
	The sources of the law	20
	Methodology	21
2	Interpretation of texts	24
	Constitutional interpretation	25
	Who may interpret	25
	The process of interpretation	33
	Difficulties with predictability	33
	The Vienna Convention of 1969	39
	The jurisprudence	42
	Evaluation	59
	Decisions of non-judicial organs	61
3	Legal personality	66
	The rationale for personality	67
	Personality at a non-international level	69
	Attribution of international personality	77
	Objective personality	86

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

VIII CONTENTS

	The consequences of international personality	92
	Particular powers	100
4	Membership and representation	105
	Membership	105
	Admission to membership	105
	Continuity, Creation and Succession of States	111
	Suspension	114
	Termination of membership	117
	Withdrawal	117
	Expulsion	121
	Non-ratification of an amendment to the constitution	124
	Disappearance or loss of essential characteristics	124
	Representation	125
5	Non-Judicial organs of organizations	131
	Plenary organs	132
	Composition	132
	Powers	135
	Organs of limited membership	137
	Composition	137
	Powers	138
	Subsidiary organs	139
	Relationship <i>inter se</i> of principal organs	142
	Voting	148
	Administrative organs	154
6	Acts of non-judicial organs: their legal effect	160
	Institutional or organizational acts	163
	Operational acts	168
	Binding acts	172
	Recommendations	175
	Duty to consider	177
	Duty to co-operate	178
	Duty to comply	180
	Duty to assist	183
	Authorization for action	184
	Basis for implementation	185
	Evidence for formation of law	186
	Other forms of resolutions	187

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

CONTENTS IX

7	Acts of non-judicial organs: the doctrine of <i>ultra vires</i>	193
	The problem and relevance of final adjudication	199
	The content of the doctrine of <i>ultra vires</i>	208
8	Judicial organs	217
	Forms of organs	217
	Qualities of judicial organs flowing from the nature of the judicial power	224
	History of the concept of ‘fundamental principles’	227
	Deductions	234
	Implications of the fundamentality of general principles of law	236
	Particular matters relating to the principle of judicial independence	238
	Qualifications of judges and conditions for selection	238
	Emoluments of judges	245
	Reappointment of judges	248
	Conflict of interest	250
	The registry	254
	Legislative powers of the creating authority	257
	Concluding observations	258
	The status of judicial organs	261
	Subsidiarity	266
	Subordination	267
	Conclusion	269
9	The internal law: employment relations	271
	The internal law	271
	The law of employment relations	275
	Development	275
	Need for an independent system of law	277
	The internal law as the governing law	279
	The nature of the employment relationship	280
	Sources of the law	282
	Agreements	283
	Constituent instruments	285
	Staff regulations, staff rules and written sources	286
	General principles of law	288
	Practice of the organization	290

X CONTENTS

	Other sources	292
	The hierarchy of sources	294
	The nature of control over administrative powers	299
	Review of the exercise of powers	299
	Discrimination and improper motive	303
	Substantive irregularity	304
	Procedural irregularities	305
	Limitations on the power of amendment	306
10	Privileges and immunities	315
	The conventional law	317
	Privileges and immunities of organizations	320
	Immunity from jurisdiction	320
	Property, assets and currency	328
	Premises and archives	330
	Fiscal matters	335
	Communications	335
	Privileges and immunities of personnel	337
	Representatives of member states	338
	Officials	341
	Other persons	343
	Customary law	344
	Claiming immunity and waiver	348
	Abuse	350
11	Financing	352
	The budget process	355
	Control over budgetary expenditure	357
	Internal audit	357
	External audit	358
	The finding of resources	359
	Obligatory contributions	359
	Limitations on apportionment	362
	Voluntary contributions and gifts	364
	Self-financing	364
	Expenses	365
	The obligation to pay	375
	The obligation to approve the budget	379

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

CONTENTS XI

12	Responsibility to and of international organizations	384
	Law governing relations between international organizations and other parties	386
	Responsibility to international organizations	390
	Substantive rights in general	390
	Rights in regard to staff	393
	The right to bring claims at international law	394
	Responsibility of international organizations	399
	Substantive obligations	400
	The defendant	406
13	The liability of member states <i>vis-à-vis</i> third parties	407
	The governing law and problems with the forum	408
	The importance of the organization's having personality	412
	The liability of members	413
	Transactions on the international plane	414
	The position at the non-international level	417
	Primary and direct liability	417
	Liability based on agency	418
	Secondary or concurrent liability	420
	Text writers	421
	Practice	425
	The case law	431
	General principles of law	436
	Deductions	438
	The rationale for the better view of the applicable principle	440
	The relationship between the organization and members	444
	Conclusion	445
14	Amendment of constitutions	447
	Express constitutional provision	448
	Principles in customary law	451
	Analysis of special provisions	454
	The consent principle	455
	The majority principle	456
	The two principles combined	456
	The consequences of an effective amendment	457
	Variation	459

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

XII CONTENTS

	Interpretation and amendment	460
	Practice and amendment	461
15	Dissolution and succession	464
	Dissolution	465
	Express provisions for dissolution	466
	No express provisions for dissolution	467
	Consequences of dissolution	471
	Succession	473
16	The settlement of disputes	479
	(1) Disputes between states and organizations or between organizations	480
	(a) The relevance of the rule of local remedies	482
	(b) Diplomatic protection of staff members by national states	487
	(c) The institution of claims by organizations	488
	(2) Employment disputes	489
	(a) Settlement by administrative organs	489
	(b) Establishment of internal courts	492
	(i) Authority	492
	(ii) Reasons	494
	(c) The structure of international administrative tribunals	495
	(d) Principal operational features of international administrative tribunals	497
	(i) Jurisdiction in general	497
	(ii) Procedure	499
	(iii) Nature of decisions	499
	(iv) Reasoning in decisions	501
	(v) Remedies	502
	(vi) Interpretation, rectification and review	502
	(vii) Enforcement of decisions	503
	(3) Settlement of disputes involving private parties, states or organizations at the national level	504
	(4) Disputes between member states before international organizations	506
	(a) Violations of Article 2(4) of the UN Charter	507
	(b) General powers of the UN under Chapter VI of the Charter	510
	<i>Index</i>	512

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

Preface

This book was designed in 1996, at the time the first edition was published, to meet a perceived need for a work of both an academic and practical character, specifically on the *institutional*, as contrasted with the functional or operational, law of international organizations. While there was and is some literature on the subject, it did not and does not have an adequate academic orientation or was not or is not sufficiently specialized in the institutional field.

The first edition required updating, revision and addition of a much needed Chapter 8 on judicial organs of international organizations, consequent upon the attention being paid and emphasis being given in the life of international organizations to international administrative courts, particularly, and also to the two ad hoc international criminal tribunals as organs of organizations, in that they are established and financed by organizations.

The fact that the first edition sold out and is out of print was also a consideration for doing a second edition at this point in time. Some useful suggestions made by reviewers of the first edition have been taken into account for this second edition. Generally the book speaks for itself. One of the important characteristics of the book is that it identifies and discusses principles, where they exist, while acknowledging in other areas that practices could differ.

I was in no small measure encouraged to undertake this second edition by the positive reviews given to the original book, not to mention the fact that the first edition was well received and acclaimed in academia and among professional international lawyers and administrators. It should undoubtedly continue to be of use and interest alike to academics, practitioners and students both graduate and undergraduate.

Cambridge University Press
0521837146 - Principles of the Institutional Law of International Organizations, Second
Revised Edition
C. F. Amerasinghe
Frontmatter
[More information](#)

XIV PREFACE

I should like to express my gratitude to my friends, Laura and Emily Crow, who assiduously and with ardour typed the new chapter 8 and the expanded chapter 16.

C. F. Amerasinghe

Maryland
U.S.A.
November 2003

Abbreviations

AD	Annual Digest of Public International Law Cases (now ILR)
ADB	Asian Development Bank
ADBAT	Asian Development Bank Administrative Tribunal
Adelaide LR	Adelaide Law Review
ADF	African Development Fund
AFDB	African Development Bank
AFDI	Annuaire Français de droit international
AIDI	Annuaire de l'Institut de droit international
AJCL	American Journal of Comparative Law
AJIL	American Journal of International Law
AMF	Arab Monetary Fund
AOI	Arab Organization for Industrialization
ASDI	Annuaire Suisse de droit international
ASEAN	Association of South East Asian Nations
ASIL	American Society of International Law
BADEA	Arab Bank for Economic Development in Africa
BDARO	Basic Documents on African Regional Organizations (L. Sohn (ed.))
BIS	Bank for International Settlements
Brooklyn JIL	Brooklyn Journal of International Law
BYIL	British Yearbook of International Law
CACM	Central American Common Market
CAFRAD	African Training and Research Centre in Administration for Development

XVI LIST OF ABBREVIATIONS

California Western ILJ	California Western International Law Journal
CARICOM	Caribbean Community
CDB	Caribbean Development Bank
CERN	European Organization for Nuclear Research
CGIAR	Consultative Group for International Agricultural Research
Chicago JIL	Chicago Journal of International Law
CIC	Caribbean Investment Corporation
CIEPS	International Center for Registration of Serials
CIPE	Centro Inter-Americano Promoción Exportaciones
CIPEC	Intergovernmental Council for Coffee Exporting Countries
CJEC	Court of Justice of the European Communities
CLJ	Cambridge Law Journal
CODAM	Committee on Executive Directors Administrative Matters (IBRD)
COE	Council of Europe
COEAB	Council of Europe Appeals Board
Col. JTL	Columbia Journal of Transnational Law
COMECON	Council for Mutual Economic Assistance
Commodity Fund	Common Fund for Commodities
Cornell ILJ	Cornell International Law Journal
CPR	Chinese People's Republic
CS	Commonwealth Secretariat
CSAT	Commonwealth Secretariat Administrative Tribunal
CYIL	Canadian Yearbook of International Law
EAC	East African Community
EADB	East African Development Bank
EBRD	European Bank for Reconstruction and Development
EC	European Communities
ECHR	European Commission on Human Rights
ECOSOC	Economic and Social Council

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

LIST OF ABBREVIATIONS XVII

ECOWAS	Economic Community of Western African States
ECR	European Court Reports
ECSC	European Coal and Steel Community
ECtHR	European Court of Human Rights
EEC	European Economic Community
EFTA	European Free Trade Association
EIB	European Investment Bank
ELDO	European Space Vehicle Launcher Development Organization
EMBL	European Molecular Biology Laboratory
EPO	European Patent Organization
ERTA	European Road Transport Agreement
ESA	European Space Agency
ESAAB	ESA Appeals Board
ESO	European Southern Observatory
ESOC	European Space Operations Center
ESRO	European Space Research Organization
EU	European Union
Euratom	European Atomic Energy Community
Eurocontrol	European Organization for the Safety of Air Navigation
FAO	Food and Agricultural Organization
FCC	Federal Communications Commission
Fordham ILJ	Fordham International Law Journal
FRG	Federal Republic of Germany
GA	General Assembly (UN)
Ga. JCIL	Georgia Journal of Comparative and International Law
GAOR	Official Records of the General Assembly
GATT	General Agreement on Tariffs and Trade
GEF	Global Environmental Facility
GYIL	German Yearbook of International Law
Hague Recueil	Recueil de Cours of the Hague Academy of International Law
Harv. ILJ	Harvard International Law Journal
HLR	Harvard Law Review
Howard LJ	Howard Law Journal

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

XVIII LIST OF ABBREVIATIONS

IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
IADB	Inter-American Development Bank
IADBAT	IADB Administrative Tribunal
IAEA	International Atomic Energy Agency
IAL	International Administrative Law
IAT	International Administrative Tribunal
IBE	International Bureau of Education
IBRD	International Bank for Reconstruction and Development
ICAN	International Commission for Air Navigation
ICAO	International Civil Aviation Organization
ICEM	Intergovernmental Committee for European Migration
ICJ	International Court of Justice
ICLQ	International and Comparative Law Quarterly
ICM	Intergovernmental Committee for Migration
ICO	International Cocoa Organization
ICRC	International Committee of the Red Cross
ICRISAT	International Crops Research Institute for the Semi-Arid Tropics
ICSID	International Centre for the Settlement of Investment Disputes
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDA	International Development Association
IDB	Inter-American Development Bank
IDBAT	IDB Administrative Tribunal
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
IGO	Intergovernmental Organization
IIA	International Institute of Agriculture
IIC	Inter-American Investment Corporation
IIIC	International Institute of Intellectual Co-operation

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

LIST OF ABBREVIATIONS XIX

IJIL	Indian Journal of International Law
ILC	International Law Commission
ILM	International Legal Materials
ILO	International Labor Organization
ILOAT	ILO Administrative Tribunal
ILR	International Law Reports
IMCO	Intergovernmental Maritime Consultative Organization
IMF	International Monetary Fund
IMFAT	IMF Administrative Tribunal
IMO	International Maritime Organization
INMARSAT	International Maritime Satellite Organization
INRO	International Natural Rubber Organization
Int. Org.	International Organization
INTELSAT	International Telecommunications Satellite Organization
Inter pol.	International Police Organization
IOM	International Organization for Migration
IPI	International Patent Institute
IPU	International Paleontological Union
IRO	International Refugee Organization
ISA	International Seabed Authority
ISO	International Organization for Standardization
ITA6	Sixth International Tin Agreement
ITC	International Tin Council
ITLOS	International Tribunal for the Law of the Sea
ITO	International Trade Organization
ITU	International Telecommunication Union
JCLIL	Journal of Comparative Legislation and International Law
JDI	Journal de droit international
JWTL	Journal of World Trade Law
LN	League of Nations
LNT	Administrative Tribunal of the League of Nations
LQR	Law Quarterly Review
Michigan JIL	Michigan Journal of International Law

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

XX LIST OF ABBREVIATIONS

MIGA	Multilateral Insurance Guaranty Agency
NATO	North Atlantic Treaty Organization
NATOAB	NATO Appeals Board
Nederlands TIR	Nederlands Tijdschrift voor International Recht
NGO	Non-governmental Organization
NILR	Netherlands International Law Review
Nordic JIL	Nordic Journal of International Law
NYUJIL	New York University Journal of International Law
NYUJILP	New York University Journal of International Law and Policy
OAPEC	Organization of Arab Petroleum Exporting Countries
OAS	Organization of American States
OASAT	OAS Administrative Tribunal
OAU	Organization of African Unity
OCAM	Organisation commune africaine et malagache
OCTI	Central Office for International Railway Transport
OECD	Organization for Economic Co-operation and Development
OEEC	European Organization of Economic Co-operation
OIHP	Office International d'Hygiène Publique
OJ Eur. Comm.	Official Journal of the European Communities
ONU	United Nations Organization
ONUC	United Nations Congo Operation
OPEC	Organization of Petroleum Exporting Countries
OZfR	Österreichische Zeitschrift für Recht
OZOR	Österreichische Zeitschrift für Öffentliches Recht
PAHO	Pan-American Health Organization
PCA	Permanent Court of Arbitration
PCIJ	Permanent Court of International Justice
PLO	Palestine Liberation Organization
Polish YIL	Polish Yearbook of International Law

LIST OF ABBREVIATIONS XXI

RBDI	Revue Belge de droit international
RDI	Rivista di diritto internazionale
RDIDC	Revue de droit international et droit comparé
RDILC	Revue de droit international et législation comparée
REDI	Revista Española de Derecho Internacional
RGDIP	Revue générale de droit international public
RGSt	Reichsgerichtentscheidungen im Strassachen
RHDI	Revue Hellénique de droit international
RI	Revue de droit international
Rs.	Resolution
SALJ	South African Law Journal
SAYBIL	South African Yearbook of International Law
SC	Security Council
SDR	Special Drawing Right
SG	Secretary-General (UN)
Soviet YBIL	Soviet Yearbook of International Law
StJIL	Stanford Journal of International Law
TC	Trusteeship Council
TEU	Treaty of European Union
TGS	Transactions of the Grotius Society
UAE	United Arab Emirates
UAR	United Arab Republic
UN	United Nations Organization
UNAT	UN Administrative Tribunal
UNCIO	United Nations Conference on International Organizations
UNCLOS	UN Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNECLA	United Nations Economic Commission for Latin America
UNEF	United Nations Emergency Fund
UNEP	United Nations Environmental Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFICYP	United Nations Forces in Cyprus

XXII LIST OF ABBREVIATIONS

UNGA	UN General Assembly
UNGAOR	UNGA Official Records
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIDO	United Nations International Development Organization
UNJY	United Nations Juridical Yearbook
UNRRA	United Nations Relief and Rehabilitation Agency
UNRWA	United Nations Relief and Works Agency
UNSC	UN Security Council
UNSG	United Nations Secretary General
UNTS	United Nations Treaty Series
UPU	Universal Postal Union
Vanderbilt JIL	Vanderbilt Journal of International Law
Vienna Convention	Vienna Convention on the Law of Treaties, 1969
VaJIL	VJIL
VJIL	Virginia Journal of International Law
WBAT	World Bank Administrative Tribunal
WEU	Western European Union
WEUAB	WEU Appeals Board
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
World Bank	IBRD
WTO	World Trade Organization
Yale LJ	Yale Law Journal
YBILC	Yearbook of the International Law Commission
ZAORV	Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

Table of cases

A. v. UNECLA	page 325
Admissibility of Hearings Case	197
Advernier	290
Aerial Incident Case	45
Aerial Incident Case (Israel v. Bulgaria)	472
A-G v. Nissan	83
A-G of Israel v. Eichmann	191
Aglion	279
Agostino v. de Antueno	340
Aicher	285
Air Transport Services Agreement Arbitration	461–2
Alaniz	288
Algera	288, 289
Ali Ali Reza Case	340
Alonson (No. 3)	311
Aminoil Arbitration	162
Angelopoulos, Decision No. 57	288, 301
Angelopoulos, Decision No. 71	289
Antin	323, 345
Applicability of Article VI, Section 22 of the Convention on Privileges and Immunities of the United Nations Case	343–4, 348
Application for Review of Judgment No. 158 of the United Nations Administrative Tribunal Case	501–2
Application for Review of Judgment No. 273 of the United Nations Administrative Tribunal Case	286
Arab Monetary Fund v. Hashim and Others (No. 3)	70, 73–4, 76, 88, 91–2, 399, 411, 505

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

XXIV TABLE OF CASES

Arab Monetary Fund Case: <i>see</i> Arab Monetary Fund v. Hashim and Others (No. 3)	
Aramco v. Saudi Arabia	276
Aras <i>et al.</i>	290
Arcaya v. Paez	340
Archer	281
Arning	306
Artzet	293, 296
AS v. Iran-US Claims Tribunal	72–3, 85–6, 100, 326, 345
AS Case: <i>see</i> AS v. Iran-US Claims Tribunal	
Asp	310
Assessment of Aliens for War Taxation Case	231
Asylum Case	291
Atkinson v. IADB	326
Ausems and Others	290
Award in Westland Helicopters Arbitration: <i>see also</i> Westland Helicopters Case	84
Balfour, Guthrie and Co. Ltd v. US	200
Ballo	301, 302, 304
Bang-Jensen	291, 292
Bank Bumiputra Malaysia Bhd v. ITC	322–3
Barcelona Traction Co. Case (1970)	231
Barreneche v. CIPE/General Secretariat of the OAS	325
Barrios v. CIPE/General Secretariat of the OAS	325
Bauta	289, 290
Bavaria und Germanai v. Eurocontrol	72
Beattie and Sheeran	290
Belchamber	284
Bellaton v. ESA	323, 345
Benze (No. 7)	287
Bergaveche v. UN Information Centre	325
Bernstein	293
Betsey Case	252
Bhattacharyya	284
Boimah v. United Nations General Assembly	325
Bonneman	286
Branno v. Ministry of War	72, 322, 345
Brazilian Loans Case	276
Breukmann (No. 2)	294
Broadbent Case	71, 324

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

TABLE OF CASES xxv

Broemser	297
Brown	290
Bucholz and Others	503
Bulsara	284
Burns v. The King	200
Bustos	295
Byrne-Sutton	306
Cabo	290
Cachelin	299
Callewaert-Haezebrouck (No. 2)	296
Camera Confederate del Lavoro Case	327
Campolongo	280, 284
Capio	308
Carew	300
Carson	291
Case 241/87 (CJEC)	435
Case 19/89 (CJEC)	435
Certain German Interests in Upper Silesia Case	415
Certain Phosphate Lands in Nauru Case	390, 412, 415
Champoury	294
Chiriboga v. International Bank for Reconstruction and Development	325
Chisman and Others	287, 290, 503
Chomentowski	311
City of New Rochelle v. Page-Sharp	339
Cohen v. Presiding Judge Pedro C. Navarro <i>et al.</i>	325
Coin	290
Colussi	302
Competence of the ILO to Regulate Agricultural Production Case	47–8, 77, 206, 208
Competence of the ILO to Regulate Conditions of Labour in Agriculture Case	45, 50, 56–7, 77
Connolly-Battisti (No. 2)	301
Connolly-Battisti (No. 3)	310
Coplon and Gubitchev Case	342
Corfu Channel Case (Preliminary Objection)	162, 176–7
Corfu Channel Case	162, 176–7
Crawford	289
Crawford and Others	290
Curran Case	342

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

XXVI TABLE OF CASES

Danvin	289
Darricades	281
de Bruyn	290
De Bruyn v. European Parliamentary Assembly	325
de los Cobos and Wenger	311
de Merode	222, 279, 280, 282–3, 284, 285, 286–7, 288–9, 290, 291, 301–2, 307, 308, 311–13
de Padiac (No. 2)	295
Decision No. 6 (ELDO Appeals Board)	296
Decisions Nos. 24–6 (OEEC Appeals Board)	287
Decision No. 49 (OECD Appeals Board)	291
Decision No. 77 (NATO Appeals Board)	307
Decision No. 139 (NATO Appeals Board)	302
Decision No. 141 (NATO Appeals Board)	301
Decisions Nos. 174–80 (NATO Appeals Board)	287
Decision No. 203(a) (NATO Appeals Board)	296
Decisions Nos. 218–27 (NATO Appeals Board)	290
Degreef	280
Delangue	290
Desgranges	291
Desplanque	281
di Palma Castiglione	279, 282, 288, 293, 295
Diallo	287
Diaz-Diaz v. UNECLA	325
Duberg	285, 287
Duberg, etc. (ILOAT Judgments Nos. 17–19 and 21)	278, 298
Dupree Associates Inc. v. OAS	322
Dupuy	292
East Timor Case	170, 177
Eastern Greenland Case	181
Eckhardt v. Eurocontrol	326–7
Effect of Awards Case	47, 49, 57, 94, 96, 139, 142, 165, 220, 262–8, 281, 291, 307, 367, 373, 380, 381, 382, 490, 492–3, 499–500, 503
Eindhoven	302
El-Balmany	290
Elsen and Elsen-Drouot	309
Elz	292
Employment of Women during the Night Case	77
ERTA Case	47

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

TABLE OF CASES XXVII

ESOC Official Immunity Case	342, 345
Essayan <i>v.</i> Jouve	342
European Commission on the Danube Case	45, 47, 48, 50–1, 58, 68, 77–8, 98, 206
European Laying-Up Fund Agreement Case	48
Exchange of Greek and Turkish Population Case	68, 77
Expenses Case	25, 27, 38–9, 42–4, 47, 49, 50, 51, 53, 54, 56, 57, 94, 96, 97, 145–6, 162, 164–5, 167, 168, 171, 184, 186, 202–6, 210–14, 362, 365–74, 376–8, 379, 431
Ezcurra de Mann <i>v.</i> IDB	325
FAO <i>v.</i> Colagrossi	322
Fédération Charbonnière de Belgique <i>v.</i> The High Authority	47
Fernandez-Caballero	290
Fernandez-Lopez	292
Ferrechia	288, 296
First Admissions Case	27, 35–8, 42, 44, 49, 50, 56, 57, 58, 106–8, 109, 166
Fisher	287
Flesche Case	231
Frank (Nos. 1 and 2)	306
Freeman	306
Freylinghuysen <i>v.</i> Key	201
Friedberg <i>v.</i> Santa Cruz	339
Fuchs	290
Gallianos	294
Gamble	290
Garcia	287
Garcin	291, 292, 306
Giurgis <i>v.</i> UNRWA	325
Gomez Pulido	290
Groll <i>v.</i> Air Traffic Services Agency	325
Gubin and Nemo	288, 310
Gupta <i>v.</i> IBRD and IDA	325
Haas	296
Halpern	281
Harris	287
Haslund <i>v.</i> City of Seattle	193
Hatt and Leuba	289
Hearing of Petitioners Case	475, 476
Hebblethwaite and Others	308

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

XXVIII TABLE OF CASES

Heltzel v. Air Traffic Services Agency	325
Higgins	284
Howrani: <i>see</i> Howrani and Four Others	
Howrani (UNAT Judgment No. 11)	292
Howrani and Four Others	104, 278, 286, 288, 305
Huber	287
IBRD and IMF v. All American Cable and Radio Inc.	197, 336–7
ICAO Council Case	172, 197, 201–2, 208, 214–15
ICEM v. Chiti	324
ICEM v. Di Banella Schirone	325
IMCO Case	44, 45, 49, 50–1, 57, 206–8, 213
INDPAI v. FAO	322
Inge Toft Case	201
International Institute of Agriculture v. Profili	272, 323–4, 345
International Refugee Organization v. Republic of SS Corporation <i>et al.</i>	399, 505
International Tin Council v. Amalgamet Inc.	70, 71, 76, 84, 88, 328, 345, 348, 399, 505
Italian Government v. The High Authority	47–8
ITC v. Amalgamet: <i>see</i> International Tin Council v. Amalgamet Inc.	
ITC Case (CA): <i>see</i> Maclaine Watson & Co. Ltd v. Department of Trade and Industry	
ITC Case (HL): <i>see</i> J. H. Rayner Ltd v. Department of Trade and Industry	
Janes Claim (USA v. Mexico)	385
Jasbez Case	325, 326
J. H. Rayner Ltd v. Department of Trade and Industry	32, 73, 74, 84, 409–10, 418–20, 429, 432–5, 440
Juan Ysmael and Co. Inc. v. Indonesia Government	333
Judgments of the ILO Administrative Tribunal Case	278, 290, 293, 298
Julhiard	309
Jurado	293
Kahn	290
Kaplan	281, 282, 283, 285, 307, 308
Keeney	278
Keeney v. US	200, 342
Keeney Case: <i>see</i> Keeney v. US	
Kennedy	281, 284

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

TABLE OF CASES XXIX

Kennedy's Claim (USA v. Mexico)	385
Kergall	280, 284
Kersaudy	301
Khavkine	281
Kirkbir	306
Kissaun	306
Kissi v. Jacques de Laroissière	324
Klarsfeld v. French–German Office for Youth	323
Knockley Corporation Case	340
Labarthe	284
Lamadie (No. 2) and Kraanen	310
Lamborot	323, 345
Lanner	286
Leff	293
Léger	297–9
Léger (No. 2)	298
LIAMCO Arbitration	162
Licata	290
Lindsey	284, 294, 309–10
Lutcher SA e Papel Candor v. IDB	321
Maastricht Treaty Case	209
Maclaine Watson & Co. Ltd v. Department of Trade and Industry	409, 410, 411, 417–20, 429, 432–5, 436, 443–4
Maclaine Watson & Co. Ltd v. ITC (No. 2)	332, 341
Madzimbamuto Case	201
Maida v. Administration for International Assistance	326
Maier	304
Margot Rendall Speranza Case	327
Mattarino	281–2
Matthew v. ICRISAT	325
Maugis	287
Maurette	279
Mayras: <i>see</i> Mayras etc. (LNT Judgments Nos. 24–36)	
Mayras etc. (LNT Judgments Nos. 24–36)	289, 472, 500, 503
Mazzanti v. HAFSE and Ministry of Defence	72, 324, 408
Mendaro v. The World Bank	71, 324, 325
Mendez	302, 306
Merigo	308
Middleton etc. (UNAT Judgments Nos. 20–7)	308

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

XXX TABLE OF CASES

Mininni v. The Bari Institute of the International Centre for Advanced Mediterranean Agronomic Studies	324, 327–8
Monge	290
Monod Case	280, 284
Morgan v. International Bank for Reconstruction and Development	325
Mortished	281, 283, 285, 309
Mr A.	284
Mrs P.	290
Mukoro v. EBRD	325
Mullan	285, 295, 297–7
Namibia Case	43, 45, 49, 50, 51, 52, 54, 55, 58, 151, 162, 165, 169–70, 174–5, 185–6, 190, 196, 197, 203, 231, 431, 474, 475–6, 477
Netherlands Government v. The High Authority	48
Nicaragua Case (Admissibility)	511
Nicaragua Case (Merits)	162, 189–90
Niesing, Peeters and Roussot	290
Nissan v. AG: <i>see</i> Nissan v. Attorney-General	
Nissan v. Attorney-General	404, 416
Nomination of the Netherlands Workers' Delegate Case	45
Northern Cameroon Case	174
Nottebohm Case	399
Novak	287, 299
Novak v. World Bank	325
Nuclear Tests Case (Australia v. France)	181
Nuclear Tests Case (New Zealand v. France)	181
Ogle	289
Pagani	286, 288, 301, 302
PAHO v. Montgomery County, Maryland, County Council for Montgomery Council	329
Pappas v. Francini	340
Paveskovic	308
Peace Treaties Case	167
Pelletier	281
Peltre	304
People v. Von Otter	340
People of the State of New York v. Coumatos	342
Personal Work of Employers Case	46–7, 48, 50, 77, 98

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

TABLE OF CASES XXXI

Petroleum Development (Trucial Coast) Ltd and the Sheikh of Abu Dhabi	276
Phelan	278, 282
Pherai	310
Pinochet Case	252
Pisani Balestra di Mottola Case	340–1
Planthara	300
PLO Observer Mission Case	391
Polish Postal Service in Danzig	42
Poncet, Re	71
Porru v. FAO	322, 323
Poulain d'Andecy	287, 307
Putnam Claim (USA v. Mexico)	385
Puvrez	307, 308
Qatar and Bahrain Case	41
R. v. Ndhlovu and Others	201
Railway Traffic between Lithuania and Poland Case	182
Rainbow Warrior Incident	155
Rayner (JH) (Mincing Lane) Ltd v. Department of Trade and Industry: <i>see</i> J. H. Rayner Ltd v. Department of Trade and Industry	
Razzouk and Beydoun	296
Redfern	298
Reeve	289
Reid	302
Renault	290
Reparation Case	46, 49, 56, 57, 68, 79–83, 86–7, 89–90, 92–3, 94–5, 97, 99–100, 101–2, 158–9, 384, 385, 390–1, 392, 393–9, 431, 439, 442, 483–4, 486, 488, 493
Repond	287, 290
Republic italienne, Ministère italien des transports et chemins de fer de l'Etat italien v. Beta Holding SA et Autorité de sequestre de Bâle Ville	71
Robinson	287
Rosescu	292
Rosetti	298
Ruiz Alicea v. US	201
Ryan and Others	308
Saberi	301

Cambridge University Press

0521837146 - Principles of the Institutional Law of International Organizations, Second Revised Edition

C. F. Amerasinghe

Frontmatter

[More information](#)

XXXII TABLE OF CASES

Salle	305
Sanchez	288
Sapphire – NIOC Arbitration	276
Schumann	291–2
Schurz	308
Second Admissions Case	27, 42, 44, 45, 50, 56, 57, 58–9, 108, 143–5, 166–7
Serbian Loans Case	276
Settino	310
Shearson Lehman Brothers Inc. and Another v. ITC (Intervener) (No. 2)	332–4
Sikand	284
Silenzi di Stagni	284
Smith	286, 288, 289
South West Africa Cases	382, 476
South West Africa Cases (Preliminary Objections)	43, 182
South West Africa Cases (Second Phase)	162, 476
SS Wimbledon Case	415
Stahal v. Bastid	341
Standard Chartered Bank v. ITC and Others	328, 347
Status of South West Africa Case	27, 472, 474–6, 477, 478
Stepczynski	293
Stievenart	281, 284
Strech v. Air Traffic Services Agency	325
Studio-Karten GmbH v. Deutsches Komite der UNICEF v. V	200
Sue-Ting-Len	308
Sun	308
Temple of Préah Vihéar Case	462, 472
Texaco Arbitration	162
Tranter	293
Treaty of Lausanne Case	153
Tsiang v. Tsiang	340
Tuck v. Pan American Health Organization	325
Uehling	281, 284
UN v. B.	72
UN v. Canada Asiatic Lines	200
UN Headquarters Agreement Case	480–1, 482
UN Works Agency v. Finanzlandesdirektion für Wien Niederösterreich und Burgenland	72
UNESCO Constitution Case	48, 50, 57