

The Cambridge Companion to International Organizations Law

The Cambridge Companion to International Organizations Law illuminates, from a legal perspective, what international organizations are, what makes them 'tick' and how they affect the world around them. It critically discusses such classic issues as the concept of international organization and membership, as well as questions of internal relations, accountability and how they make law, set standards and otherwise affect both their member states and the world around them. The volume further discusses the role of international organizations in particular policy domains, zooming in on domains which are not often discussed through international organizations, including disarmament, energy, food security and health. Eventually, a picture emerges of international organizations as complex phenomena engaging in all sorts of activities and relationships, the operation and authority of which is underpinned by the rules and regulations of international law.

Jan Klabbers is Professor of International Law at the University of Helsinki, and a leading authority on international organizations law. He has held visiting positions at NYU, Sorbonne and the Graduate Institute in Geneva. He is currently working on an ERC-funded project on international organizations and the private sector.

Cambridge Companions to Law

Cambridge Companions to Law offers thought-provoking introductions to different legal disciplines, invaluable to both the student and the scholar. Edited by world-leading academics, each offers a collection of essays which both map out the subject and allow the reader to delve deeper. Critical and enlightening, the Companions library represents legal scholarship at its best.

The Cambridge Companion to European Union Private Law
Edited by Christian Twigg-Flesner

The Cambridge Companion to International Law
Edited by James Crawford and Martti Koskenniemi

The Cambridge Companion to Comparative Law
Edited by Mauro Bussani and Ugo Mattei

The Cambridge Companion to Human Rights Law
Edited by Conor Gearty and Costas Douzinas

The Cambridge Companion to Public Law
Edited by Mark Elliott and David Feldman

The Cambridge Companion to International Criminal Law
Edited by William A. Schabas

The Cambridge Companion to Natural Law Jurisprudence
Edited by George Duke and Robert P. George

The Cambridge Companion to Comparative Family Law
Edited by Shazia Choudhry and Jonathan Herring

The Cambridge Companion to Comparative Constitutional Law
Edited by Roger Masterman and Robert Schütze

The Cambridge Companion to the First Amendment and Religious Liberty
Edited by Michael D. Breidenbach and Owen Anderson

The Cambridge Companion to the Philosophy of Law
Edited by John Tasioulas

Cambridge University Press
978-1-108-49535-6 — The Cambridge Companion to International Organizations Law
Edited by Jan Klabbers
Frontmatter
[More Information](#)

The Cambridge Companion to Legal Positivism

Edited by Torben Spaak and Patricia Mindus

The Cambridge Companion to Hugo Grotius

Edited by Randall Lesaffer and Janne E. Nijman

The Cambridge Companion to International Arbitration

Edited by Chin Leng Lim

The Cambridge Companion to Business & Human Rights Law

Edited by Ilias Bantekas and Michael Stein

The Cambridge Companion to International Organizations Law

Edited by Jan Klabbers

Cambridge University Press
978-1-108-49535-6 — The Cambridge Companion to International Organizations Law
Edited by Jan Klabbers
Frontmatter
[More Information](#)

The Cambridge Companion to
**International Organizations
Law**

Edited by

Jan Klabbers

University of Helsinki



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-1-108-49535-6 — The Cambridge Companion to International Organizations Law
Edited by Jan Klabbers
Frontmatter
[More Information](#)

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781108495356
DOI: 10.1017/9781108574242

© Cambridge University Press 2022

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2022

A catalogue record for this publication is available from the British Library.

ISBN 978-1-108-49535-6 Hardback
ISBN 978-1-108-46764-3 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Contents

	<i>List of Contributors</i>	<i>page</i> ix
	<i>Acknowledgements</i>	x
	<i>Table of Cases</i>	xii
	Introduction	1
	Jan Klabbers	
1	Beyond Functionalism: International Organizations Law in Context	7
	Jan Klabbers	
2	The Concept of International Organization	25
	Angelo Golia Jr and Anne Peters	
3	Accountability	50
	Megan Donaldson and Surabhi Ranganathan	
4	Inclusion and Exclusion in International Organizations	76
	B. S. Chimni	
5	A Legal Framework on Internal Matters: Please Mind the Gap	98
	Laurence Boisson de Chazournes and Vassilis Pergantis	
6	Standard-Setting in UN System Organizations	120
	José E. Alvarez	
7	Operational Activities	147
	Alison Duxbury	
8	Deliberation	173
	Ian Johnstone	
9	Teaching Statehood	199
	Guy Fiti Sinclair	

viii Contents

10	Interaction between International Organizations René Uruña	222
11	The International Organization for Migration and the Duty to Protect Migrants: Revisiting the Law of International Organizations Vincent Chetail	244
12	Global Health Gian Luca Burci	265
13	Energy Provision Volker Roeben	294
14	International Organizations, Disarmament and State Behaviour Nigel D. White	315
15	International Organizations and Stories of Development Isabel Feichtner	336
16	Food Security and International Organizations: Why Not Global? Why Not Now? Mónica García-Salmones Rovira	363
17	Financial Stability Matthias Goldmann	391
	Epilogue Jan Klabbers	422
	<i>Bibliography</i>	426
	<i>Index</i>	467

Contributors

José E. Alvarez, New York University

Laurence Boisson de Chazournes, University of Geneva

Gian Luca Burci, Graduate Institute of International and Development Studies

Vincent Chetail, Graduate Institute of International and Development Studies

B. S. Chimni, Jindal Global University

Megan Donaldson, University College London

Alison Duxbury, University of Melbourne

Isabel Feichtner, University of Würzburg

Mónica García-Salmones Rovira, University of Helsinki

Matthias Goldmann, Goethe University Frankfurt

Angelo Golia Jr, Max Planck Institute for Comparative Public Law and International Law

Ian Johnstone, Tufts University

Jan Klabbers, University of Helsinki

Vassilis Pergantis, Aristotle University Thessaloniki

Anne Peters, Max Planck Institute for Comparative Public Law and International Law

Surabhi Ranganathan, University of Cambridge

Volker Roeben, University of Durham

Guy Fiti Sinclair, University of Auckland

René Urueña, Universidad de los Andes

Nigel D. White, University of Nottingham

Acknowledgements

This volume would not have come into existence without the inspiring vision of Finola O’Sullivan, the law editor at Cambridge University Press who a few years ago asked me if I thought it might be of interest to publish a *Cambridge Companion to International Organizations Law* and if so, whether I would want to be its editor. The first question struck me as an excellent idea, but I needed some time to reflect on the second. Editing often means chasing and cajoling authors, trying to get them to write what the editor wants and according to the editor’s timetable, yet chasing and cajoling are not among my stronger suits. But then it dawned on me that if I were to invite the right authors and give them plenty of time, the chasing and cajoling could perhaps be kept to a bare minimum. So I agreed, and both Finola and Marianne Nield at the Press proved immensely helpful and supportive, as always.

Invitations were sent out sometime in 2017, with drafts envisaged in the summer of 2019, and final deadlines only scheduled for February 2020. Pretty much all authors I approached seemed to find this a workable idea, and accepted: I got the ‘dream team’ I wanted. An improvised, last-minute author’s workshop took place in late 2018 at the Erik Castrén Institute of International Law and Human Rights (ECI) at the University of Helsinki, with financial support (gratefully acknowledged) from the Academy of Finland. The practical organization rested in the very calm and extremely capable hands of Anna van der Velde, ECI’s coordinator. By the summer of 2019, the first drafts were coming in, received comments and were returned to their respective authors, in eager anticipation of the final texts.

And then, by the time those final versions were expected, the Covid-19 pandemic hit, and all schedules could be thrown out. Some authors had already more or less finalized their texts by then; but most had to tear up their timetables. Some have young children, and all of a sudden needed to focus on home-schooling. Some may have had elderly relatives requiring care and attention. Some have spouses working in hospitals on the Covid-

19 frontline. All needed to adapt to new demands of online teaching, attending webinars and meetings online; needed to reschedule and rethink their commitments; and all needed to come to terms with the idea that globalization (something international lawyers, no matter how critical, tend to look at with some natural affinity) may have been part of the problem. And the author of the planned chapter on international organizations working on global health became possibly the busiest international lawyer on the planet. After all, there were few others that newspapers, blogs, podcasts, and other outlets and institutions could turn to with a similar level of expertise in precisely the legal aspects of global health.

So, February 2020 came and went, and while quite a few chapters understandably came in later than anticipated, the amazing thing is that they arrived at all. None of the authors dropped out; none of them gave up. All authors remained committed, showing grace under pressure – considerably more so than the harried editor of this volume. Hence, in terms of acknowledgements, the only fitting tribute is to say a kind (but loud) word of thanks to the authors, who have all produced wonderful, informative and illuminating chapters. Covid-19 taught us (or those of us who did not realize it before) that there are more important things in life than producing academic volumes, but even so, if academic volumes must to be produced, they might as well be good. Taken together, the chapters in this volume demonstrate that international organizations are among the main institutions exercising global governance, and are worthy of considerably more attention and scrutiny than they have traditionally been given.

Cases

Arbitration

- ICSID Case No. ARB(AF)/00/1, *ADF Group Inc. v. United States of America*, Award 107
- PCA case 2000–4, *Reineccius et al. v. Bank for International Settlements* 44
- NAFTA, *Pope & Talbot, Inc. v. Canada*, Award in Respect of Damages 107

European Court of Human Rights

- Application no. 26083/94, *Waite and Kennedy v. Germany*,
 18 February 1999 256

European Union Courts

General Court (Earlier Court of First Instance)

- T-315/01, *Kadi v. Council and Commission*, ECLI:EU:T:2005:332
 99, 261
- T-85/09, *Kadi v. European Commission*, ECLI:EU:T:2010:418 62

Court of Justice of the European Union (Earlier ECJ)

- C-9/56, *Meroni*, ECLI:EU:C:1958:7 112, 116
- C-25/70, *Köster*, ECLI:EU:C:1970:115 114
- C-138/79, *Roquette Frères*, ECLI:EU:C:1980:249 110

C-294/83, <i>Les Verts</i> , ECLI:EU:C:1986:166	103
C-70/88, <i>Parliament v. Council</i> , ECLI:EU:C:1990:217	111
C-402/05 P and 415/05 P, <i>Kadi and Al Barakaat International Foundation v. Council and Commission</i> , ECLI:EU:C:2008:461	62, 139, 140
C-584/10 P and C-593/10 P, <i>Commission and others v. Kadi</i> , ECLI:EU:C:2013:518	139, 140
C-658/11, <i>Parliament v. Council</i> , ECLI:EU:C:2014:2025	111
C-270/12, <i>United Kingdom v. European Parliament and Council</i> , ECLI:EU:C:2014:1	112
C-8/15 P, <i>Ledra Advertising v. Commission and ECB</i> , ECLI:EU:C:2016:701	419
C-72/15, <i>Rosneft</i> , ECLI:EU:C:2016:381	103
C-715/17, <i>Commission v. Poland and Others</i> , ECLI:EU:C:2020:257	86

Inter-American Court of Human Rights

<i>Sawhoyamaya Indigenous Community v. Paraguay</i> , Merits, Reparations, and Costs, Judgment of 29 March 2006, Series C No. 146	131
---	-----

International Court of Justice

Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo (Advisory Opinion), [2010] ICJ Rep. 403	102, 166
Application of the Convention on the Prevention and Punishment of Genocide (<i>Bosnia and Herzegovina v. Serbia and Montenegro</i>), Provisional Measures, [1993] ICJ Rep. 325	159
Application of the International Convention on the Elimination of All Forms of Racial Discrimination (<i>Georgia v. Russian Federation</i>), [2011] ICJ Rep. 70	261

xiv Table of Cases

- Application for Review of Judgment No. 158 of the United Nations
 Administrative Tribunal (Advisory Opinion) [1973] ICJ Rep.
 166 104
- Case concerning Armed Activities on the Territory of the Congo
 (Democratic Republic of the Congo *v.* Rwanda), Jurisdiction and
 Admissibility, [2006] ICJ Rep. 6 261
- Case concerning Military and Paramilitary Activities in and against
 Nicaragua, [1984] ICJ Rep. 392 104, 110
- Case concerning Questions of Interpretation and Application
 of the 1971 Montreal Convention Arising from the Aerial
 Incident at Lockerbie (Libya *v.* USA), Order, [1992] ICJ Rep. 114
 14, 105
- Case concerning United States Diplomatic and Consular Staff in Tehran,
 [1980] ICJ Rep. 3 104
- Certain Activities Carried Out by Nicaragua in the Border Area
 (Costa Rica *v.* Nicaragua), [2013] ICJ Rep. 166 234
- Certain Expenses of the United Nations (Article 17, Paragraph 2, of the
 Charter) (Advisory Opinion), [1962] ICJ Rep. 151 15, 102,
 104, 106, 108, 110, 125, 149, 153, 250
- Certain Phosphate Lands in Nauru (Nauru *v.* Australia), preliminary
 objections, [1992] ICJ Rep. 240 43
- Competence of the General Assembly for the Admission of a State to the
 United Nations (Advisory Opinion), [1950] ICJ Rep. 4 81, 109
- Conditions of Admission of a State to the United Nations (Advisory
 Opinion), [1948] ICJ Rep. 57 81
- Effect of Awards of Compensation made by the UN Administrative
 Tribunal (Advisory Opinion), [1954] ICJ Rep. 4789, 99, 101,
 107, 115, 116, 250
- Interpretation of the Agreement of 25 March 1951 between the WHO
 and Egypt (Advisory Opinion), [1980] ICJ Rep. 73 14, 99,
 148–51, 249, 257, 260
- 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 Rep. 16
 104, 260

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion), [2004] ICJ Rep. 136	102
Legality of the Use by a State of Nuclear Weapons in Armed Conflict (Advisory Opinion), [1996] ICJ Rep. 66	38, 40, 41, 120, 149, 325
Obligations Concerning Negotiations Relating to the Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands <i>v.</i> United Kingdom), Preliminary Objections, [2016] ICJ Rep. 833	325
Pulp Mills on the River Uruguay (Argentina <i>v.</i> Uruguay), [2010] ICJ Rep. 14	43
Reparation for Injuries Suffered in the Service of the United Nations (Advisory Opinion), [1949] ICJ Rep. 174	13, 34, 35–6, 120, 134, 149, 150, 249, 250, 424

International Criminal Tribunal for the former Yugoslavia (ICTY)/Rwanda (ICTR)

Prosecutor <i>v.</i> Tadić, Decision on Jurisdiction, Case No. IT-94–1-T 95, 105, 139	
Prosecutor <i>v.</i> Tadić, Decision on Interlocutory Appeal, Case No. IT-94–1-AR72	105, 108, 110, 114, 11
Prosecutor <i>v.</i> Kanyabashi, Decision on Jurisdiction, ICTR-96–15-T 105	

International Labour Organization Administrative Tribunal

Judgment 2232, Bustani <i>v.</i> OPCW	329
---------------------------------------	-----

International Tribunal for the Law of the Sea

Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area (Advisory Opinion), 1 February 2011	352
---	-----

xvi Table of Cases

Case No. 20, *Ara Libertad (Argentina v. Ghana)*, Order of
 December 2012 417

NATO Administrative Tribunal

Case 2014/1028, *PK v. NATO Support Agency* 161–2
 Case 2017/1104, *MS v. NATO International Staff* 161–2
 Case 2017/1112, *PP v. NATO Communications and Information
 Agency* 161–2
 Case 2017/1113, *JF v. NATO Airborne Early Warning and Control Force
 Geilenkirchen* 161–2

Permanent Court of International Justice

Interpretation of the Greco-Turkish Agreement of December 1st, 1926,
 [1928] Publ. PCIJ, Series B No. 16 108
 Jurisdiction of the European Commission of the Danube between Galatz
 and Braila, Publ. PCIJ Ser. B no 14 40

Société des Nations Tribunal Administratif (League of Nations Administrative Tribunal)

Judgment No. 1 152

Special Court for Sierra Leone

Prosecutor *v.* San Hinga Norman, Preliminary Motion (2004) 138

Special Tribunal for Lebanon

Prosecutor *v.* El-Sayed, Decision on Appeal of Pre-trial Judge's Order
 Regarding Jurisdiction and Standing, CH/AC/2010/02 108
 Case No. STL-11-01 138

WTO

Panel

Russia – Measures Concerning Traffic in Transit, WT/DS512/R
 (5 April 2019) 134

Appellate Body

India – Quantitative Restrictions on Imports of Agricultural, Textile and
 Industrial Products, WT/DS90/AB/R, 22 September 1999 112,
 228

Turkey – Restrictions on Imports of Textile and Clothing Products, WT/
 DS34/AB/R, 19 November 1999 112

Federal Republic of Germany

BVerfG, Lisbon Treaty, judgment of 30 June 2006, 2/BvE 2/08 41
 BVerfG, judgment of the Second Senate of 5 May 2020 – 2 BvR 859/
 15 40

USA

Jam et al. *v.* International Finance Corporation, US Supreme Court,
 27 February 2019, 586 US __ (2019) 53

Mendaro *v.* World Bank, US Court of Appeals, DC Circuit,
 27 September 1983 14

Cambridge University Press
978-1-108-49535-6 — The Cambridge Companion to International Organizations Law
Edited by Jan Klabbers
Frontmatter
[More Information](#)
