

## **An Introduction to International Organizations Law**

Fourth Edition

The fourth edition of this market-leading textbook offers students a clear framework for understanding the practice and logic of International Organizations Law. It is structured around the three defining relationships IOs engage in – namely, with their member states, with their organs and staff, and with the outside world. These different dynamics give rise to different concerns, which each help to explain the logic behind international institutional law. The text also discusses the essential topics of the law of IOs, including powers and finances, privileges and immunities, institutional structures, and accountability. By demonstrating how the theory works in practice, with recent examples, students will observe the impact and significance of International Organizations Law. Updated with the latest case law and literature, this new edition also contains discussions of the withdrawal of Israel and the US from UNESCO, Brexit, and the Covid-19 pandemic, and how these affect the law of international organizations.

Jan Klabbers has been teaching international law and the law of international organizations for more than two decades, and is currently Professor of International Law at the University of Helsinki. He has held visiting positions at, amongst others, New York University Law School; the Graduate Institute of International and Development Studies, Geneva; and the University of Paris. He has received several teaching awards, and the first three editions of this book have met with general acclaim.

# An Introduction to International Organizations Law

---

Fourth Edition

JAN KLABBERS  
University of Helsinki



**CAMBRIDGE**  
UNIVERSITY PRESS

**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](http://www.cambridge.org)

Information on this title: [www.cambridge.org/highereducation/isbn/9781108842204](http://www.cambridge.org/highereducation/isbn/9781108842204)

DOI: 10.1017/9781108899789

First edition © Jan Klabbers 2002  
Second edition © Jan Klabbers 2009  
Third edition © Jan Klabbers 2015  
Fourth edition © Jan Klabbers 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 2002  
Second edition 2009  
Third edition 2015  
Third printing 2019  
Fourth edition 2022

Printed in the United Kingdom by TJ Books Limited, Padstow Cornwall 2022

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

ISBN 978-1-108-84220-4 Hardback  
ISBN 978-1-108-82030-1 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

Preface to the Fourth Edition	<i>page</i> xi
A Note on Documentation	xiii
Table of Cases	xiv
List of Abbreviations	xxvi
<b>1 Introduction</b>	<b>1</b>
Introduction	1
Three Types of Legal Dynamics	2
Trying to Define International Organizations Created between States	6
On the Basis of a Treaty	9
An Organ with a Distinct Will	10
The Structure of This Book	12
<b>2 The Rise of International Organizations</b>	<b>14</b>
Emergence and Growth	16
Classifying International Organizations Functions	18
Membership	23
Political v. Technical	23
Intergovernmental or Supranational?	24
Why Cooperate?	25
Legal Theory and International Organizations Organizations and Their Members	26
	27
	32
	36
PART I MEMBER STATES AND INTERNATIONAL ORGANIZATION	
<b>3 The Legal Position of International Organizations</b>	<b>41</b>
Introduction	41
Legal Personality under Domestic Law	43
International Legal Personality	46

vi	Contents	
	The Powers of Organizations	50
	The Doctrine of Attributed Powers	53
	The Doctrine of Implied Powers	56
	Reconciling the Two Doctrines	63
	Inherent Powers?	64
	Rethinking Powers?	68
	Concluding Remarks	69
<b>4</b>	<b>International Organizations and the Law of Treaties</b>	<b>71</b>
	Introduction	71
	Reservations	73
	Revision	77
	Withdrawal and Termination	82
	Interpretation	83
	The Power to Interpret	87
	Concluding Remarks	89
<b>5</b>	<b>Issues of Membership</b>	<b>91</b>
	Introduction	91
	Membership	92
	Other Forms of Membership?	97
	State Succession and Membership	100
	Representation	106
	Termination of Membership	108
	Concluding Remarks	114
<b>6</b>	<b>Financing</b>	<b>115</b>
	Introduction	115
	The Politics of Procedure	116
	Expenditure	118
	Problems and Crises	118
	Sources of Income	126
	Concluding Remarks	131
<b>7</b>	<b>Privileges and Immunities</b>	<b>132</b>
	Introduction	132
	Functional Necessity and Its Limits	133
	Applicable Law	138
	Distinguishing Rationales	139
	The UN Convention	141
	Headquarters Agreement	147
	Other Sources of Law	150
	Domestic Law	152
	Concluding Remarks	154

<b>8</b>	<b>Legal Instruments</b>	157
	Introduction	157
	Categories of Instruments	159
	Three Theories of Law-Making	161
	Non-binding Instruments	166
	EU Instruments	171
	Adopting Conventions	174
	Internal and Household Matters	177
	Applying the Law	177
	Adopting Legal Instruments	179
	European Union	184
	Validity	185
	Concluding Remarks	191
<b>9</b>	<b>Dissolution and Succession</b>	192
	Introduction	192
	The Modalities of Dissolution	194
	Dissolution	197
	Succession: Different Forms	199
	Succession: Some Basic Issues	200
	Assets and Debts	202
	Personnel	204
	Functions	204
	Concluding Remarks	206
PART II INTERNAL RELATIONS		
<b>10</b>	<b>Institutional Structures</b>	209
	Introduction	209
	Regular Organs	210
	Some Other Bodies	214
	Comitology	216
	Creating Organs	217
	Effect of Awards	218
	The Position of Member States	220
	Limits? The <i>Tadic</i> Case	223
	Hierarchy between Organs and Judicial Review	226
	Judicial Review in the EU	230
	The ICJ's Advisory Jurisdiction	232
	External Review?	235
	Hierarchy between Acts	238
	Concluding Remarks	241

<b>11</b>	<b>The Bureaucracy</b>	243
	Introduction	243
	The Law of the International Civil Service	244
	Law and Procedure: A Brief Overview	247
	A Role for Domestic Law?	253
	Legal Counsel	255
	Leadership	258
	The Secretary-General and Conflict Resolution	261
	Concluding Remarks	262
PART III EXTERNAL RELATIONS		
<b>12</b>	<b>Treaty-Making by International Organizations</b>	267
	Introduction	267
	The 1986 Vienna Convention	269
	Treaty-Making Powers	272
	The Ties That Bind	276
	Mixed Agreements	281
	Concluding Remarks	284
<b>13</b>	<b>Organizational Liaisons</b>	285
	Introduction	285
	Precondition to Membership	287
	Universal and Regional Organizations	288
	Membership of Other Organizations	290
	Observer Status	295
	Cooperation and Conflict	296
	Joint Programmes	297
	Joint Ventures	299
	Hosting Entities	302
	Concluding Remarks	303
<b>14</b>	<b>Issues of Responsibility</b>	305
	Introduction	305
	Some Preliminary Issues	309
	An Illustration: The Tin Council Litigation	311
	ARIO: A Quick Overview	314
	Whose Behaviour?	317
	The Wrongful Act	324
	Indirect and Secondary Responsibility	327
	Limited Liability and Legal Personality	329
	Beyond a Responsibility Regime?	331
	Concluding Remarks	338

<b>15</b>	<b>Concluding Remarks</b>	340
	Introduction	340
	The Limits of Functionalism	342
	Rethinking Functionalism?	345
	Bibliography	346
	Index	378



## Preface to the Fourth Edition

The international legal landscape between 2015 (when the previous edition of this book appeared) and 2021 (when this new edition was finalized) has been dominated by two large-scale events, both of them having to do with international organizations, and yet neither of them somehow being very consequential for international organizations law: Brexit and Covid-19.

Brexit marks the withdrawal of one member state from the European Union (EU) (Brexit is, admittedly, a strongly Eurocentric preoccupation, but then again, I am a European), and yet, its considerable legal complications have little to do with international organizations law. Instead, they owe much to UK constitutional law concerns, for example, when asking who can invoke the relevant withdrawal provision in the United Kingdom, and whether Parliament has something to say and, if so, what it has to say.

Brexit's questions relate even more to the law of the EU (that is, the law applicable within that organization) than they do to the law relating to international organizations generally. At stake is not just some symbolic political move: although Brexit is that too. Instead, at stake are very real issues as to whether there are additional customs forms to fill out for small businesses; whether EU citizens can continue to live in the United Kingdom; whether UK citizens living in Portugal or Spain can take their pensions with them; or whether military intelligence (a contradiction in terms, someone once quipped) should be shared between the EU and the United Kingdom.

Covid-19, in turn, suggests that international law operates through international organizations (in this case mostly the World Health Organization – WHO) but also that international organizations tend to leave a lot of leeway and decision-making power to their member states. The WHO declared the existence of a 'public health emergency of international concern' in early 2020, and has monitored the situation intensely, collected information from its member states and provided information to those same member states, started vaccination initiatives and stimulated research, but other measures have remained the province of individual states. Decisions on the closing of borders, cancelling public gatherings and events, which vaccines to prioritize, and what time people should be at home, have been left to national authorities. Perhaps that is a good thing; or perhaps a globally concerted effort would have been

better. The point is, though, that when the chips are down, national governments reign supreme – and that is typical for the law of international organizations. The politician claiming that to join an international organization is an abdication of sovereignty, and that to withdraw from an organization is reclaiming sovereignty, is usually making a false claim, typically born out of a mixture of ignorance and wilful deceit (and that is perhaps another lesson to draw from Brexit).

My colleague Pierre d'Argent helped me to retrieve a Belgian court decision that was otherwise difficult to trace, and the authors contributing to the forthcoming *Cambridge Companion to International Organizations Law* provided much inspiration and food for thought.<sup>1</sup> The *Companion* is not a suitable introduction to the law as such but will prove a highly suitable introduction to the work of international organizations, and could thus profitably be read alongside the current text – as a veritable companion. I owe a debt of gratitude to dozens of people who talk to me about international organizations law, who listen to me speak on the topic, who engage in written conversation, and who point me to practical examples: they are too numerous to mention individually, but I wish to acknowledge them collectively. Some of them are academics (who might be expected to engage with me, since that is part of their job), but some of them work for international organizations, as legal counsel or as legal officer. These are, in an important sense, the people who keep the machinery up and running; it is to them that this edition is dedicated.

<sup>1</sup> Jan Klabbers (ed.), *Cambridge Companion to International Organizations Law* (Cambridge, forthcoming).

## A Note on Documentation

In writing this book, two compilations of source materials have proved immensely helpful. Many constitutional documents are brought together in Louis B. Sohn (ed.), *International Organization 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 revised ed., 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 reproduce 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 at [www.interpol.int](http://www.interpol.int).

My approach has been that constituent documents have not been repeatedly cited in footnotes, in light of their widespread and relatively easy availability. They can be found with the help of the few guidelines set out above. Other treaties have generally been listed with a place where they can be found.

## Table of Cases

### Permanent Court of International Justice

- Case Concerning the Factory at Chorzów (claim for indemnity), jurisdiction, [1927] Publ. PCIJ, Series A, no. 8 305
- Case of the SS Lotus, [1927] Publ. PCIJ, Series A, no. 10 47, 54
- 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 9
- 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 and 3 52
- Competence of the ILO to Regulate the Conditions of Labour of Persons Employed in Agriculture, advisory opinion, [1922] Publ. PCIJ, Series B, nos. 2 and 3 51
- Competence of the International Labour Organization to Regulate, Incidentally, the Personal Work of the Employer, advisory opinion, [1926] Publ. PCIJ, no. 13 52
- Interpretation of Article 3, Paragraph 2, of the Treaty of Lausanne, advisory opinion, [1925] Publ. PCIJ, Series B, no. 12 180
- Interpretation of the Greco-Turkish Agreement of December 1st, 1926, advisory opinion, [1928] Publ. PCIJ, Series B, no. 16 57
- Jurisdiction of the European Commission of the Danube between Galatz and Braila, advisory opinion, [1926] Publ. PCIJ, Series B, no. 14 53, 63
- Nationality Decrees Issued in Tunis and Morocco (French Zone), advisory opinion, [1923] Publ. PCIJ, Series B, no. 4 55
- Nomination of the Workers' Delegate for the Netherlands, advisory opinion, [1922] Publ. PCIJ, Series B, no. 1 211
- Railway Traffic between Lithuania and Poland (Railway sector Landwarów–Kaisiadorys), [1931] Publ. PCIJ, Series A/B, no. 42 162
- Request for Advisory Opinion Concerning the Status of Eastern Carelia, [1923] Publ. PCIJ, Series B, no. 5 233

---

## International Court of Justice

- Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates v Qatar), ICJ, judgment of 14 July 2020 190
- Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations (Mazilu), advisory opinion, [1989] ICJ Reports 177 140, 145, 235
- Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947, advisory opinion, [1988] ICJ Reports 12 148
- Application of the Interim Accord of 13 September 1995 (Former Yugoslav Republic of Macedonia v. Greece), [2011] ICJ Reports 644 324
- Application for Review of Judgment No. 158 of the United Nations Administrative Tribunal (Fasla), advisory opinion, [1973] ICJ Reports 166 220, 251
- Application for Review of Judgment No. 273 of the United Nations Administrative Tribunal, advisory opinion, [1982] ICJ Reports 325 34
- Application for Review of Judgment No. 333 of the United Nations Administrative Tribunal, advisory opinion, [1987] ICJ Reports 18 234
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), preliminary objections, [1996] ICJ Reports 595 101, 104
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), [2007] ICJ Reports 43 105
- Border and Transborder Armed Actions (Nicaragua v. Honduras), [1988] ICJ Reports 69 170
- 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 325 188
- 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 9 229
- Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libya v. UK; Libya v. USA), order, [1992] ICJ Reports 3 (UK); 114 (USA) 228, 239
- Case Concerning the Barcelona Traction, Light and Power Co. Ltd (Belgium v. Spain), second phase, [1970] ICJ Reports 3 229
- Case Concerning the Gabčíkovo–Nagymaros Project (Hungary/Slovakia), [1997] ICJ Reports 7 101, 103

- 
- Case Concerning Legality of Use of Force (Serbia and Montenegro v. Belgium), preliminary objections, [2004] ICJ Reports 279 104, 310, 324
- Case Concerning the Vienna Convention on Consular Relations (Germany v. USA), [1999] ICJ Reports 9 305
- Case of Certain Norwegian Loans (France v. Norway), [1957] ICJ Reports 9 189
- Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter), advisory opinion, [1962] ICJ Reports 151 59, 67, 80, 88, 121, 122, 186, 190, 226–7, 306, 321
- Competence of the General Assembly for the Admission of a State to the United Nations, advisory opinion, [1950] ICJ Reports 4 96
- Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter), advisory opinion, [1948] ICJ Reports 57 95
- Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization, advisory opinion, [1960] ICJ Reports 150 86, 187
- Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission of Human Rights (Cumaraswamy), advisory opinion, [1999] ICJ Reports 62 140, 146, 235
- Effect of Awards of Compensation made by the United Nations Administrative Tribunal, advisory opinion, [1954] ICJ Reports 47 59, 64, 218, 250, 277
- Fisheries Jurisdiction Case (UK v. Iceland), jurisdiction, [1973] ICJ Reports 3 26
- Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, advisory opinion, [1950] ICJ Reports 65 234
- Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, advisory opinion, [1980] ICJ Reports 73 83, 149, 324
- 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 77 214, 249
- Judgment No. 2867 of the Administrative Tribunal of the International Labour Organization upon a Complaint Filed Against the International Fund for Agricultural Development, advisory opinion, [2012] ICJ Reports 10 303
- Land and Maritime Boundary between Cameroon and Nigeria (Nigeria v. Cameroon), merits, [2002] ICJ Reports 303 270
- 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 60, 88, 178, 182, 234
- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, advisory opinion, [2004] ICJ Reports 136 233
- Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, advisory opinion, [2019] ICJ Reports 95 234

- 
- Legality of the Threat or Use of Nuclear Weapons, advisory opinion, [1996] ICJ Reports 226 168, 225
- Legality of the Use by a State of Nuclear Weapons in Armed Conflict, advisory opinion, [1996] ICJ Reports 66 63, 69, 188, 234, 285
- Legality of Use of Force (Yugoslavia v. Belgium), [1999] ICJ Reports 124 101
- Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. USA), merits, [1986] ICJ Reports 14 164, 168
- North Sea Continental Shelf Cases (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands), [1969] ICJ Reports 3 182
- Pulp Mills on the River Uruguay (Argentina v. Uruguay), [2010] ICJ Reports 14 9
- Reparation for Injuries Suffered in the Service of the United Nations, advisory opinion, [1949] ICJ Reports 174 41, 46, 49, 58, 64, 154, 272
- Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, advisory opinion, [1951] ICJ Reports 15 73, 94
- South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), preliminary objections, [1962] ICJ Reports 319 268
- South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), second phase, [1966] ICJ Reports 6 166
- Voting Procedure on Questions Relating to Reports and Petitions Concerning the Territory of South-West Africa, advisory opinion, [1955] ICJ Reports 67 169
- Western Sahara, advisory opinion, [1975] ICJ Reports 12 233
- Western Sahara, order, [1975] ICJ Reports 6 233

### **Court of Justice of the European Union**

- 8/55, Fédération Charbonnière de Belgique v. High Authority, ECLI:C:EU:1956:11 57
- 7/56 and 3–7/57, Algeria and others v. Common Assembly, ECLI:EU:C:1957:7 187
- 9/56, Meroni and others v. High Authority, ECLI:EU:C:1958:7 209
- 20/59, Italy v. High Authority, ECLI:EU:C:1960:33 54
- 25/59, Netherlands v. High Authority, ECLI:EU:C:1960:34 54
- 6/60, Jean-E. Humblet v. Belgium, ECLI:EU:C:1960:48 151
- 25/62, Plaumann & Co. v. Commission, ECLI:EU:C:1963: 17 172, 231
- 26/62, Van Gend & Loos v. Nederlandse Administratie der Belastingen ECLI:EU:C:1963:1 17, 27, 85, 133, 280
- 6/64, Flaminio Costa v. ENEL, ECLI:EU:C:1964:66 26, 84, 171
- 6/68, Zuckerfabrik Watenstedt v. Council, ECLI:EU:C:1968:43 172
- 22/70, Commission v. Council (ERTA), ECLI:EU:C:1971:32 60, 274–5
- 21–24/72, International Fruit Company v. Produktschap voor Groenten en Fruit, ECLI:EU:C:1972:115 232, 293
- 181/73, Haegeman v. Belgium, ECLI:EU:C:1974:41 280

- 
- 43/75, Defrenne v. Sabena, ECLI:EU:C:1976:56 80, 173  
 105/75, Giuffrida v. Council, ECLI:EU:C:1976:128 232  
 Opinion 1/76 (Laying-up Fund), ECLI:EU:C:1977:63 274–5  
 50/76, Amsterdam Bulb v. Produktschap voor Siergewassen, ECLI:EU:C:1977:13 172, 318  
 141/78, France v. United Kingdom, ECLI:EU:C:1979:225 214  
 138/79, Roquette Frères v. Council, ECLI:EU:C:1980:249 231  
 104/81, Hauptzollamt Mainz v. C. A. Kupferberg & Cie, ECLI:EU:C:1982:362 280  
 14/83, Von Colson & Kamann v. Land Nordrhein-Westfalen, ECLI:EU:C:1984:153 172  
 85/86, Commission v. Board of Governors EIB, ECLI:EU:C:1988:10 151  
 2/88, J. J. Zwartveld and others, ECLI:EU:C:1990:440 151  
 C-70/88 European Parliament v. Council (Chernobyl), ECLI:EU:C:1990:217 231  
 C-322/88, Salvatore Grimaldi v. Fonds des maladies professionnelles, ECLI:EU:C:1989:646 173  
 C-192/89, Sevince v. Staatssecretaris van Justitie, ECLI:EU:C:1990:322 292  
 C-6/90 and C-9/90, Andrea Francovich and others v. Italy, ECLI:EU:C:1991:428 172  
 C-159/90, Society for the Protection of Unborn Children Ireland Ltd v. Stephen Grogan and others, ECLI:EU:C:1991:378 68  
 C-286/90, Anklagemyndigheden v. Poulsen & Diva Navigation, ECLI:EU:C:1992:453 278  
 Opinion 2/91 (ILO), ECLI:EU:C:1993:106 281, 293  
 C-327/91, France v. Commission, ECLI:EU:C:1994:305 210, 231, 278, 321  
 C-405/92, Mondiet SA v. Armement Islais SARL, ECLI:EU:C:1993:906 278  
 C-415/93, Union Royale Belge des Sociétés de Football Association ASBL and others v. Jean-Marc Bosman and others, ECLI:EU:C:1995:463 24, 89  
 Opinion 1/94 (WTO), ECLI:EU:C:1994:384 62  
 Opinion 2/94 (European Convention on Human Rights), ECLI:EU:C:1996:140 62  
 C-25/94, Commission v. Council (FAO), ECLI:EU:C:1996:114 294, 185  
 C-191/94, AGF Belgium v. EEC and others, ECLI:EU:C:1996:144 151  
 C-268/94, Portugal v. Council, ECLI:EU:C:1996:461 274  
 C-311/94, Ijssel-Vliet Combinatie BV v. Ministry of Economic Affairs, ECLI:EU:C:1996:383 162  
 C-321/95 P, Stichting Greenpeace Council and others v. Commission, ECLI:EU:C:1998:153 231  
 C-53/96, Hermés v. FHT, ECLI:EU:C:1998:292 283  
 C-17/98, Emesa Sugar v. Aruba, ECLI:EU:C:2000:70 151  
 C-376/98, Germany v. European Parliament and Council (Tobacco directive) ECLI:EU:C:2000:544 62, 231  
 C-467/98, Commission v. Denmark, ECLI:EU:C:2002:625 69, 276



- C-438/00 Deutscher Handballbund eV v. Maros Kolpak, ECLI:EU:C:2003:255 292  
 C-263/02 P, Commission v. Jégo-Quéré, ECLI:EU:C:2004:210 231  
 C-265/03 Igor Simutenkov v. Ministerio de Educación y Cultura and Real Federación Espanola de Fútbol, ECLI:EU:C:2005:213 293  
 C-91/05, Commission v. Council, ECLI:EU:C:2008:288 67  
 C-402/05 P and C-415/05 P, Kadi et al. v. Council and Commission and Yusuf et al. v. Council and Commission, ECLI:EU:C:2008:461 156, 237  
 C-203/07 P Greece v. Commission, ECLI:EU:C:2008:606 278  
 C-270/12 United Kingdom v. European Parliament and Council (ESMA), ECLI:EU:C:2014:18 209  
 C-370/12, Pringle v. Ireland, ECLI:EU:C:2012:756 64  
 Opinion 2/13 (ECHR), ECLI:EU:C:2014:2454 62, 308  
 C-284/16, Slovakia v. Achmea, ECLI:EU:C:2018:158 276  
 C-490/20, VMA (pending) 68

### General Court/Court of First Instance

- T-85/91, Khouri v. Commission, ECLI:EU:T:1992:121 2 254  
 T-115/94, Opel Austria GmbH v. Council, ECLI:EU:T:1997:3278.55.3  
 T-177/01, Jégo-Quéré v. Commission, ECLI:EU:T:2002:112 231  
 T-306/01, Yusuf and Al Barakaat v. Council, ECLI:EU:T:2005:331 186  
 T-315/01, Kadi v. Council, ECLI:EU:T:2005:332 186  
 Joined Cases T-27/03, T-46/03, T-58/03, T-79/03, T-80/03, T-97/03 and T-98/03, Sp SpA and others v. Commission, ECLI:EU:T:2007:317 54

### Arbitration

- Anglo-French Continental Shelf (France/UK) (1979) 18 ILM 397 73  
 Dalmia Cement Ltd v. National Bank of Pakistan, 18 December 1976, 67 ILR 611 94  
 European Molecular Biology Laboratory v. Federal Republic of Germany, 29 June 1990, 105 ILR 1 134  
 Reineccius and others v. Bank for International Settlements, Permanent Court of Arbitration, partial award, 22 November 2002 10  
 UNESCO (Constitution) case, 19 September 1949 (1969) 16 AD 331 84, 212  
 Westland Helicopters Ltd and Arab Organization for Industrialization, United Arab Emirates, Kingdom of Saudi Arabia, State of Qatar, Arab Republic of Egypt and Arab British Helicopter Company, 5 March 1984, 80 ILR 600 328

### Other international tribunals

#### European Commission of Human Rights

- Spaans v. Netherlands, 1988, 107 ILR 1 136  
 Temeltasch v. Switzerland, 1983, 88 ILR 619 74

**European Court of Human Rights**

- Al Jedda v. United Kingdom, application no. 27021/08, 7 July 2011 238  
Bankovic v. Belgium and sixteen other states, 12 December 2001, 123 ILR 94  
320  
Behrami and Behrami v. France and Saramati v. France and others, 2 May  
2007, 133 ILR 1 319–20, 323  
Belilos v. Switzerland 1988, 88 ILR 648 74  
Chapman v. Belgium, application no. 39619/06, decision of 5 March 2013 250  
Waite and Kennedy v. Germany, 18 February 1999, 118 ILR 121 137, 250

**ICTY**

- Prosecutor v. Dusko Tadic, 35 ILM 32 223

**ILO Administrative Tribunal**

- Brache v. World Health Organization, 3 November 1969, 43 ILR 459 204  
Judgment no. 1581, In re Romach-Le Guludec, 30 January 1997 139  
Judgment no. 2232, In re Bustani, 16 July 2003 260, 306

**Inter-American Court of Human Rights**

- Effect of Reservations, advisory opinion, 1982, 67 ILR 558 74

**United Nations Administrative Tribunal**

- Annan v. UN Joint Staff Pension Board, case no. 1592 (2009) 252

**World Bank Administrative Tribunal**

- De Merode et al. v. World Bank, decision no. 1 (1981) 244  
Planthara v. IBRD, decision no. 143 (1995) 252

**Domestic courts****Argentina**

- Bergaveche v. United Nations Information Centre, Cámara Nacional de  
Apelaciones del Trabajo de la Capital Federal, 19 March 1958 26 ILR 620 142  
Dutto v. UN High Commissioner for Refugees, National Labour Court of  
Appeal, 31 May 1989, 89 ILR 90 142

**Australia**

- Civilian Casualty Court Martial, Re, decision of 20 May 2011, 259 Federal Law  
Reporter 208 255

### Austria

- Airport L. v. United States of America, Supreme Court, 28 August 2003, ILDC 3 (AT 2003) 222  
 Evangelical Church (Ausburg and Helvetic Confessions [sic]) in Austria v. Grezda, Supreme Court, 27 February 1962, 38 ILR 453 144  
 Karl M. v. Provincial Revenue Office for Vienna, Administrative Court, 20 November 1970, 71 ILR 573 144  
 N. K. v. Austria, Vienna Superior Provincial Court, 26 February 1979, 77 ILR 470 322

### Belgium

- M. v. Organisation des Nations Unies and Etat Belge (Ministre des Affaires Etrangères), Brussels Tribunal Civil, 11 May 1966, 45 ILR 446 327  
 Marchal et al. v. Mukeshimana-Ngulinziru, Brussels Court of Appeal, 8 June 2018 136  
 United Nations v. B., Brussels Tribunal Civil, 27 March 1952, 19 ILR 490203.41.1

### Canada

- Legislative Jurisdiction over Hours of Labour, In the Matter of, Supreme Court (early 1920s, no precise date given), (1925–6) 3 AD 393 176  
 Pushpanathan v. Canada, Supreme Court, 4 June 1998, ILDC 182 (CA 1998) 236

### Denmark

- Carlsen et al. v. Rasmussen, Supreme Court, 6 April 1998 [www.um.dk.udenrigspolitik](http://www.um.dk.udenrigspolitik) (broken link) 185

### Egypt

- Elias and Abdou Noujaim v. Eastern Telegraph Co., Port Said Summary Tribunal, 21 December 1932, (1931–2) 6 AD 413 321  
 Nader v. Marconi Radio Telegraph Co. of Egypt, Alexandria Civil Court, 12 March 1934, 7 AD 471 321

### France

- Chambre Syndicale des Transports Aériens, Conseil d'Etat, 22 July 1994, 11 1 ILR 500 185  
 Chemidlin v. International Bureau of Weights and Measures, Tribunal Civil de Versailles, 27 July 1945, (1943–5) 12 AD 281 246  
 Klarsfeld v. Office Franco-Allemand pour la Jeunesse, Paris Court of Appeal, 18 June 1968, 72 ILR 191 9

---

Procureur Général v. Syndicate of co-owners of the Alfred Dehodencq  
 Property Company, Court of Cassation, 6 July 1954, 21 ILR 279 142  
 Weiss, In Re, Conseil d'Etat, 20 February 1953, 20 ILR 531 247

### Germany

2 B v. E 6/99, Federal Constitutional Court, 22 November 2001 80  
 IAEA Representative Immunity case, Bavaria Supreme Court, 30 September  
 1971, 70 ILR 413 143  
 International Military Operations (German Participation), Federal  
 Constitutional Court, 12 July 1994, 106 ILR 319 80, 94  
 Tornado case, Federal Constitutional Court, 3 July 2007, ILDC 819 (DE 2007)  
 80

### Guatemala

Klahr Ehlert Supreme Court, 1952 (no direct source) 166

### Italy

Bari Institute of the International Centre for Advanced Mediterranean  
 Agronomic Studies v. Jasbez, Court of Cassation, 21 October 1977, 77 ILR  
 602 245, 76  
 Branno v. Ministry of War Court of Cassation, 14 June 1954, 22 ILR 756 133  
 Cristiani v. Italian Latin-American Institute, Court of Cassation, 25 November  
 1985, 87 ILR 20 50  
 Food and Agriculture Organization v. INPDAI, Court of Cassation, 18  
 October 1982, 87 ILR 1 133, 138  
 International Institute of Agriculture v. Profili, Court of Cassation, February  
 1931, (1929–30) 5 AD 414 249, 139  
 Maida v. Administration for International Assistance, Court of Cassation, May  
 1955, 23 ILR 510 133  
 Minnini v. Bari Institute of the International Centre for Advanced  
 Mediterranean Agronomic Studies, Court of Cassation, 4 April 1986, 87 ILR  
 28 134  
 Pisani Balestra di Mottola, Re, Court of Cassation, 10 July 1969, 71 ILR 565  
 143  
 Porru v. Food and Agriculture Organization, Tribunal of First Instance, 25  
 June 1969, 71 ILR 240 134

### Luxembourg

USSR v. Luxembourg & Saar Company, Commercial Tribunal, 2 March 1935,  
 (1935–7) 8 AD 114 93

**Madagascar**

La Hausse de la Louvière v. Brouard, Court of Appeal, 25 May 1972, 71 ILR 562 145

**Netherlands**

Eckhardt v. Eurocontrol (No. 2), Maastricht District Court, 12 January 1984, 94 ILR 331 151

European Patent Office v. Netherlands, Supreme Court, ECLI:NL:HR:2017:57 137

Greenpeace v. Euratom, Supreme Court, 13 November 2007 135, 138, 255

Iran–United States Claims Tribunal v. A. S., Local Court, The Hague, 8 June 1983; District Court, The Hague, 9 July 1984; Supreme Court, 20 December 1985 94 ILR 321 136, 245

Mothers of Srebrenica v. State of the Netherlands, case no. C/09/295247 /HA ZA 07–2973, The Hague District Court, 16 July 2014 323, 326

Netherlands v. Mothers of Srebrenica, Hoge Raad, ECLI:NL:HR:2019:1284 323, 326

Srebrenica case, The Hague District Court, 10 July 2008 309

UNRRA v. Daan, Utrecht District Court, 23 February 1949 16 AD (1949), 337 45

X v. Centrale Raad van Beroep, Decision 2014:284, Hoge Raad, 14 February 2014 255

X. v. European Patent Office, Hague Court of Appeal, ECLI:NL:GHDHA:2015:1245 137

**Nigeria**

African Reinsurance Corporation v. Abate Fantaye, Supreme Court, 20 June 86 ILR 655 142

**Philippines**

World Health Organization and Verstuyft v. Aquino and others, Supreme Court, 29 November 1972, 52 ILR 389 145

**South Africa**

Binga v. Administrator-General for South West Africa and others, Supreme Court, 22 June 1984, 82 ILR 465 234

**Switzerland**

A. v. B., Federal Supreme Court, 8 April 2004, ILDC 343 (CH 2004) 150

Arab Organization for Industrialization and others v. Westland Helicopters Ltd and others, Geneva Court of Justice, 23 October 1987, 80 ILR 622 328

Arab Organization for Industrialization and others v. Westland Helicopters Ltd, Federal Supreme Court (First Civil Court), 19 July 1988 80 ILR 652 328  
 Jenni and others v. Conseil d'Etat of the Canton of Geneva, Swiss Federal Tribunal, 4 October 1978, 75 ILR 99 9  
 Poncet, In Re, Federal Tribunal, 12 January 1948, 15 AD 346 144

### United Kingdom

Arab Banking Corporation v. International Tin Council, High Court, Queen's Bench Division, 15 January 1986, 77 ILR 1 312  
 Arab Monetary Fund v. Hashim and others, House of Lords, 21 February 1991, 85 ILR 1 44  
 Attorney-General v. Nissan, House of Lords, 11 February 1969, 44 ILR 359 322  
 International Tin Council, In Re, High Court, Chancery Division, 22 January 1987, 77 ILR 18 312  
 J. H. Rayner (Mincing Lane) Ltd v. Department of Trade and Industry and others, High Court, Queen's Bench Division, 24 June 1987, 77 ILR 55 313  
 J. H. Rayner (Mincing Lane) Ltd v. Department of Trade and Industry and others; Maclaine Watson & Co. Ltd v. Department of Trade and Industry; Maclaine Watson & Co. Ltd v. International Tin Council, House of Lords, October 1989, 81 ILR 670 314  
 Maclaine Watson & Co. Ltd v. Department of Trade and Industry, High Court, Chancery Division, 29 July 1987, 80 ILR 39 313  
 Maclaine Watson & Co. Ltd v. Department of Trade and Industry; J. H. Rayner (Mincing Lane) v. Department of Trade and Industry and others, and related appeals, Court of Appeal, 27 April 1988, 80 ILR 47 328  
 Maclaine Watson & Co. Ltd v. International Tin Council, High Court, Chancery Division, 13 May 1987, 77 ILR 41 312  
 Maclaine Watson & Co. Ltd v. International Tin Council, Court of Appeal, April 1988, 80 ILR 191 313  
 Maclaine Watson & Co. Ltd v. International Tin Council (No. 2), High Court, Chancery Division, 9 July 1987, 77 ILR 160 313  
 Maclaine Watson & Co. Ltd v. International Tin Council (No. 2), Court of Appeal, 27 April 1988, 80 ILR 211 313

### United States

Balfour, Guthrie & Co., Ltd et al. v. United States et al., District Court, Northern District, California, 5 May 1950, 17 ILR 323 142  
 Boimah v. United Nations General Assembly, District Court, Eastern District, New York, 24 July 1987, 113 ILR 499 142  
 Broadbent v. Organization of American States, District Court, DC, 28 March 1978, 63 ILR 162 136  
 Diggs v. Schultz, Court of Appeals, DC Circuit, 31 October 1971, 60 ILR 393 159

- Georges et al. v. United Nations, Southern District Court New York, 9 January 2015 136
- Huynh Thi Anh and another v. Levi and others, Court of Appeals, Sixth Circuit, 20 October 1978, 95 ILR 494 166
- International Bank for Reconstruction and Development and International Monetary Fund v. All America Cables & Radio Inc. and other cable companies, Federal Communications Commission, 23 March 1953, 22 ILR 705 135
- International Refugee Organization v. Republic S. S. Corp. et al., Court of Appeals, Fourth Circuit, 11 May 1951, 18 ILR 447 142
- Jam et al. v. International Finance Corporation, 586 US \_\_ (2019) 152
- Jennings v. Markley, Warden, District Court, Southern District, Indiana, 19 September 1960, 32 ILR 367 322
- Kadic v. Karadzic, and Doe I and Doe II v. Karadzic, Court of Appeals, Second Circuit, 13 October 1995, 104 ILR 135 147–8
- Karadzole et al. v. Artukovic, Court of Appeals, Ninth Circuit, 24 June 1957, 24 ILR 510 167
- Klinghoffer and others v. SNC Achille Lauro and others, Court of Appeals, Second Circuit, 21 June 1991, 91 ILR 68 143, 148
- Means v. Means, Family Court, New York, 6 August 1969, 53 ILR 588144.64.1
- Mendaro v. World Bank, Court of Appeals, DC, 27 September 1983, 99 ILR 92 136
- Pan-American Union v. American Security and Trust Company, District Court, DC, 6 May 1952, 18 ILR 441 203
- People v. Von Otter, City Court, La Rochelle (New York), 30 July 1952, 19 ILR 385 143
- United States v. Melekh et al., District Court, Southern District, New York, 28 November 1960; District Court, Northern District, Illinois, 20 March 1961, 32 ILR 308 135
- Weidner v. International Telecommunications Satellite Organization, Court of Appeals, DC, 21 September 1978, 63 ILR 191 136
- Wencak v. United States, New York Supreme Court, 18 January 1956, 22 ILR 509 203

## Abbreviations

AD	<i>Annual Digest of Public International Law Cases</i>
AFDI	Annuaire Français de Droit International
AIIB	Asian Infrastructure Investment Bank
AJIL	<i>American Journal of International Law</i>
AMF	Arab Monetary Fund
AOI	Arab Organization for Industrialization
APEC	Asia Pacific Economic Co-operation Forum
ARIEL	<i>Austrian Review of International and European Law</i>
ARIO	Articles on the Responsibility of International Organizations
ASEAN	Association of South East Asian Nations
ASR	Articles on State Responsibility
AU	African Union
BGBI	Bundesgesetzblatt
BIS	Bank for International Settlements
BYIL	<i>British Yearbook of International Law</i>
CAR	Central African Republic
CARIFTA	Caribbean Free Trade Association
CDE	<i>Cahiers de Droit Européen</i>
CFI	Court of First Instance (of the EU)
CJEU	Court of Justice of the European Union
CMLRev	<i>Common Market Law Review</i>
COREPER	Comite des Représentants Permanents
CSCE	Conference on Security and Cooperation in Europe
CWC	Chemical Weapons Convention
EBRD	European Bank for Reconstruction and Development
EC	European Community
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECOCAS	Economic Community of Central African States
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
ECR	European Court Reports
ECSC	European Coal and Steel Community



---

ECtHR	European Court of Human Rights
EEC	European Economic Community
EFI	European Forest Institute
EIB	European Investment Bank
EJIL	<i>European Journal of International Law</i>
ELR	<i>European Law Review</i>
EPO	European Patent Office
EU	European Union
FAO	Food and Agriculture Organization
FCC	Federal Communications Commission
FRG	Federal Republic of Germany
GATT	General Agreement on Tariffs and Trade
GAVI Alliance	Global Alliance for Vaccine and Immunization
GDR	German Democratic Republic
GEF	Global Environment Facility
GYIL	<i>German Yearbook of International Law</i>
IAEA	International Atomic Energy Agency
IATA	International Air Transport Association
IBRD	International Bank for Reconstruction and Development
ICAO	International Civil Aviation Organization
ICES	International Council for the Exploration of the Sea
ICJ	International Court of Justice
ICLQ	<i>International &amp; Comparative Law Quarterly</i>
ICSID	International Centre for Settlement of Investment Disputes
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDA	International Development Association
IDC	International Development Corporation
IDEA	Institute for Democracy and Electoral Assistance
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
IIA	International Institute of Agriculture
ILA	International Law Association
ILC	International Law Commission
ILDC	International Law in Domestic Courts
ILJ	International Law Journal
ILM	International Legal Materials
ILO	International Labour Organization
ILOAT	ILO Administrative Tribunal
ILR	International Law Reports
IMCO	Intergovernmental Maritime Consultative Organization
IMF	International Monetary Fund