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During the first Bush and Clinton Administrations, Scharf served in the Office of the Legal Adviser of the U.S. Department of State, where he held the positions of Counsel to the Counter-Terrorism Bureau, Attorney-Adviser for Law Enforcement and Intelligence, Attorney-Adviser for United Nations Affairs, and delegate to the United Nations General Assembly and to the United Nations Human Rights Commission. In 1993, he was awarded the State Department’s Meritorious Honor Award “in recognition of superb performance and exemplary leadership” in relation to his role in the establishment of the International Criminal Tribunal for the former Yugoslavia.

Recipient of the 2005 Case Alumni Association Teacher of the Year Award, Professor Scharf teaches International Law, International Criminal Law, Human Rights Law, the Law of International Organizations, and a War Crimes Research Lab. In 2002, Scharf established the War Crimes Research Office at Case Western Reserve University School of Law, which has provided over 275 research memoranda to the Prosecutors of the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon, and the International Criminal Court on issues pending before those international tribunals.

From October 2004–March 2005, Professor Scharf served as a member of the elite international team of experts that provided training to the judges and prosecutors of the Iraqi High Tribunal that tried Saddam Hussein, and during a sabbatical from teaching in 2008 he served as Special Assistant to the International Prosecutor of the Cambodian Genocide Tribunal. In 2005, Scharf and the Public International Law and Policy Group, a Non-Governmental Organization he co-founded with Paul Williams, were nominated for the Nobel Peace Prize by six governments and the Prosecutor of an International Criminal Tribunal for the work they have done to help in the prosecution of major war criminals, such as Slobodan Milosevic, Charles Taylor, and Saddam Hussein.
Professor Scharf has testified as an expert before the U.S. Senate Foreign Relations Committee and the House Arms Forces Committee; his Op Eds have been published by the *Washington Post*, *Los Angeles Times*, *Boston Globe*, *Christian Science Monitor*, and *International Herald Tribune*; he has appeared over five hundred times to discuss international legal developments on radio and television news programs, and in 2012 Scharf became host of the Cleveland-based public radio show, “Talking Foreign Policy,” available at://www.TalkingForeignPolicy.com.

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Dr. Williams is regarded as a social entrepreneur for his practical and innovative approach to providing *pro bono* legal assistance to clients. During the course of his legal practice, Dr. Williams has assisted over a dozen clients in major international peace negotiations, including serving as a delegation member in the Dayton negotiations (Bosnia-Herzegovina), Rambouillet/Paris negotiations (Kosovo), Lake Ohrid negotiations (Macedonia), Podgorica/Belgrade negotiations (Serbia/Montenegro), and the Doha negotiations (Darfur). He also advised parties to the Key West negotiations (Nagorno-Karabakh), the Oslo/Geneva negotiations (Sri Lanka), the Georgia/Abkhaz negotiations, and the Somalia peace talks.

He has advised over two dozen parties across Europe, Africa, and Asia on matters of public international law. Dr. Williams has advised the governments of Afghanistan, Bosnia, Iraq, Kosovo, Libya, Montenegro, Nagorno-Karabakh, and Tunisia on the drafting and implementation of post-conflict constitutions. He is has also advised governments on issues of state recognition, self-determination, and state succession including advising the President of Macedonia, the President of South Sudan, and the Foreign Minister of Montenegro. On issues relating to border and sea demarcations and negotiations, Dr. Williams advised the President of Estonia and the Foreign Minister of East Timor.

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Preface

Since the creation of the United Nations system almost seventy years ago, much of international law and diplomacy has been developed, shaped, implemented, and enforced through U.N. bodies and related international organizations. But during the decades of the cold war, many of the organizations in the U.N. system too often suffered from paralysis due to East-West and North-South tensions. With the disintegration of the Soviet Bloc in the early 1990s emerged a considerably revitalized United Nations. Bolstered by a new (if only fleeting) era of cooperation, the international organizations associated with the United Nations began to boldly respond to challenges and threats to peace, to human rights, to the environment, and to the world’s increasingly interdependent economy.

From 1989–1993, the authors had the good fortune to serve as Attorney-Advisers in the Office of the Legal Adviser of the U.S. Department of State (Scharf as Attorney-Adviser for United Nations Affairs and Williams as Attorney-Adviser for European Affairs), where we participated in and witnessed first-hand what history may consider the modern resurrection of the United Nations and its associated organizations. When we left the State Department to become international law professors, we were surprised to discover that there existed very few teaching texts devoted to the study of international organizations, especially in light of the increasingly prominent role international organizations have begun to play in the formation of international law and resolution of global problems. The rather dated texts that did exist failed to cover what we considered to be some of the most important current issues relating to international organizations. And the issues that were covered were dealt with in a fairly dry fashion that did not appear to be calculated to stimulate student enthusiasm for what should be among the most exciting of subjects.

Consequently, when we were invited to co-teach “The Law of International Organizations” as Visiting Professors of International Law at the University of Paris IX in 1999 and when Michael Scharf taught the same course as a Visiting Professor at the Fletcher School of Law and Diplomacy at Tufts University in 2000 (a position long held by the eminent Leo Gross), we decided to assemble our own teaching materials focusing on the most important current issues relating to international organizations based on our experiences at the State Department, as well as our subsequent work in the field under the auspices of the Public International Law and Policy Group. Rather than gear the materials to the Socratic method or lecture approach, it occurred to us that an effective way to teach this area of law was to approximate the way we learned it at the State Department — by employing simulations, role-play exercises and debates.

In the fall of 2000, at the suggestion of Keith Sipe, Scharf published his Fletcher course materials as a casebook employing this unique active learning approach. The First Edition of “The Law of International Organizations” quickly established itself as a popular casebook, but with the speed in which this unique area of law evolves, the market was soon clamoring for a Second and now a Third, updated, Edition. The Third Edition provides updated information, includes new case studies, and covers an expanded number of international organizations.
Like its predecessor editions, this book is not designed to be a comprehensive textbook on international organizations, but rather a user-friendly casebook that exposes students to the most significant current legal issues relating to international organizations in a stimulating format. In addition to simulations in the form of an introductory problem, the chapters contain excerpts from international treaties, negotiating history, decisions by international organizations, international and domestic judicial opinions, diplomatic correspondence, contemporary news accounts, first-hand narratives, and scholarly articles, as well as a comprehensive Bibliography of Additional Sources. In contrast to the traditional passive reading model of most casebooks in which discussion questions are found at the end of each chapter’s readings, the format of this book mirrors the way a legal research assignment would be given in the real world. Here, the questions and problems are presented at the beginning of each chapter, prompting the student to actively read the material with an eye to finding the answer. The book is organized into twenty-three Chapters (corresponding with teaching units) for ease of use in a course that meets twice-a-week. In a once-a-week course, the professor can select the thirteen or fourteen units he or she finds of most interest.

International organizations both make international law and are governed by it. Yet, a distinguished commentator once remarked that the decision-making of international organizations such as the United Nations “is less a question of law than one of political judgment,” and that “legal principles and Charter interpretation take a back seat to political and administrative convenience.” (L.C. Green, 1967). Throughout, the materials in this book highlight the tension between politics and law in the U.N. System. Given the political context in which international organizations often operate, the reader will find that substantive rules and precedents play a perhaps surprisingly important role in influencing the actions of international organizations. At the same time, it is essential to keep in mind that the decision-making of organizations in the domestic system, including the U.S. Supreme Court, are just as frequently swayed by politics.

Another theme that emerges throughout the book is the important role that process plays in the decision making of international organizations. The international bodies examined in the book include those that make decisions by simple majority vote, by weighted voting, and by unanimous consent. In examining these materials, the reader may consider: why did the framers select the particular voting system for each organization; how strictly do the bodies follow their procedural (as opposed to substantive) rules; and how do the voting rules influence the outcome of the body’s decision making.

It is true that very few students will go on to directly participate in any international organization. It is also true that few students will go on to practice Constitutional Law before the Supreme Court, or even the lower courts. Yet “Con Law” is a required law school course and is taught extensively at the undergraduate level in light of the importance the decisions of the Supreme Court play in our daily lives. Given the growing significance of the decisions of international organizations to our well-being and survival, and the prominent (if not always decisive) role that law plays in arriving at those decisions, the “Law of International Organizations” may be among the most meaningful courses in the modern curriculum. It is thus our ardent hope that the publication of the Third Edition of this casebook will help foster the growth of courses at the law school and university level devoted to this important subject.

Michael P. Scharf, Cleveland, Ohio
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