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The Law of International Organizations

Problems and Materials

THIRD EDITION

Michael P. Scharf

Paul R. Williams

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For Eirene and Themis

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Michael P. Scharf is the John Deaver Drinko—Baker & Hostetler Professor of Law and Associate Dean for Global Legal Studies at Case Western Reserve University School of Law. A graduate of Duke University School of Law, and judicial clerk to Judge Gerald Bard Tjoflat on the Eleventh Circuit Federal Court of Appeals, Scharf is the author of seventy-five scholarly articles and fourteen books, including *Balkan Justice*, which was nominated for the Pulitzer Prize in 1998, *The International Criminal Tribunal for Rwanda*, which was awarded the American Society of International Law's Certificate of Merit for the Outstanding book in International Law in 1999, *Peace with Justice*, which won the International Association of Penal Law Book of the Year Award for 2003, and *Enemy of the State*, which won the International Association of Penal Law Book of the Year Award for 2009. His latest book (with Paul Williams) is *Shaping Foreign Policy in Times of Crisis: The Role of International Law and the State Department Legal Adviser*, published by Cambridge University Press in 2010.

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.

Dr. Paul R. Williams is the Rebecca Grazier Professor of Law and International Relations at American University. Dr. Williams is also the President and co-founder of the Public International Law & Policy Group. Since 1995, PILPG has provided *pro bono* legal assistance to governments involved in peace negotiations, drafting post-conflict constitutions, and prosecuting war criminals. In 2005, Dr. Williams, as Executive Director of PILPG, was nominated for the Nobel Peace Prize by half a dozen of his *pro bono* government clients.

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 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.

Previously, Dr. Williams served in the Department of State’s Office of the Legal Advisor for European and Canadian Affairs, as a Senior Associate with the Carnegie Endowment for International Peace, and as a Fulbright Research Scholar at the University of Cambridge. He is a member of the Council on Foreign Relations and the American Society of International Law.

Dr. Williams is a leading scholar on peace negotiations and post-conflict constitutions. He has testified on a number of occasions before the U.S. Congress on matters of public international law and peace negotiations. He has authored five books on topics of international human rights, international environmental law, and international norms of justice, and over two dozen articles on a wide variety of public international law topics. Dr. Williams is also a sought-after international law and policy analyst, and has been interviewed more than 500 times by major print and broadcast media. He has published op-eds in the *Washington Post*, *Los Angeles Times*, *International Herald Tribune*, *Chicago Tribune*, *Wall Street Journal Europe*, and *Le Monde*.

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.

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- Jim Anderson, *Politics Wins in PLO Office Closure*, United Press International, March 11, 1988.
- Leland Goodrich, Edvard Hambro, and Anne Patricia Simons, *CHARTER OF THE UNITED NATIONS: COMMENTARY AND DOCUMENTS* (3rd ed., Columbia University Press, 1969), 1–4, 10–16.
- Frederic L. Kirgis, Jr., *INTERNATIONAL ORGANIZATIONS IN THEIR LEGAL SETTING*, West Publishing Co., 2d ed. 1993, pp. 191–193.
- Joy K. Fausey, *Does the United Nations’ Use of Collective Sanctions to Protect Human Rights Violate Its Own Human Rights Standards?* 10 Conn. J. Int’l L. 193 (1994).
- Gary C. Hufbauer and Barbara Oegg, *Targeted Sanctions: A Policy Alternative?*, 32 Law & Policy Int’l Bus. 11 (2000).
- Michael Scharf and Joshua Dorosin, *Interpreting U.N. Sanctions: The Rulings and Role of the Yugoslavia Sanctions Committee*, 19 BROOKLYN J. INT’L L. 771 (1993)
- Hilaire McCoubrey and Nigel White, *THE BLUE HELMETS: LEGAL REGULATION OF UNITED NATIONS MILITARY OPERATIONS* (1996), pages 11–90.
- Richard A. Falk, *FUTURE IMPLICATION OF THE IRAQ CONFLICT: WHAT FUTURE FOR THE UN CHARTER SYSTEM OF WAR PREVENTION?*, 97 Am. J. Int’l. L. 590, (July 2003).
- Alex J. Bellamy, *RESPONSIBILITY TO PROTECT OR TROJAN HORSE? THE CRISIS IN DARFUR AND HUMANITARIAN INTERVENTION AFTER IRAQ*, *Ethics & Int’l Aff.*, (October 1, 2005).
- Alia Szopa, *Hoarding History: A Survey of Antiquity Looting and Black Market Trade*, 13 U. Miami Bus. L. Rev. 55, 64–70 (Fall/Winter 2004).

- Kenneth Hamma, Symposium: V. The New Millennium Finding Cultural Property Online, 19 *Cardozo Arts & Ent. L.J.* 125, 128–132 (2001).
- Brian Braiker, *Art Cops*, *Newsweek*, Jan. 21, 2005.
- Paust, Bassiouni, Williams, Scharf, Gurule, and Zagaris, *INTERNATIONAL CRIMINAL LAW: CASES AND MATERIALS* (1996), pp. 1175–90.
- Nicholas Rostow, *Before and After: The Changed UN Response to Terrorism Since September 11th*, 35 *Cornell Int'l L.J.* 475.
- Susan Tiefenbrun, *A Semiotic Approach to a Legal Definition of Terrorism*, 9 *ILSA J Int'l & Comp L* 357 (2003).
- Jennifer Trahan, *Terrorism Conventions: Existing Gaps and Different Approaches*, 8 *New Eng. Int'l & Comp. L. Ann.* 215 (2002).
- *The ICTR Must Achieve Justice for Rwandans*, 13 *American University International Law Review* 1469 (1998).
- Rena L. Scott, *Moving From Impunity to Accountability in Post-War Liberia: Possibilities, Cautions, and Challenges*, 33 *International Journal of Legal Information* 345 (2005).
- Lawrence Weschler, Exceptional Cases in Rome: The United States and the Struggle for an ICC, in *THE UNITED STATES AND THE INTERNATIONAL CRIMINAL COURT* 85–114 (Sarah Sewall and Carl Kasen, eds., 2000).
- Lee A. Casey, *The Case Against Supporting the International Criminal Court*, Washington University School of Law, Whitney R. Harris Institute for Global Legal Studies, Washington University in St. Louis, International Debate Series, No. 1 (2002).
- Jose Alvarez, Financial Responsibility, *THE UNITED NATIONS AND INTERNATIONAL LAW* (C. Joyner, ed., 1995).
- Michael Scharf and Tamara Shaw, International Institutions, 33 *THE INTERNATIONAL LAWYER* 567–570 (1999).
- Richard K. Gordon, Current Developments in Monetary & Financial Law, *International Monetary Fund* (1999), Chapter 15: ANTI-MONEY-LAUNDERING POLICIES SELECTED LEGAL, POLITICAL, AND ECONOMIC ISSUES.
- Kenneth Abbot & Duncan Snidal, *Why States Act Through Formal International Organizations*, 42 *J. CONFLICT RESOL.* 1 (1998).
- Jayshree Bajoria, *The China-North Korea Relationship*, Council on Foreign Relations (Oct. 7, 2010).
- Jayshree Bajoria & Carin Zissis, *The Six-Party Talks on North Korea's Nuclear Program: A CFR.org Backgrounder*, Council on Foreign Relations (Jul. 1, 2009).
- Peter Berkowitz, *The Goldstone Report and International Law*, *POL'Y REV.* (Aug.–Sept. 2010).
- Ronen Bergman, *Letter from Tel Aviv: Netanyahu's Iranian Dilemma*, *Foreign Aff.* (June 10, 2009). Reprinted by permission of FOREIGN AFFAIRS, (88, 2009) by the Council on Foreign Relations, Inc. www.ForeignAffairs.com.
- Eric Brahm, *Intergovernmental Organizations (IGOs)*, beyondintractibility.org (2005).
- Greg Bruno, *CFR.org Interview with Manouchehr Mottaki: What Iran Wants*, Council on Foreign Relations (Sept. 20, 2009).
- Greg Bruno, *Iran's Nuclear Program: A CFR.org Backgrounder*, Council on Foreign Relations (Mar. 10, 2010).
- Center for Arms Control and Non-Proliferation, *Risky Business: Why Attacking Iran Is a Bad Idea*, (Apr. 12, 2007).

- Eric C. Christiansen, *Adjudicating Non-Justiciable Rights: Socio-Economic Rights and the South African Constitutional Court*, 38 COLUM. HUM. RTS. L. REV. 321 (2007).
- John Darby & James Rae, *Peace Processes from 1988–1998: Changing Patterns*, 17 ETHNIC STUD. REP. 46, 53 (1999).
- Erica Downs & Suzanne Maloney, *Getting China to Sanction Iran*, 90.2 Foreign Aff. 15 (Mar.–Apr. 2011). Reprinted by permission of FOREIGN AFFAIRS, (15, 2011) by the Council on Foreign Relations, Inc. www.ForeignAffairs.com.
- Michael W. Doyle & Nicholas Sambanis, *Conclusions*, in MAKING WAR AND BUILDING PEACE 337–342 (2006).
- Trevor Findlay, *The New Peacekeeping and the New Peacekeepers Challenges for the New Peacekeepers*, in CHALLENGES FOR THE NEW PEACEKEEPERS 2, 7–11, 14–15 (Trevor Findlay ed., 1996).
- Thomas M. Franck, *Future Implication Of The Iraq Conflict: What Happens Now? The United Nations After Iraq*, 97 AM. J. INT'L. L. 590, 607–620 (July 2003).
- Liz Heffernan, *The Nuclear Weapons Opinions: Reflections on the Advisory Procedure of the International Court of Justice*, 28.1 STETSON L. REV. 133 (1998).
- Karen Kenny, *U.N. Accountability for its Human Rights Impact: Implementation Through Participation*, in THE U.N., HUMAN RIGHTS, AND POST-CONFLICT SITUATIONS (Nigel D. White & Dirk Klaasen eds., 2005).
- Josephine K. Mason, *The Role of Ex Aequo Et Bono in International Border Settlement: A Critique of the Sudanese Abyei Arbitration*, 20 AM. REV. INT'L ARB. 519 (Feb. 2011).
- Anna Meijknecht & Byung Sook Patinaje-de Vries, *Is There a Place for Minorities' and Indigenous People's Rights within ASEAN?: Asian Values, ASEAN Values and the Protection of Southeast Asian Minorities and Indigenous Peoples*, 17.1 INT'L J. ON MINORITY & GROUP RTS. 75 (2010).
- Wendy J. Miles & Daisy Mallett, *The Abyei Arbitration and the Use of Arbitration to Resolve Inter-state and Intra-state Conflicts*, 1.2 J. INT'L DISP. SETTLEMENT 313 (2010).
- Sean D. Murphy, *Contemporary Practice of the United States Relating to International Law*, 94 AM. J. INT'L L. 348, 348–54 (2000).
- Makau Mutua, *The Big Idea: are Human Rights Universal? Or Is the West Imposing Its Philosophy on the Rest of the World*, BOSTON GLOBE, Apr. 29, 2001.
- Kiriro Wa Ngugu, *Let's Choose Peace Over Justice in ICC Case*, DAILY NATION (Feb. 2, 2011).
- Tom Parker, Centre for European and Asian Studies, Norwegian School of Management, *The Ultimate Intervention: Revitalizing The UN Trusteeship Council For The 21st Century* (2003).
- Dinah PoKempner, *From Journal of Global Governance: Valuing the Goldstone Report*, Vol. 16 #2. Copyright © 2010 by Lynne Rienner Publishers, Inc. Used with permission by the publisher.
- CESARE ROMANO & THORDIS INGADOTTIR, PROJECT ON INTERNATIONAL COURTS & TRIBUNALS, *THE FINANCING OF THE INTERNATIONAL CRIMINAL COURT: A DISCUSSION PAPER* 3–6 (2000).
- John Shattuck, *Dignity and Freedom are for Everyone*, BOSTON GLOBE, Apr. 29, 2001.
- Rhona K.M. Smith, *The Fate of Minorities-Sixty Years On*, 1 WEB J. CURRENT L. ISSUES (2009).

- Celine Tran, *Striking a Balance Between Human Rights and Peace and Stability: A Review of the ECtHR's Decision in Sejdić and Finci v. Bosnia and Herzegovina and Its Implications*, 18.2 HUM. RTS. BR. 3 (2011).
- Nsongurua J. Udombana, Globalization of Justice and the Special Court for Sierra Leone's War Crimes, 17 EMORY INT'L L. REV. 55, 57–69 (Spring 2003).
- Kevin Jon Heller, "The Sadly Neutered Crime of Aggression", OPINIOJURIS.ORG, (June 13, 2010 9:32 PM) <http://opiniojuris.org/2010/06/13/the-sadly-neutered-crime-of-aggression/>.
- John Currie, Joanna Harrington & Valerie Oosterverld, "Ending War Through Justice—In Time: Amendments to ICC Statute would hold leaders personally responsible for 'aggression'", CANADIAN LAWYER MAGAZINE, 14 June 2010 (online).