



COURSE MANUAL

The Law of International Organizations

Course Code: L-EL-0578

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(AY2025-26)**

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intends and purposes as far the elective course, ***The Law of International Organizations***, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: **The Law of International Organizations**

Course Code: **L-EL-0578**

Course Duration: **One Semester (15 Weeks)**

No. of Credit Units: **4 Credits**

Level: **UG**

Medium of Instruction: **English**

Pre-requisites: **Public International Law**

Equivalent Courses: **nil**

Part II

1. Course Description

International organizations play a crucial role in the international legal order. On the one hand, States continue to be the main form of political organization and subjects of international law; on the other, it is recognized that global problems can be tackled in an organised, supranational manner – hence international organizations are necessary to cope with situations that transcend domestic borders and are at the crossroad of increasing economic (and not only) interdependence and pursuit of the national interest. The United Nations, World Health Organization, World Trade Organization, European Union, International Criminal Court, and many others.

International organization types vary in terms of objectives, size, structure and so forth. Nevertheless, they are confronted with similar issues and problems, that are tackled by their institutional rules – legal status, membership, decision-making, financing, relations with the host state, to quote some. These rules share commonalities across international organizations, so that it is possible to infer certain underlying principles.

The focus of the course will be then to compare the institutional rules of international organizations, rather than studying a number of them. By doing so, the student will get acquainted with the principles of international institutional law, namely the rules governing their legal status, structure and functions.

This course requires basic knowledge of organizations such as the United Nations and the specialized agencies. It is also assumed a basic knowledge of public international law. Additionally, basic knowledge of the law of the European Union would be an asset. Such knowledge may be obtained from. Additionally, it is suggested to browse through specialized international law journals, such as the International Organizations Law Review (digitally available through the Law Library) to be aware of current legal developments in the law and practice of international organizations.

2. Course Aims

Students completing the course will be acquainted with the main institutional features of international organizations. They will be able to discuss institutional rules and principles, as well as their application in practice. Part of the course will test students' presentation and writing skills through presentations and writing of position papers.

3. Teaching Methodology

The course is taught by means of in-class lectures and guiding questions that students are invited to reflect on, first, and answer afterwards. Students will also be invited to present in class on practical scenarios, with the aim of strengthening legal, analytical,

argumentation and oral skills. Said practical scenario entails individual/group research to answer the question and presentation of the outcome.

Students will be assessed 70% internally on the basis of assignments/midterm exam (the practicalities of which will be made clear at a later stage). With no attempt of being exhaustive, the said assessment may be: (i) a short memorandum requiring one to reflect on some practical issues affecting the functioning of an international organization; (ii) or an oral presentation (in group or individually); (iii) in class exam. Assignments will be graded according to the following criteria:

- Responsiveness to question posed
- Identification of legal issues
- Quality of arguments (logic and clarity of reasoning)
- Quality of analysis Creativity Critical reflection (depth and creativity of analysis)
- Use of legal and doctrinal sources (substantive application of relevant instruments and scholarship)
- Language and presentation (appropriate lexicon, syntax, grammar, spelling, and formatting, with complete and consistent citations)

The remaining 30% will be assessed based on a written exam. The exam will test the knowledge acquired through the course.

4. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
Analytically and critically describe and explain important legal concepts, ideas and concepts associated with the law of international organizations, especially with reference to the topics to be covered in the syllabus.	30%	<p><i>Reading of relevant course materials and cases in addition to involving themselves in research.</i></p> <p>Students will acquire knowledge on the subject in general through:</p> <ol style="list-style-type: none"> 1. Lectures, which will give guidance on reading and research material; 2. Discussions and Assignments, which aim at developing analytical and critical approach while 	End-of-course examination (30% of marks)

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
		discussing important issues on international organizations.	
Analyze and critically evaluate fundamental issues and concerns pertaining to the daily and overarching functioning of international organizations. Apply different aspects of international organizations.	70%	Assignments will be weaved in such a way to attain the outcome by nudging students to scrutinize, analyze and evaluate issues and concerns in the field of international organizations.	Intermediate assessment (70% of marks)

5. Grading of Student Achievement

To pass this course, students must obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessment (including moot, mid-term exam, internal assignment) and end term examination. **End of semester exam will carry 30 marks, as the case may be, out of which students have to obtain a minimum of 30% to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Absent	Ab	0	Absent - “Extenuating circumstances” preventing the student from taking the end- semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “Ab” grade. If an "Ab" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

6. Criteria for Student Assessments

Internal assessment of the participants will be based on the following criteria. In case any of the participants miss the IA tests, alternative internal assessments will be conducted (Please specify the alternative assessment)

Assessment	Weightage	Remarks
Type of Assessment	70 marks	<p>Midterm exam's details will be made clear after the first week of course. With no attempt of being exhaustive, the said assessment may be: (i) a short memorandum requiring one to reflect on some practical issues affecting the functioning of an international organization; (ii) or an oral presentation (in group or individually); (iii) in class exam.</p> <p>Students that are not able to comply with assessment deadline (independent of any valid justification) will alternatively take a viva on the material covered in the course till the date of the viva itself.</p>
End Semester Examination	30 marks	<p>There will be an end-semester examination/component for all participants of the course who have successfully completed the course work. Please specify the nature of exam/component (open book, take-home exam, research work etc.)</p>

Part III

Course/Class Policies

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are

encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Cell Phones, Laptops and Similar Gadgets

Students are expected to pay attention to the material covered in class, and as such they should not check their phones, or just browse the web.

Part IV

Course Design and Overview (Weekly Plan)

We ek	Topic and Description	Reading/Course Materials
1	Introduction	<p>Compulsory readings</p> <ol style="list-style-type: none"> 1) International Institutional Law, Chapter 1 2) Cases and Materials on the Law of International Organizations, 1.2 3) D.B. Garrido Alves, The Concept of International Organization in the practice of the International Court of Justice. https://www.ejiltalk.org/the-concept-of-international-organization-in-the-practice-of-the-international-court-of-justice/ <p>Optional readings</p> <ol style="list-style-type: none"> 1) International Organizations, Chapter 2 <p>Questions</p> <ul style="list-style-type: none"> • Is it necessary to give a definition of ‘international organizations’? Is there a practical reason? Is it just a mere academic definition? • Why having ‘at least one organ with a will of its own’ is an important element of the definition of international organizations? • Run a quick web search: is the ‘Community of Democracies’ an international organization? If yes, why? If not, why? Is the G20 an international organization? • What was the initial aim of the very first international organizations? Why? • Cooperation and integration: is there a distinction based on functions? Why? • The International Law Commission had defined international organizations simply as ‘intergovernmental organizations’ for a long time. Only in 2003 a substantial discussion took place on the definition of international organizations that resulted in a more granular definition. What is this definition, and why was it adopted?
2	Participation and membership	<p>Compulsory readings</p> <ol style="list-style-type: none"> 1) International Institutional Law, Chapter 2 2) ICJ, Advisory opinion on Admission of a State to the UN (1948). (https://www.icj-cij.org/case/3) 3) A/66/371 – S/2011/592 of 23 September 2011 – Application of Palestine for Admission to Membership in the United Nations (https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/IP%20S2011%20592.pdf)

		<p>5) S/2011/705 of 11 November 2011 – Report of the Committee on the Admission of New Members concerning the application of Palestine for admission to membership in the United Nations (https://www.refworld.org/docid/4ec618b52.html)</p> <p>6) A/RES/67/19 of 29 November 2012 – Status of Palestine in the United Nations. (https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/479/74/PDF/N1247974.pdf?OpenElement)</p> <p>7) Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’, Situation in the State of Palestine, ICC-01/18-143, PTC I, ICC, 5 February 2021 (para 87 to 113). (https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2021_01165.PDF)</p> <p>Case Study</p> <ul style="list-style-type: none"> • Withdrawal from international organizations <p>Questions</p> <ul style="list-style-type: none"> • Can the opinion of the ICJ given in the admission case be agreed upon? • Only states, originally, could become members of international organizations. However, international organizations started to participate in the work of other organizations. Which are the practicalities to realize this objective? • Which are the legal and practical difficulties involved in an international organization wanting to become part of another international organization? • Is withdrawal lawful? • Can North Korea be expelled from the United Nations because of its ‘nuclear bullying’?
3/4	Internal rules	<p>Compulsory readings</p> <ol style="list-style-type: none"> 1) International Institutional Law, Chapter 3 2) Cases and Materials on the Law of International Organizations, chapters 5 and 7 3) N. M. Blokker, International Organizations or Institutions, Implied Powers. Max Planck Encyclopedia of Public International Law [MPEPIL] (available through remote log) 4) Implied Powers of the United Nations (Rahmatullah Khan, Vikas Publications 1969), part III. 5) ICJ, Advisory Opinions on Certain Expenses (1962) (https://www.icj-cij.org/case/49) 6) ICJ, WHO Nuclear Weapons Advisory Opinion (1996) (https://www.icj-cij.org/case/95) 7) ICJ, Advisory Opinion on Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004) paras. 24-35. (https://www.icj-cij.org/case/131)

		<p>8) ILOAT judgment no. 2232, 16 July 2003 https://webapps.ilo.org/dyn/triblex/triblexmain.detail?p_judgment_no=2232</p> <p><u>Questions</u></p> <ul style="list-style-type: none"> • What part of the Certain Expenses Advisory Opinion do you consider to be most important for other international organizations? • What part of the ICJ's WHO Nuclear Weapons Advisory Opinion do you consider most important for other international organizations? • Why is the Israeli Wall Advisory Opinion relevant for the discussion of the powers of international organizations? • Why do international organizations need implied powers? Are there any limitations to take recourse to implied powers?
5	<p>Institutional structure</p> <p>In class exam</p>	<p>Compulsory readings</p> <ol style="list-style-type: none"> 1) International Institutional Law, Chapter 4. 2) An Introduction to International Institutional Law, Chapter 9 <p><u>Questions</u></p> <ul style="list-style-type: none"> • What different types of organs of international organizations can be distinguished? • What role play the members of the organization as regards the functioning of these different types of organs? • Have a look at the institutional structure of the European Union. In what respects is this structure similar to or different from the structure of most international organizations? • Why do international organizations with an ample number of member states have non-plenary policy-making organs? • Should the staff of the Secretariat of an international organization be independent from the member states? How would you guarantee such independence while drafting the constitution of an international organization? • You are an international civil servant who is aware of serious wrongdoings and misconduct in your international organization. Can you report this to someone outside the organization, like the press? • Should the position of international civil servant be distributed according to some equitable geographical criterion? • Should the current composition of the UN Security Council be changed?
6	Decision-making	<p>Compulsory readings</p> <ol style="list-style-type: none"> 1) International Institutional Law, Chapter 6 (paras. 817-867) 2) Yuen-Li Liang, Abstention and Absence of a Permanent Member in Relation to the Voting Procedure in the Security Council. The American Journal of International Law, Vol. 44, No. 4, pp. 694-708

		<p>3) UN Juridical Yearbook (2005) – Part Two. Legal activities of the United Nations and related intergovernmental, Chapter VI. Selected legal opinions of the Secretariat of the United Nations and related, p. 457-58.</p> <p><u>Questions</u></p> <ul style="list-style-type: none"> • Why is important for organs of international organizations adopting a decision to refer to provisions in the constitution attributing the power to take the decision in question? • Weighted voting or right to veto, which should be preferred? Why or why not? • What is the difference between unanimity and consensus? • Why do many international organizations take most of their decisions by consensus? • What if it is not possible to reach a decision by consensus?
7	Financing	<p>Compulsory readings</p> <p>1) International Institutional Law, Chapter 7 (figures in the chapter will not form part of the exam)</p> <p>Case Study</p> <ul style="list-style-type: none"> • Financing UNSC referral to the ICC <p><u>Questions</u></p> <ul style="list-style-type: none"> • What are the pros and cons of a maximum and minimum contribution of member states? • Is it possible and desirable to finance activities of international organizations from external sources of income (other than contributions from member states)? Any example thereof? • Have a look at UN General Assembly Resolution A/RES/74/264 (Program budget for 2020). Is it legally binding? • Have a look at the European Court of Justice Case 16/88. It rejected the submission by the Commission that there had been an infringement of Article 205 of the EEC Treaty (now: Article 317 TFEU)? Do you see any similarity with the Advisory Opinion of the International Court of Justice in the Effect of Awards case? • Which UN organ has the power to adopt the budget for the peacekeeping force?
8/9	Legal status and responsibility	<p>Compulsory readings</p> <ul style="list-style-type: none"> • International Institutional Law, Chapter 11 • Cases and Materials on the Law of International Organizations, 9 • M. Möldner ‘Responsibility of International Organizations – Introducing the ILC’s DArIO. Max Planck Yearbook of the United Nations Law, 16(2012), 281-328.

		<ul style="list-style-type: none"> • ICJ, Advisory Opinion on Reparation for Injuries Suffered in the Service of the UN (1949) (https://www.icj-cij.org/case/4) • ICJ, Advisory Opinion on Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights (1999). (https://www.icj-cij.org/case/100) • A/RES/66/100, with Annex (Articles on the Responsibility of International Organizations). (https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/464/82/PDF/N1146482.pdf?OpenElement) • International Law Commission, General Commentary on the Articles on the Responsibility of International Organizations. (https://legal.un.org/ilc/texts/instruments/english/commentaries/9_11_2011.pdf) • ECtHR, Stichting Mothers of Srebrenica and Others/The Netherlands, 11 June 2013. (https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-122255%22]}) <p><u>Questions</u></p> <ul style="list-style-type: none"> • Why did the International Court of Justice (ICJ) in its Advisory Opinion in the Reparations for Injuries case take recourse to the doctrine of implied powers, even though Article 104 of the UN Charter refers to the legal capacity of the organization ‘as may be necessary for the exercise of its functions and the fulfilment of its purposes’? • Can the legal personality of international organizations be compared to that of states? What are the similarities and what are the differences? • What is immunity in international law and what is the rationale for immunity of international organizations? • What are the sources of immunity of international organizations? • Are the Articles on the Responsibility of International Organizations legally binding? • Is it possible to hold members of international organizations responsible for wrongful acts of these organizations? Why or why not?
10	<p>Mid semester review</p> <p>In class exam</p>	<u>Practicalities will be announced in class</u>
11	External relations and immunities	<p>Compulsory readings</p> <ol style="list-style-type: none"> 1) International Institutional Law, Chapter 12. 2) Cases and Materials on the Law of International Organizations, 1.2

		<p>3) E. C. Okeke, <i>Jurisdictional Immunities of States and International Organizations</i>, Ch. 8 ‘Determination and Scope of Immunity of International Organizations’ (open source).</p> <p><u>Questions</u></p> <ul style="list-style-type: none"> • What types of legal instruments usually govern the relationship between an international organization and its host state? • May two or more international organizations establish new international organizations? • Is the position of a diplomat accredited to an international organization different from that of a diplomat accredited to a state?
12	International civil service	<p>Compulsory readings</p> <ol style="list-style-type: none"> 1) An Introduction to the Law of the International Civil Service (<u>Mr. Olufemi Elias</u> Executive Secretary, World Bank Administrative Tribunal) https://legal.un.org/avl/ls/Elias_IO_video_1.html 2) Yves Beigbeder, Civil Service, International. : Max Planck Encyclopedia of Public International Law [MPEPIL] 3) The Law of the International Civil Service - Institutional Law and Practice in International Organisations, Part 3, chapter 1.
13	IOs and the Global South	<ol style="list-style-type: none"> 1) Milhorange, C. and Soule-Kohndou, F., 2017. South-South cooperation and change in international organizations. <i>Global Governance</i>, 23, p.461. K. Kathigamar, ‘The world Bank Inspection Panel – Court or Quango?’. <i>JOIA</i> 12(2)1995 2) ANAND RP. The Formation of International Organizations and India: A Historical Study. <i>Leiden Journal of International Law</i>. 2010;23(1):5-21. 3) India and the UN Security Council: An Ambiguous Tale, R. Mukherjee, D. M. Malone. <i>Economic and Political Weekly</i>, Vol. 48, No. 29 (JULY 20, 2013), pp. 110-117 4) Murthy, C. S. R. (2012). Assessing India at the United Nations in the Changing Context. <i>International Studies</i>, 47(2-4), 205-223. 5)
14	Course Recap	Revision – what to expect in the exam
15	Exam	

Part V Relevant Readings / Essential Readings

Students should prepare for classes and exam referring to the following books

- H.G. Schermers, N.M. Blokker, *International Institutional Law*, 6th revised edition, 2018 (paperback).
- M. P. Karns, K. A. Mingst, K. W. Stiles, *International Organizations: the politics and processes of global governance*, 2015
- W. Worster, *Cases and Materials on the Law of International Organizations*, 2021.
- J. Klabbers, *An Introduction to International Institutional Law*, 2002 (or more recent edition)
- G. Ullrich, *The Law of the International Civil Service - Institutional Law and Practice in International Organisations* (2018)

The reading of the book should be accompanied by discussion of case law that is readily available following a web search. For ease, I included a link on the said material (look at the classes content).