

Law and Practice of the United Nations

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Vice Dean, JGLS; Director of Centre for Study of the UN

Credits: 4

Credits Type: Law

Cross-registration: N/A

Pre-requisites: Public International Law (Grade B and above)

COURSE DESCRIPTION (COURSE VISION):

The course *Law and Practice of the United Nations* (UN) examines both the law and the practice of the UN from 1945 till now, with focus on transformations undergone since the end of the Cold War. Special consideration is given to interpretations of some controversial articles of the UN Charter, the roles of the UN principal organs: General Assembly, Security Council, ICIJ, Secretariat; the measures under Chapter VI and Chapter VII of the Charter and their effectiveness. The course explores specific areas such as peacekeeping, peacebuilding, authorization of use of force, sanctions in response to threats to international peace and security, human rights, sustainable development, climate change.

TEACHING METHODOLOGY:

There will be 14 weeks and 28 classes. Students need to read and analyse the UN Charter, with the help of Bruno Simma's 'Commentary' and Popovski/Lopez-Claros' 'The Second Charter'. Special focus is given to Security Council resolutions addressing case-by-case threats to the peace and the UN measures imposed, the objectives and targets of these measures.

INTENDED LEARNING OUTCOMES:

The course will be of interest to those eager to work for the UN or other international organizations, to learn about the UN practice to maintain international peace, reduce poverty, develop international co-operation, and promote human rights. The learning outcomes are:

1. Understanding the political and legal background of the establishment the UN, its evolution and the current challenges the Organization is facing.
2. Knowledge of the principal organs of the UN, their membership, competencies, and roles.
3. Understanding the development of international law though the practice of the UN organs.
4. Developing skills to analyze UN resolutions, understand the dynamics of armed conflicts and the international efforts for their resolution.
5. Differentiating between humanitarian intervention and the concept of responsibility to protect (R2P), between the legality and legitimacy of the use of force and other international regimes.

READING LIST:

- Bruno Simma, ***The Charter of the United Nations: A Commentary*** (2002)
- Chadwick Alger (ed) ***The UN System: A Reference Handbook*** (2005)

- Benedetto Conforti, Carlo Focarelli, *Law and Practice of the United Nations* (2001)
- Sydney Bailey and Sam Daws, *Procedure of the UN Security Council* (3rd ed. 1998)
- Simon Chesterman, Thomas Franck, David Malone (eds) *Law and Practice of the United Nations: Documents and Commentary* (2008)
- David Malone (et al, ed), *The UN Security Council: From Cold War to 21st Century* (2004)
- Vesselin Popovski, Trudy Fraser (eds) *The Security Council as Global Legislator* (2014)
- Augusto Lopez-Claros, Vesselin Popovski and others, *The Second Charter* in Global Governance Forum (2023)
- Vesselin Popovski and Ankit Malhotra (eds), *Reimagining International Legal Order* (Routledge 2023)
- Ian Johnstone, '*Legislation and Adjudication in the UN Security Council: Bringing down the Deliberative Deficit*' in *American Journal of International Law* (April 2008)
- Thomas M. Franck, “*Powers of Appreciation: Who is the Ultimate Guardian, of UN Legality?*” in *American Journal of International Law* (July 1992).
- Ian Hurd, '*International Organizations: Politics, Law, Practice*' (2013)
- Adam Roberts, Benedict Kingsbury (eds) *United Nations: Divided World* (1993)
- Danesh Sarooshi, *The UN and Development of Collective Security* (Oxford 2000)
- Ramesh Thakur, *The United Nations, Peace and Security* (Oxford University Press 2006)
- Augusto Lopez-Claros, Arthur Dahl, Maja Groff (eds) *Global Governance and the Emergence of Global Institutions for the 21st Century* (Cambridge University Press 2020)
- Joseph Schwartzberg, *Transforming the UN System* (2013)
- Lopez-Claros, Popovski and others, *The Second Charter, A Report by the Global Governance Forum* (2024)
- Thomas Weiss, *The United Nations and Changing World Politics* (2007)
- Vesselin Popovski (ed) *The Implementation of the Paris Agreement on Climate Change* (Routledge 2018)

WEEKLY OUTLINE:

Week	Topics
1-2	Introduction. League of Nations. Origins of the UN Charter. UN Charter as a treaty. Purposes of the UN. Principles of the UN. Membership.
3	UN General Assembly and UN Security Council: Composition, Membership. Voting Procedures. Relationship with other organs. UN Secretary-General: Roles and Selection. Human rights machinery of the UN. Human Rights Council
4	International Court of Justice: Organization of the Court. Election of judges. Competencies. Judicial settlement of disputes between States. Advisory function of the Court. ‘ <i>Judicial review</i> ’. Chapter VI of the Charter. Peaceful settlement. Mediation, Arbitration. Fact Finding. Negotiations.
5	Chapter VII actions on threats and breaches of the peace. Definition of ‘threats. Measures under Article 39, 40, 41. Art 42. UN Sanctions. R2P
6	Iraq 1990-91, Iraq 2003

7	Yugoslavia (1991-1995), Kosovo (1999)
8	Cambodia, Haiti (order may vary)
9	Somalia, Rwanda (order may vary)
10	Libya (1988-1991), Libya 2011
11	Sudan
12	Afghanistan
13	Reforms of the United Nations
14	Revision week