

Contents

Preface to the first edition	<i>page</i> xii
Preface to the second edition	xv
Preface to the third edition	xvii
Table of cases	xix
A note on documentation	xxxi
List of abbreviations	xxxii
1 Introduction	1
Introduction	1
Three types of legal dynamics	2
Trying to define international organizations	6
... created between states ...	9
... on the basis of a treaty ...	10
... an organ with a distinct will ...	12
The structure of this book	14
2 The rise of international organizations	16
Emergence and growth	18
Classifying international organizations	23
Functions	23
Membership	24
Political v. technical	25
Intergovernmental or supranational?	26
Why cooperate?	27
Legal theory and international organizations	32
Organizations and their members	36
PART I MEMBER STATES AND INTERNATIONAL ORGANIZATIONS	39
3 The legal position of international organizations	41
Introduction	41
Legal personality under domestic law	43

International legal personality	46
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
4 International organizations and the law of treaties	70
Introduction	70
Reservations	72
Revision	76
Withdrawal and termination	80
Interpretation	82
The power to interpret	86
Concluding remarks	88
5 Issues of membership	90
Introduction	90
Membership	91
Other forms of membership?	96
State succession and membership	99
Representation	105
Termination of membership	106
Concluding remarks	111
6 Financing	113
Introduction	113
The politics of procedure	114
Expenditure	116
Problems and crises	116
Sources of income	124
Concluding remarks	129
7 Privileges and immunities	130
Introduction	130
Functional necessity and its limits	131
Applicable law	136
Distinguishing rationales	137
The UN Convention	139
Headquarters Agreement	145
Other sources of law	148

Domestic law	150
Concluding remarks	151
8 Legal instruments	154
Introduction	154
Categories of instruments	156
Three theories of law-making	158
Non-binding instruments	163
EU instruments	168
Adopting conventions	171
Internal and household matters	174
Applying the law	174
Adopting legal instruments	176
European Union	181
Validity	182
Concluding remarks	188
9 Dissolution and succession	189
Introduction	189
The modalities of dissolution	191
Dissolution	194
Succession: different forms	196
Succession: some basic issues	197
Assets and debts	199
Personnel	201
Functions	201
Concluding remarks	203
PART II INTERNAL RELATIONS	205
10 Institutional structures	207
Introduction	207
Regular organs	208
Some other bodies	212
Comitology	214
Creating organs	215
Effect of awards	216
The position of member states	218
Limits? The <i>Tadic</i> case	221
Hierarchy between organs and judicial review	224
Judicial review in the EU	229
The ICJ's advisory jurisdiction	231
External review?	234

Hierarchy between acts	237
Concluding remarks	239
11 The bureaucracy	242
Introduction	242
The law of the international civil service	243
Law and procedure: a brief overview	246
A role for domestic law?	252
Legal counsel	255
Leadership	257
The Secretary-General and conflict resolution	260
Concluding remarks	262
PART III EXTERNAL RELATIONS	265
12 Treaty-making by international organizations	267
Introduction	267
The 1986 Vienna Convention	269
Treaty-making powers	272
The ties that bind	276
Mixed agreements	281
Concluding remarks	284
13 Organizational liaisons	286
Introduction	286
Precondition to membership	288
Universal and regional organizations	289
Membership of other organizations	291
Observer status	296
Cooperation and conflict	297
Joint programmes	298
Joint ventures	300
Hosting entities	303
Concluding remarks	304
14 Issues of responsibility	306
Introduction	306
Some preliminary issues	310
An illustration: the Tin Council litigation	312
ARIO: A quick overview	315
Whose behaviour?	318
The wrongful act	325
Indirect and secondary responsibility	327

Limited liability and legal personality	330
Beyond a responsibility regime?	331
Concluding remarks	339
15 Concluding remarks	340
Introduction	340
The limits of functionalism	342
Rethinking functionalism?	345
Bibliography	346
Index	377