



Vienna Law School

LL.M. in International Law

Summer Semester 2024

Course Title: Accountability of International Organizations

Professor: August Reinisch

I. Course Description and Objectives

This seminar focuses on a central and highly topical issue of the law of international organizations, the problem of their accountability. Accountability is an ambiguous notion, reaching from legal responsibility to political or ethical forms of having to account for a certain action. This seminar will provide an overview of various legal and extra-legal standards of behavior requested from international organizations as well as the different mechanisms of actually holding international organizations accountable.

It will address such diverse issues as the potential human rights accountability of the UN Security Council for the imposition of economic sanctions, the responsibility of the EU/EC for human rights violations, the role of international financial institutions such as the World Bank or the IMF in the achievement of economic and human rights, the possibility of human rights and humanitarian law abuses by UN peacekeeping troops, the deficiencies of the internal/administrative justice system of international organizations, and others. It will also address the issue of privileges and immunities, regularly enjoyed by international organizations, as a potential hindrance to making them effectively accountable. It will also deal with the limited availability of mechanisms for the settlement of disputes to which international organizations are parties.

II. Course Outline

This seminar will address the following main issue areas:

1. Overview (Accountability, responsibility and liability; the main actors involved: international organizations, treaty-monitoring bodies, etc.)
2. Applicable law for international organizations (customary international law, treaties, human rights standards, domestic law, labour standards, health and safety regulations, etc.)
3. The Responsibility of International Organizations
4. International Organizations and Human Rights
5. Dispute settlement systems concerning international organizations (internal/administrative tribunals and other mechanisms for the settlement of staff disputes, proceedings against international organizations before international and national courts and tribunals, arbitration involving international organizations)
6. Privileges and Immunities and Accountability



III. Basic Texts

As introductory reading the following texts are recommended:

Frédéric Mégret and Florian Hoffmann, *The UN as a Human Rights Violator? Some Reflections on the United Nations Changing Human Rights Responsibilities*, 25 *Human Rights Quarterly* 334 (2003).

August Reinisch, *Securing the Accountability of International Organizations*, 7 *Global Governance* 131-149 (2001); reprinted in: Jan Klabbers (ed.), *International Organizations. The Library of Essays in International Law* 535-553 (2005).

IV. Important Documents

IDI Resolution on "Contracts Concluded by International Organizations with Private Persons," 57 *Ann IDI I* (1977), 333, also available at <http://www.idi-iil.org/en/publications-par-categorie/resolutions/>.

ILA Committee on Accountability of International Organizations', *Final Report 2004, Report of the 71st Conference Berlin (2004)*, 164, also available at <http://www.ila-hq.org/index.php/committees>.

ILC Reports on
Responsibility of international organizations,
Settlement of disputes to which international organizations are parties,
available at <http://legal.un.org/ilc/>.

V. Suggested Readings

C.F. Amerasinghe, *Principles of the Institutional Law of International Organizations* (Cambridge University Press, 2nd ed. 2005).

Mac Darrow, *Between Light and Shadow. The World Bank, the International Monetary Fund and International Human Rights Law* (Hart 2003).

Erika de Wet, *The Chapter VII Powers of the United Nations Security Council* (Hart 2004).

Carla Ferstman, *International Organizations and the Fight for Accountability: The Remedies and Reparations Gap* (OUP 2017).

Gerhard Hafner, *Accountability of International Organizations – A Critical View in: Ronald St. John Macdonald/Douglas M. Johnston (eds.), Towards World Constitutionalism* 585 (2005).

Rishi Gulati, *Access to Justice and International Organisations* (Cambridge University Press, 2022).

Thomas Henquet, *The Third-Party Liability of International Organisations. Towards a 'Complete Remedy System' Counterbalancing Jurisdictional Immunity* (Brill Nijhoff, 2023).



Mosche Hirsch, *The Responsibility of International Organizations Toward Third Parties* (1995).

Carol Harlow, *Accountability in the European Union* (2002).

Stian Øby Johansen, *The Human Rights Accountability Mechanisms of International Organizations* (Cambridge University Press, 2020).

Pierre Klein, *La responsabilité des organisations internationales dans les ordres juridiques internes et en droit des gens* (1998).

Maurizio Ragazzi (ed.), *Responsibility of International Organizations', Essays in Memory of Sir Ian Brownlie*, Leiden (Martinus Nijhoff Publishers 2013).

August Reinisch, *International Organizations before National Courts* (Cambridge University Press 2000).

August Reinisch, *Developing a Human Rights and Humanitarian Law Accountability of the UN Security Council for the Imposition of Economic Sanctions*, 95 *American Journal of International Law* 851-872 (2001).

August Reinisch and Ulf Weber, *In the Shadow of Waite and Kennedy – The Jurisdictional Immunity of International Organizations, the Individual's Right of Access to Courts and Administrative Tribunals as Alternative Means of Dispute Settlement*, 1 *International Organizations Law Review* 59-110 (2004).

August Reinisch, *'International Organizations and Dispute Settlement – A New Topic for the International Law Commission?'* in: 15 *International Organizations Law Review* 1-7 (2018).

August Reinisch and Gregor Novak, *Desirable Standards for the Design of Administrative Tribunals from the Perspective of Domestic Courts*, in: O. Elias (ed.), *The Development and Effectiveness of International Administrative Law* 273-302 (2012).

Pierre Schmitt, *Access to Justice and International Organizations: The Case of Individual Victims of Human Rights Violations* (Edward Elgar Publishing 2017).

Michael Singer, *Jurisdictional Immunity of International Organizations: Human Rights and Functional Necessity Concerns*, 36 *VaJIL* 53-165 (1995).

Eisuke Suzuki, Suresh Nanwani, *'Responsibility of International Organizations: The Accountability Mechanisms of Multilateral Development Banks'*, 27 *Michigan Journal of International Law* (2005) 190.

Antonios Tzanakopoulos, *Disobeying the Security Council: Countermeasures against Wrongful Sanctions*. Oxford (OUP 2011)

Karel Wellens, *Remedies Against International Organizations* (Cambridge University Press, 2002).



Conference volume, *Accountability for Human Rights Violations by International Organizations*, 1 Human Rights and International Legal Discourse 211-423 (2007).

Jan Wouters/Eva Brems/S. Smis/Pierre Schmitt (eds.), *Accountability of Human Rights Violations by International Organisations*. Antwerp (Intersentia 2010).

VI. Teaching Method

This seminar will start with introductory presentations by the professor on 12 and 13 March 2024 at the end of which students should select their paper topics. This seminar will focus on the presentation and discussion of the students' seminar papers at three intensive meetings on 17, 18 and 19 June 2024. Participants have to hand in their papers by the end of June 2024.

VII. Assessment Method

- A. The seminar paper together with its presentation in class will be worth 80% of the final course mark.
- B. Class participation is expected. It will be worth 20% of the final course mark.