Suggested Research Essay Topics

**1.** “Even though the I.C.J. (in the Reparations Case, 1949 ICJ Rep 174) emphasised the characteristics of the UN as an organization entrusted with particularly important responsibilities on the international plane, it is now widely accepted that the same reasoning may be adapted to any international organization, the international legal personality of which has not been proclaimed in its constitutive - or other - instrument(s). This is not to say, however, that all organizations will enjoy the same juridical status and capacities in the international sphere.”

Sands and Klein, Bowett’s Law of International Institutions, (sixth edition 2009) p 476.

**Provide a critical analysis of the quotation. In your response, comment on whether the Reparations case is consistent with recent thinking on the subject of international legal personality for an international organization.**

**2.** “17. The Court’s assertion of the legal personality of international organizations needs to be viewed in the context of its more recent approach to the question of legal personality in international law. The Court stated in the LaGrand case (ICJ Reports 2001, p. 466 at p. 494 para. 77) that individuals are also subjects of international law. This approach may lead the Court to assert the legal personality even of non-governmental organizations. It would be difficult to understand why individuals may acquire rights and obligations under international law while the same could not occur with any international organization, provided that it is an entity which is distinct from its members.”

Professor Giorgio Gaja, Rapporteur, International Law Commission, First report on the Responsibility of International Organizations, 2003. (Doc A/CN 4/532).

**Provide a critical analysis of this quotation. To what extent does this statement reflect current international law on the subject of the international legal personality of international organizations?**

**3.** “While the international legal system now has a plethora of different methods for settling disputes, the access of international organizations to various judicial fora still remains unsatisfactory. The matter is further complicated by the fact that the international legal system lacks a true hierarchy of courts, with the result that there is a risk that conflicting or incompatible decisions might be handed down by different judicial fora with little judicial opportunity to resolve the resulting uncertainties.”

**Provide a critical analysis of this quotation.**

**4.** “There is such a diversity of international intergovernmental organizations that it is meaningless to speak of a general law of international organizations; further, they do not lend themselves to any meaningful classification. Instead, there is a legal regime for each one, and the constituent instrument of each organization will tell you all that you need to know about it.”

**Provide a critical analysis of this quotation.**

**5.** “If a State commits an act that is attributable to it and which constitutes a breach of an international obligation, there is little doubt that the State bears international legal responsibility for that Act (or omission). However, where an intergovernmental organization commits such an act (or omission), the international legal regime is less clear cut. This is largely because it is not easy to separate the responsibility of the organization from its members in all cases.”

**Consider the problems which can arise in international law in finding that an international intergovernmental organization is responsible as opposed to its members. In what circumstances will a member of such an organization be also liable for the same breach of an international obligation?**

6. The new era of globalisation has seen a dramatic increase in activity by international governmental organisations. Such organisations are now regularly active in the administration and regulation of matters that once used to be the exclusive domain of states. Whether it is major environmental and economic challenges or key questions of law and security, there is virtually no issue of global importance that is not subject to some form of international governance. Yet, this increase in activity has not been accompanied by the development of accountability mechanisms. Indeed, many international organisations and their organs appear to remain unaccountable for their actions.

**Provide a critical analysis of this quotation.**