

# **International Organizations**

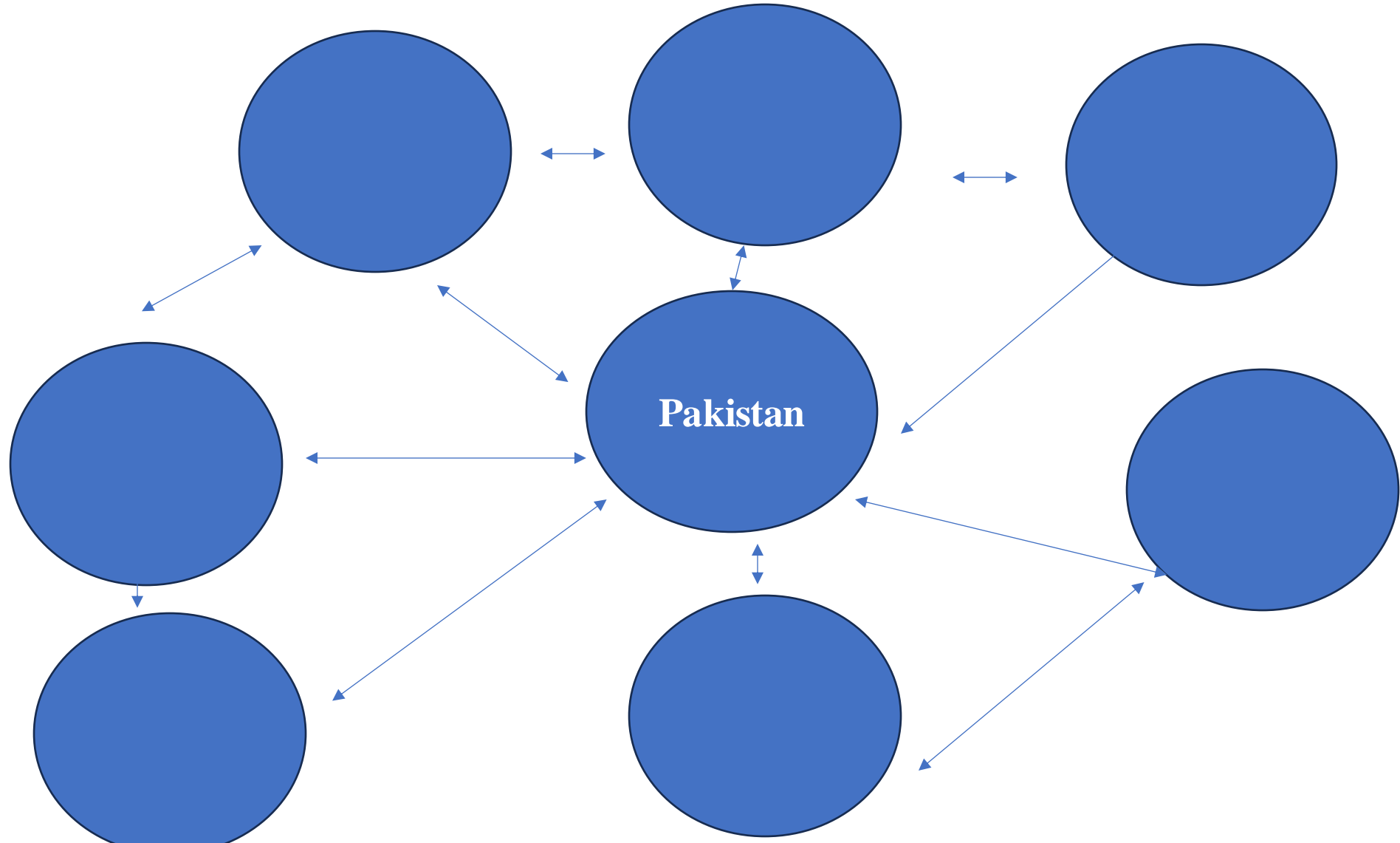
**Lecture 1**

**By Hussain Haider**

**Director-General, Ministry of Commerce**

**26<sup>th</sup> Common**

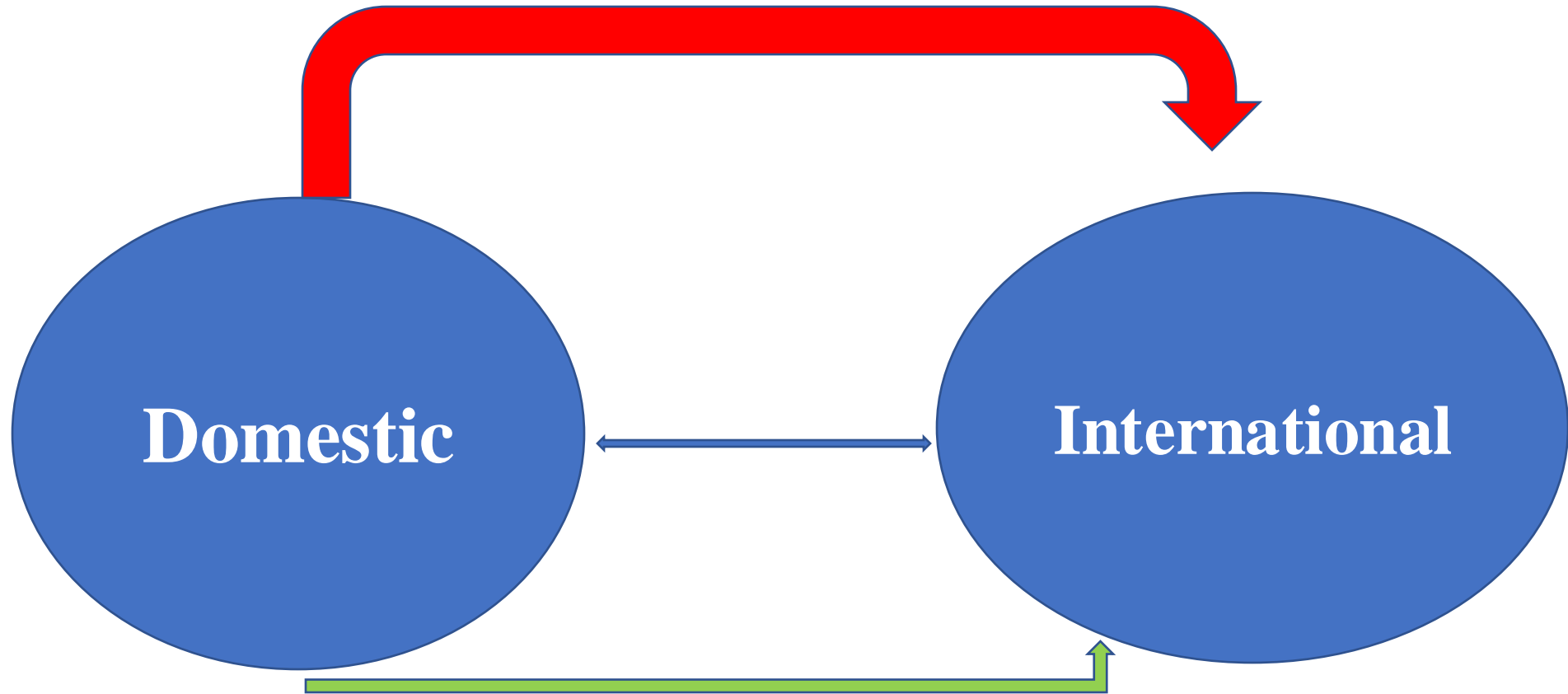
# THE WORLD WE LIVE IN



# THE WORLD WE LIVE IN

- What happens within a country is its domestic affair
- What happens between the govt, people, associations, entities or organizations of a country with the rest of the world is an international affair

# THE WORLD WE LIVE IN



# THE WORLD WE LIVE IN

- An international affair
  - Bilateral
  - Regional
  - Cross-Regional
  - Multilateral

# ACTORS IN INTERNATIONAL AFFAIRS

- States
- Organizations/institutions
- People

# THE STATE

- A body of **people** occupying a definite **territory** and politically organized under one **government** which is **supreme** over all institutions and organizations within the territory and independent of foreign control
- Difference between the state and the nation

# SOVEREIGNTY

- The supreme power within a state, independent of foreign control
- Internal & External sovereignty
- *Defacto* and *Dejure* sovereignty
- Legal, political, and popular sovereignty



# INTERNATIONAL AGREEMENTS OR ORGANIZATIONS

- An international agreement or organization
  - Bilateral
  - Regional
  - Cross-Regional
  - Multilateral

# DOMESTIC & INTERNATIONAL

- The line between domestic/national and international isn't always clear
- An international agreement may make a domestic matter of international concern
- The principle of extraterritoriality

# The principle of extraterritoriality

- Competence of a State to make, apply and enforce rules of conduct in respect of persons, property or events beyond its territory
  - Diplomatic immunity
  - Troops in passage
  - Mission premises
  - Merchant ships in foreign waters

# Sources of International Law

- As per Article 38 of ICJ Statute:
  - International Conventions
  - International Customs
  - General Principles of law
  - Judicial decisions and juristic opinion

# 1. International Conventions

- The word convention is used in a general sense
  - Treaties
  - Agreements
  - Protocols

# 1. International Conventions

- Vienna Convention on the Law of Treaties (VCLT) 1969 (Art 2):
  - “A treaty is an agreement whereby two or more states establish or seek to establish a relationship between them governed by international law.”
  - Art 5 extends this definition to international organizations

# 1. International Conventions

- As a matter of principle, the object of a treaty is to impose binding obligations upon states
- *Pacta sunt servanda* (Principle of sanctity of contracts) underlies treaties.
  - VCLT (Art 26): every treaty is binding and must be performed in good faith.
  - VCLT (Art 27): domestic law may not be invoked for failure to perform a treaty.

# 1. International Conventions

- VCLT (Art 51): A treaty is void if it was concluded by threat or use of force in violation of UN Charter
- Signing: conveys intention to be part of an agreement or obligation; usually doesn't create obligations
- Entry into force — fulfilment of legal conditions stipulated by a treaty such as ratification have been met
- Enforcement: treaty is actually applied, implemented.



# 1. International Conventions

- **Who can ratify a treaty?**
- Legislature
- Executive

# 1. International Conventions

- Two types of treaties:
  - Law-making treaties: enunciate general rules or principles (UN, VCLT, WTO)
  - Treaty contracts: Binding only on the parties.

# Reservations to a Treaty

- Excluding or modifying legal effects of some provisions of a multi-party treaty — VLCT (Art 2)
- VCLT (Art 19): a state may formulate a reservation against a treaty unless
  - Reservation is prohibited by the treaty
  - Treaty provides for specific reservation only which don't include the reservation in question
  - Reservation is in conflict with the object & purpose of a Treaty

# Treaty Termination

- Extinction of a party
- War (not for all treaties)
- Material breach (bilateral treaty)
- Impossibility of performance
- Fundamental circumstances change
- Expiration of the fixed term
- Successive denunciation
- Emergence of a new preemptory norm of international law

## 2. International Customs

- ICJ (Art 38): International customs are “evidence of general practice accepted by law.”
- Customs have two sources:
  - Usage
  - Norm creating treaty provisions

# 3. General Principles of Law

- Those rules or standards that are common to developed legal systems
- Can be procedural or substantive

# 3. General Principles of Law

- Principle of Good Faith
- Breach of an agreement involves obligation to make reparations
- Equity: a degree of flexibility in treaty's application and enforcement

# 4. Judicial decisions and juristic opinion

- Secondary source
- Art 38(2) ICJ Statute: A court may decide a case on the basis of fair dealing, good faith which may even be contrary to law — if parties agree.



# Hierarchy of Sources and Norms

- Sources that are of more recent origin are more authoritative,
- Specific rules take precedence over general rules
- Mandatory character of peremptory norms that cannot be deviated from by states
  - Prohibitions against genocide, slavery, and piracy
  - Outlawing of aggression

- **What happens if there is a conflict between domestic law and a state's treaty obligations?**

# State Practices

## UK

- If a treaty adopted through statute, it prevails over an earlier domestic law.

## USA

- Treaty void if it conflicts with constitution
- In case of conflict, whichever law or treaty is later in time shall prevail
- If a treaty adopted through statute, it prevails over an earlier domestic law.

# State Practices

## France

- In case of conflict treaty prevails
- Treaty void if conflicts with constitution (as in US)

## Pakistan

- Treaty must be adopted through statute

# SOME OTHER IMPORTANT CONCEPTS

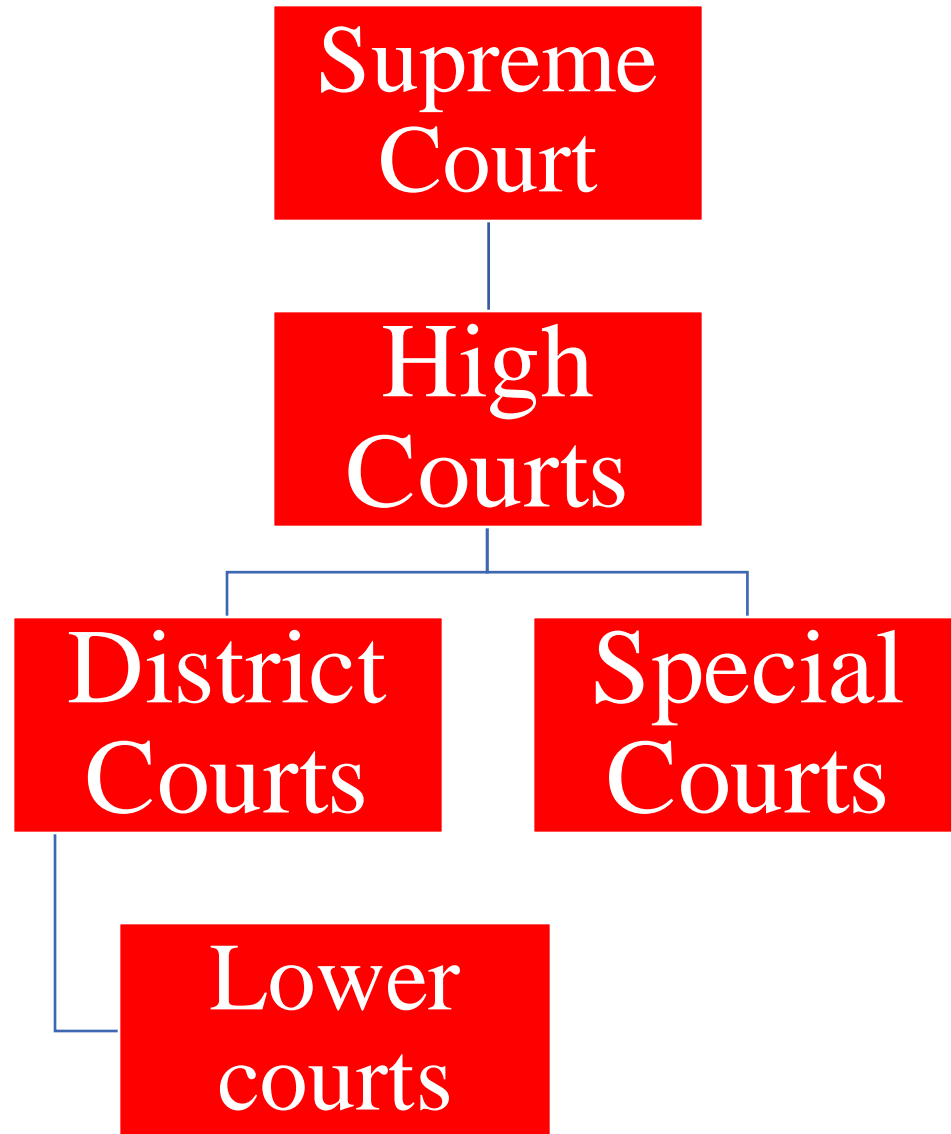
- Hierarchy
- When parts or components stand in relationship of superiority and subordination to one another

Cabinet

Ministries

Attached  
Depts

Autonomous  
bodies



# SOME OTHER IMPORTANT CONCEPTS

- Anarchy
- Relativity of power
- Security Dilemma



# SOME OTHER IMPORTANT CONCEPTS

## Balance of Power

- Let no state or an alliance be powerful enough to endanger the security of other states or alliances
- Classical meaning
- General meaning

# SOME OTHER IMPORTANT CONCEPTS

- **Collective Security**
- ‘One for all; all for one.’
- Collective interests must reign supreme over individual interests
- No lateral action
- Respect for underlying principles is non-negotiable

# SOME OTHER IMPORTANT CONCEPTS

- Game theory
  - When cooperation is in interest of all parties but each has an incentive to cheat
  - Prisoners' Dilemma

# SOME OTHER IMPORTANT CONCEPTS

- Zero-sum game
  - Winner takes all (win-lose)
  - Advantage of one party offset by another party

# League of Nations

# Introduction

- World War I wrought unprecedented destruction
- Two major causes of war identified
  - Arms race, particularly UK-Germany
  - Secret diplomacy ushering in secret commitments of reciprocal military support

# Introduction

## Central Powers

- Germany
- Austria-Hungary
- Turkey

## Allied Powers

- UK
- France
- Russia
- USA (Associated Powers)

# Introduction

- Need to avoid destruction and aggression after WWI
- War can be prevented if all states join hands against it
- Idea of collective security emerged



# Introduction

- US President Woodrow Wilson's 14 Points (Jan 1918)
- formation of “a general association of nations...affording mutual guarantees of political independence and territorial integrity to great and small States alike.”

# Introduction

- Paris Peace Conference convened in January 1919
- Participants agreed to set up League of Nations to ensure future peace
- US President Woodrow Wilson prime mover behind this idea

# Introduction

- League of Nations set up on January 10, 1920 after the World War I
- The architects were the Allied Powers at the end of the War
- League's Covenant comprised 26 articles
- 42 founding members

# Introduction

- Basic ideas behind League
  - Collective security
  - Arbitration
  - Economic and social cooperation
  - Reduction of armaments
  - Open diplomacy

# Key Provisions of Covenant

- **Assembly** comprising all members
  - Decisions required unanimity of all those who voted
- **Council**
  - 5 Permanent members: US, Great Britain, France, Italy and Japan
  - 4 others elected by Assembly, increased to 6 in 1922 and 9 in 1926
  - All members had veto
- **Secretariat**
- Geneva the headquarters

# Key Provisions of Covenant

- Armament
  - Members to reduce armaments to lowest possible level
  - Exchange of full information about existing armaments and future programs
  - A permanent commission to advise Council on all military, naval, and air questions

# Key Provisions of Covenant

- Collective Security and peaceful dispute settlement
  - Each member to respect integrity and independence of all others and join in preserving them against aggression
  - War or threat of war a matter of concern to all, whether directly affected or not
  - Members to submit all serious disputes to peaceful settlement and in no case to resort to war until these procedures had had time to lead to a settlement. Even then, if no settlement were reached, they must wait a further three months before going to war
  - Establishment of Permanent Court of International Justice

# Key Provisions of Covenant

- Coercive Measures
  - Economic sanctions as primary mechanism
  - Military intervention as secondary mechanism
  - All members to join in coercive against a member who went to war in violation of Covenant
  - Council empowered to expel a member



# Key Provisions of Covenant

- Open diplomacy
  - All future treaties be registered with Secretariat
  - Assembly empowered to propose changes in existing treaties which might be a danger to peace.
  - Any treaty inconsistent with Covenant was automatically abrogated

# Key Provisions of Covenant

- Mandates System
  - An authorization granted by League to a member to govern a former German or Turkish colony not yet ready to govern itself
  - The territory called a mandated territory, or mandate
  - Permanent Mandates Commission
  - Mandates divided into three Groups
    - Group A: Turkish territories
    - Group B: German territories
    - Group C: German territories

# Mandates System (Group A)

<b>Territories</b>	<b>Governing Member</b>
Iraq and Palestine (present day Jordan & Israel)	GB
Syria and Lebanon	France

# Key Provisions of Covenant

- Amendment to Covenant
  - An amendment, to be effective, must be ratified by a majority of the members, including all those represented on the Council

# End of League

- In a March 1920 vote for ratification of Covenant finally defeated in US Senate
- US absence sounded the death knell for notion of collective security
- Japan and Germany withdrew in 1933
- USSR expelled in 1939 for invading Finland
- League's life ended effectively in 1939 with outbreak of WW II and formally in April 1946

# **Failure of League of Nations**

# 1. Terms of Treaty of Versailles

- On Nov 11, 2018, the Allies and Germany agreed to end the fighting
- WW I formally ended when the two sides signed a treaty in June 1919 called Treaty of Versailles (TV)
- Treaty negotiated in Paris among Allied Powers, disregarding input from Germany
- US Senate refused to ratify treaty

# 1. Terms of Treaty of Versailles

- Major Terms
  - Covenant of League of Nations
  - Germany not allowed to join League
  - Germany forbidden to unite with Austria
  - All Germany's colonies taken and given to France and Britain as 'mandates'
  - German army restricted to 100,000



# 1. Terms of Treaty of Versailles

- Major Terms
  - German navy restricted to six battleships and no submarines
  - Germany not allowed to have an air force
  - Germany held responsible for causing all the loss and damage caused by the war
  - Germany asked to pay reparations, which later set at 132 billion gold marks

# 1. Terms of Treaty of Versailles

- TV was the victor's peace or an unequal treaty
- War guilt clause was humiliating to any self-respecting nation
- Reparations made Germany default in 1923
- Restrictions on German military power
- Resentment against treaty and dismal state of economy provided a fertile ground for rise of fascism (National Socialism) in Germany under Hitler
- Fascists denounced TV, refused to make more reparations and set upon recovering German lost pride and glory

## 2. Great Depression

- Worldwide economic downturn from 1929 to 1939
- The longest and most severe depression ever experienced by industrialized Western world
- Originating in US, caused drastic declines in output, severe unemployment, and acute deflation in almost every country
- US and Europe most severally hit
  - In Europe Germany most severally hit

## 2. Great Depression

- Major cause in US was fall in consumer spending leading to output fall
- Stock market crash in US
- The most devastating impact was increased human suffering
- Rise of totalitarianism
- Made countries distrustful of and aggressive towards each other

# 3. Rise of Fascism in Europe

- A political philosophy based on
  - Cult of supreme leader
  - Intolerance of dissent or opposition
  - Sanctifying use of violence to silence opponents
  - Reviving a mythical or actual golden era of past
  - Notion of national cultural decadence and resurgence under top leader
  - Totalitarianism

# 3. Rise of Fascism in Europe

- Fascism first arose in Italy in early 1920s and then in Germany in late 1920s
- Fascists defied League
- Hitler pulled Germany out of League in 1933

# 4. Failure of Collective Security

- US absence from League
- Actions of major powers
  - When Italy invaded Abyssinia in 1935, France and GB made a secret agreement to give Abyssinia to Italy
  - When Japan conquered Manchuria in 1932, League could do little in response

**<https://youtube.com/@csspreparations-c3x?si=6ocGtLIc0c-fL6fI>**