

UNIVERSITY OF TORONTO
DEPARTMENT OF POLITICAL SCIENCE

TOPICS IN INTERNATIONAL POLITICS II
LAW AND PRACTICE OF THE UNITED NATIONS

POL487H1S L0101

SUMMER 2022

Tuesday & Thursday 2:00–4:00 p.m.

Marie-Eve Loiselle

E: m.loiselle@utoronto.ca

Office hours: By appointment

The United Nations, with its 193 member states, is the world-leading forum for multilateral action. In over 75 years of existence, the agenda of its main organs has grown exponentially, as did the number of agencies, programs and funds that now make up the United Nations System. Even if states remain the main actors in international politics, the United Nations still influence and define global actions on a range of subjects: from the promotion of peace and security to the advancement of human rights, gender equality, the protection of the environment, food security, and the provision of services in health and technology. As such, the United Nations' complex architecture of multilateral diplomacy, and the actions it authorizes, may have seismic effects on the international global order.

As competing trends of globalization and fragmentation emerge in world politics, this course will explore contemporary debates about the law, practice and relevance of the United Nations as a forum of global governance. The course will aim to critically assess, through an interdisciplinary lens, the structural and governance aspects of the organization rather than the substantive issues covered by its mandate.

We will start by discussing the historical, legal and political foundations of the United Nations, the role and power of its main organs and agencies and the relations between them. Following this scene-setting introduction, we will engage with the principal contemporary issues concerning the United Nations as a system of global governance. These include the question of membership and participation in the decision-making of its main organs and how internal structures, as well as the current international political environment, affect this process. We will consider the law-making role of the organization and

the issue of legitimacy with particular attention to the actions of the Security Council in the areas of international sanctions and non-proliferation.

The United Nations' responsibility and accountability for its actions are central to current debates about global governance. What are the legal and non-legal consequences arising from United Nations' responsibility? Is accountability possible at all when the privileges and immunities granted to the organization by the UN Charter shield it from the jurisdiction of national legal orders? Are wrongful acts committed by peacekeepers attributable to the United Nations or the troop-contributing nation? The cases of the cholera outbreak in Haiti and the fall of Srebrenica will give contextual background to these questions. The last part of the course will assess proposals for reform to the structure and membership of the UN primary bodies.

The format of the course will combine lectures with active students' participation.

EVALUATION

Our class meetings will be organized around a discussion of each week's readings. The course marking scheme is as follows: class attendance and participation in weekly discussions (20%); one in-class presentation of a 1,250-word comment paper (presentation and paper 30%); a final research paper proposal (10%); and a final research paper 3000-word paper that uses and expand on the course reading material (40%).

- **Class attendance and participation (20%)**

Assessment Criteria

Participation is divided in two components:

- 1- In-class participation (10%): Students are expected to attend all classes at the appointed time, complete the readings *before* class, and participate thoughtfully in weekly discussions.
- 2- Quizzes (10%): Four short quizzes will be posted on Quercus during the term, each valued at 2.5% to count towards participation.

- **1,250-word comment paper (15%):** The comment paper will be a critical assessment of one or more of the sources on the reading list for one of the modules. Comment papers are due at 1 p.m. on the day before the class readings are scheduled to be discussed. Each student is expected to use the comment paper to illuminate an important question in the reading or to develop their own coherent argument based on the readings. The submission of the comment paper will be accompanied by a short in-class presentation of the paper. You must sign up for the presentation of your comment paper before the second class. To make your choice, review the syllabus and select the topic you are most interested in. We only have enough time for three papers/presentations per

class, therefore the earlier you make your selection the greater the chance you have to work on your preferred topic.

Assessment Criteria

- Understanding of the reading
- Coherence and structure
- Quality of the evidence and arguments used
- Capacity to consider alternative viewpoints
- Clarity of expression, grammar and spelling

• Presentation (15%)

The presentation of your comment paper should be approximately 10-minute long followed by a 10-minute Q&A. During your presentation you can use slides and other available online tools to complement your talk. Aim to focus on the main points, arguments and conclusion of your comment paper. Identify two to three questions to close your presentation and start the Q&A session.

Assessment Criteria

- Structure of the presentation
- Ability to identify the key elements of a reading or make relevant connections between sources
- Clarity of thesis and arguments
- Identify/formulate questions raised by the material

• Research paper proposal (10 %)

The proposal, due on July 21, serves the purpose of selecting a research question and formulating a thesis statement. This is the first conceptual step toward the final research paper. You are free to select a topic of research relevant to the United Nations based on the themes addressed in the course. Your proposal should include the research question (preferably “how” or “why” questions), a short introduction and thesis, and a succinct overview of the paper (how you would break down your arguments). Finally, you must include a bibliography with a minimum of 5 academic sources with annotations of how the source will be useful to your final paper. In addition, you may rely on grey literature (reports/briefings etc.) and news articles.

- **Research paper of 3,000 words**

The final research paper is due on August 18. The instructor will discuss requirements and details on how to approach a research paper in class. Students should also seek to expand on their initial bibliography by adding additional relevant sources (minimum of 10 reputable sources, with at least 8 being academic sources, including those already in your proposal).

Assessment Criteria

- **Design of research task** Clarity and focus in formulation of research question; appropriateness of chosen methodology and/or approach.
- **Extent of research and use of sources** Comprehensiveness of research; application of research in addressing the research question and main argument.
- **Knowledge and understanding** Demonstrated understanding of key concepts and issues.
- **Quality of argument** Development of a central/overarching argument; structure; persuasiveness; conceptual clarity/logic of argument; statement of conclusions; support for conclusions.
- **Critical analysis and originality** Original contribution to knowledge in the subject area produced through synthesis, coverage, analysis or insight in approach, argument or recommendations (where relevant).
- **Presentation and expression** Format; headings and sub-headings; clarity of expression; grammar and spelling.
- **Referencing** Others' work appropriately acknowledged; footnotes provided when needed; appropriate use of direct quotes and paraphrasing.

LEARNING OBJECTIVES

- Have a sound understanding of the historical origins, development, scope, principles, and main rules of the modern law and practice of the United Nations.
- Comprehend and evaluate the importance of the law and practice of the United Nations to global governance.
- Understand the procedures, practice and processes that influence decision-making within United Nations' main organs and understand the role various actors play in the implementation and enforcement of international norms and standards set by the United Nations.
- Evaluate the contemporary challenges faced by the United Nations.
- Be able to communicate effectively, in speaking and in writing, on core issues of the law and operation of the United Nations.
- Engage in independent, inquiry-based learning with a high degree of personal autonomy, in particular by preparing an independent research essay on a specific topic related to the United Nations.

COURSE RULES AND POLICIES

You will find a description of important course policies below. It is important that you thoroughly read and review these policies and discuss any questions or concerns with the course instructor.

USE OF QUERCUS

We will meet online two times a week on Tuesday and Thursday. Attending lectures and interacting with your peers is an integral component of the learning experience. As such, it is imperative that you attend the synchronous online lectures and participate in class discussions. This course uses the University's learning management system, Quercus, to post information about the course. This information includes the syllabus, the readings for each course, any announcements, materials regarding assignments, discussion posts, lecture slides and other tools to help in your learning. The site is dynamic and new information and resources may be posted as we move through the term, so please make it a habit to log in to the site on a regular, even daily, basis. To access the course website, go to the U of T Quercus log-in page at <https://q.utoronto.ca>.

ACADEMIC INTEGRITY

The University of Toronto places a high importance on academic integrity and takes academic misconduct very seriously. It is important that students review the University's Code of Behavior on Academic Matters to understand what may constitute as academic misconduct, the processes for addressing such misconduct and the penalties that may be levied.

All of the suspected cases of academic misconduct will be investigated using the procedures highlighted in the University's Code of Behavior on Academic Matters. If you have questions about what constitutes academic misconduct, please contact me during office hours. For further clarification on academic misconduct and plagiarism, please see Writing at the University of Toronto <http://www.writing.utoronto.ca/advice/using-sources>. This site is also a treasure trove of resources on writing in higher education.

Code of Behavior on Academic Matters

<https://governingcouncil.utoronto.ca/secretariat/policies/code-behaviour-academic-mattersjuly-1-2019>

University of Toronto Plagiarism Detection Tool

“Normally, students will be required to submit their course essays to the University's plagiarism detection tool for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the tool's reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of this tool are described on the Centre for Teaching Support & Innovation website (<https://uoft.me/pdt-faq>).”

Students who object to using the above tool may use the following alternative procedure: inform the

instructor, in the first two weeks, that they will not be using *Ouriginal* and discuss alternative arrangements including submitting all saved drafts of their paper and handing in notes, outlines, bibliographic research, etc. through Quercus.

LATE POLICY

You should submit your assignments electronically through Quercus before the due date. If you think there are technical problems with Quercus, please reach out to me immediately. Any late assignments will be levied a 2% penalty per day (including weekends).

If there are extenuating circumstances which require consideration, please contact the course instructor five working days before the due date of the assignment.

EMAIL POLICY

I will make an effort to respond to your emails in a timely manner. However, keep in mind that responses can typically take up to two business days. Please be cognizant of this when writing emails. Messages written during weekdays before 5 p.m. are likely to receive a faster response. Larger discussions and more substantive questions should be reserved for office hours.

ACCESSIBILITY SERVICES

Students with diverse learning styles and needs are welcome in this course. If you have an acute or ongoing disability issue or accommodation need, you should register with Accessibility Services (AS) at the beginning of the academic year by visiting <http://www.studentlife.utoronto.ca/as/new-registration>. Without registration, you will not be able to verify your situation with your instructor, and the instructor will not be advised about your accommodation needs. AS will assess your situation, develop an accommodation plan with you, and support you in requesting accommodation for your course work. Remember that the process of accommodation is private: AS will not share details of your needs or condition with any instructor, and your instructor will not reveal that you are registered with AS.

HEALTH AND WELLNESS

You can access a wide range of programs and services to support their health and wellbeing. Many of these programs are listed at: <https://studentlife.utoronto.ca/department/health-wellness/>

IMPORTANT SESSIONAL DATES

First class	Tuesday, July 5
Deadline to enrol	Sunday, July 10
Quizzes	Throughout the term
Comment paper and presentation	Rolling submission
Research paper proposal due	Thursday, 21 July
Deadline to drop the course	Monday, August 1
Last class	Thursday, August 11
Final essay due	Thursday, August 18

COURSE OUTLINE

1. INTRODUCTION TO THE UNITED NATIONS

Required Readings:

Justin Morris, “Origins of the United Nations”, in Thomas G. Weiss and Sam Daws (eds.), *The Oxford Handbook on the United Nations* (2nd ed., Oxford University Press, 2018), pp. 41-54.

Charter of the United Nations, Preamble, Chapter 1, Chapter 6, Chapter 7, Article 108.

Suggested Readings:

Henry G. Schermers and Niels Blokker, *International Institutional Law: Unity Within Diversity* (6th ed., Brill Nijhoff, 2018), pp. 1-29.

2. THE UN SYSTEM AND ITS KEY ACTORS

Required Readings and Material:

UN System chart

Karen A. Mingst, Margaret P. Karns and Alynna J. Lyon, *The United Nations in the 21st Century*, 6th ed. (Routledge, 2022), pp. 24-50; 54-61.

Rosalyn Higgins, Philippa Webb, Dapo Akande, Sandesh Sivakumaran and James Sloan, *Oppenheim's International Law: United Nations* (Oxford University Press, 2017), pp. 228-241.

Shashi Tharoor, “‘The Most Impossible Job’ Description” in Simon Chesterman (ed.), *Secretary or General?: The UN Secretary-General in World Politics* (Cambridge University Press, 2007), pp. 33-46.

Suggested readings:

Francesco Francioni, “Multilateralism à la carte: The Limits to Unilateral Withholdings of Assessed Contributions to the UN Budget,” 11 *European Journal of International Law* (2000), pp. 43-59.

3. SPOTLIGHT ON THE UN’S MAIN ORGANS

Required Readings:

Miriam Cullen. “Separation of Powers in the United Nations System?: Institutional Structure and the Rule of Law”, 17 *International Organizations Law Review* (2020), pp. 492-530.

Thomas G. Weiss, “UN Security Council is Powerless to Help Ukraine – But it’s Working as Designed to Prevent World War III”, *The Conversation*, April 8, 2022.

Devika Hovell February, “Council at War: Russia, Ukraine and the UN Security Council”, *EJIL Talk*, February 25, 2022.

UN Doc. A/RES/377 (V) (November 3, 1950) – Uniting for Peace resolution

UN Doc. S/2022/155 (February 25, 2022) (vetoed)

UN Doc. S/RES/2623 (February 27, 2022)

UN Doc. A/ES-11/L.1 (March 1, 2022)

Suggested Readings:

Dapo Akande, “The International Court of Justice and the Security Council: Is There Room for Judicial Control of Decisions of the Political Organs of The United Nations?”, 46 *International and Comparative Law Quarterly*, (1997), pp. 309-343)

Andrew Coleman, “The International Court of Justice and Highly Political Matters”, 4 *Melbourne Journal of International Law* (2003), pp. 29-75.

David Bosco, “Assessing the UN Security Council: A Concert Perspective”, 20 *Global Governance* (2014), pp. 545-561

4. MEMBERSHIP AND REPRESENTATION

Required Readings:

David M. Malone, Ian Johnstone and Simon Chesterman, *Law and Practice of the United Nations* (Oxford University Press, 2016), pp. 195-200.

Gerard van Bohemen, “The Role of Elected Members on the UN Security Council: The New Zealand Experience 2015-16”, in Nico Schrijver and Niels Blokker (eds.), *Elected Members of the Security Council: Lame Ducks or Key Players?* (Brill Nijhoff, 2020), pp. 99-110.

Vincent Pouliot, “Hierarchy in Practice: Multilateral Diplomacy and the Governance of International Security”, 1 *European Journal of International Security* (2016), pp. 5-26.

Rebecca Barber, “Could Russia be Suspended from the United Nations?”, *EJILtalk* (March 1, 2022).

Suggested Readings:

Ann-Marie Ekengren, Fredrik D. Hjorthen and Ulrika Möller, “A Nonpermanent Seat in the United Nations Security Council: Why Bother?”, 26 *Global Governance* (2020), pp. 21-45.

Nico J. Schrijver and Niels M. Blokker (eds.) *Elected Members of the Security Council: Lame Ducks or Key Players?* (Brill Nijhoff, 2019).

Paul Novosad and Eric Werker, “Who Runs the International System? Nationality and Leadership in the United Nations Secretariat”, 14 *The Review of International Organizations* (2019), pp. 1-33.

Diana Panke, *Unequal Actors in Equalising Institutions: Negotiations in the United Nations General Assembly* (Palgrave Macmillan, 2013).

5. GROUPS AND EXTERNAL ACTORS

Required Readings:

Katie Verlin Laatikainen, “Conceptualizing Groups in UN Multilateralism: The Diplomatic Practice of Group Politics”, 12 *The Hague Journal of Diplomacy* (2017), pp. 113–137.

Jan Aart Scholte, “Civil Society and NGOs”, in Thomas G. Weiss and Rorden Wilkinson (eds.), *International Organization and Global Governance* (2nd ed., Routledge, 2018), Chapter 25.

Melissa J. Durkee, “Industry Lobbying and ‘Interest Blind’ Access Norms at International Organizations”, 111 *AJIL Unbound* (2017), pp. 119-24.

Suggested Readings:

Christopher May, “Global Corporations”, in Thomas G. Weiss and Rorden Wilkinson (eds.), *International Organization and Global Governance* (2nd ed., Routledge, 2018), Chapter 24.

Monica Herz, “Formal and Informal Groups”, in Thomas G. Weiss and Sam Daws (eds.), *The Oxford Handbook on the United Nations* (2nd ed., Oxford University Press, 2018), pp. 332-343.

6. THREE PILLARS (1): PEACE AND SECURITY

Required Readings and Material:

Simon Chesterman, Ian Johnstone and David Malone, *Law and Practice of the United Nations* (2nd ed. 2016), pp. 50-67

Karen A. Mingst, Margaret P. Karns and Alynna J. Lyon, *The United Nations in the 21st Century*, 6th ed. (Routledge, 2022), pp. 121-130.

Thomas J. Biersteker, “SanctionsApp 3.0: Real-time Access to Sanctions Data”, *YouTube*:
<https://www.youtube.com/watch?v=GiqCT2l33ug&list=RDCMUC-ImDz1aCgVBaT1Y971Ae-Q>

UN Sanctions App: <https://unsanctionsapp.com/> (section: designing sanctions)

UN Doc. S/RES/1636 (October 31, 2005) – Sanction Lebanon

Suggested Reading

Richard Falk, “What Future for the UN Charter System of War Prevention?”, 97 *American Journal of International Law* (2003), pp. 590-598.

Ramesh Thakur, *Reviewing the Responsibility to Protect: Origins, Implementation and Controversies* (Routledge, 2018).

Mohammed Ayoob, “The UN and North-South Relations in the Security Arena”, 26 *Global Governance* (2020), pp. 251-261.

Sachiko Yoshimura (ed.), *United Nations Financial Sanctions* (Routledge, 2021).

7. THREE PILLARS (2): HUMAN RIGHTS AND DEVELOPMENT

Required Readings

Steven Wheatley, *The Idea of International Human Rights Law* (Oxford University Press, 2019), pp. 65-93.

Karen A. Mingst, Margaret P. Karns and Alynna J. Lyon, *The United Nations in the 21st Century*, 6th ed. (Routledge, 2022), pp. 171-176.

Jean-Philippe Thérien and Vincent Pouliot, “Global Governance as Patchwork: The Making of the Sustainable Development Goals”, 27 *Review of International Political Economy* (2020), pp. 612-636.

Sustainable Development Goals website: <https://sdgs.un.org/goals>

Suggested Readings

Sally Engle Merry, “Measuring the World: Indicators, Human Rights, and Global Governance”, 52 (S3) *Current Anthropology* (2011), pp. S83-S95.

Philip Alston and Frédéric Mégret, *The United Nations and Human Rights: A Critical Appraisal* (2nd ed., Oxford University Press, 2020).

Aoife Nolan, Rosa Freedman and Thérèse Murphy (eds.), *The United Nations Special Procedures System* (Brill Nijhoff, 2017).

8. LAW-MAKING

Required Readings

Alan E. Boyle and C. M. Chinkin, *The Making of International Law* (Oxford University Press, 2015), pp. 108-124.

José E. Alvarez, *The Impact of International Organizations on International Law* (Brill Nijhoff, 2017), pp. 53-69; 104-116; 347-351.

UN Doc. S/RES/1373 (September 28, 2001)

UN Doc. S/RES/1540 (April 28, 2004)

Suggested Readings

José E. Alvarez, *The Impact of International Organizations on International Law* (Brill Nijhoff, 2017).

Vera Gowlland-Debbas, “Security Council Change: The Pressure of Emerging International Public Policy”, 65 *International Journal* (2009-2010), pp. 119-139.

Richard A. Falk, “On the Quasi-Legislative Competence of the General Assembly”, in *International Organizations* (1st ed., Routledge, 2005), pp. 297-306.

9. LEGITIMACY AND ACCOUNTABILITY

Required Readings

Jan Klabbers, *Advanced Introduction to the Law of International Organizations* (Edward Elgar, 2015), pp. 83-99.

Laurence Boisson de Chazournes, “Changing Roles of International Organizations: Global Administrative Law and the Interplay of Legitimacies”, 6 *International Organizations Law Review* (2009), pp. 655–666.

Joanna Harrington, “The Working Methods of the United Nations Security Council: Maintaining the Implementation of Change”, 66 *International and Comparative Law Quarterly* (2017), pp. 39-44; 63-77.

Jeny Whalan, “Strengthening Local Accountability of UN Peacekeeping” in Hilary Charlesworth and Jeremy Farrall (eds.), *Strengthening the Rule of Law through the UN Security Council* (Routledge, 2016), pp. 135-145.

Suggested Readings

Eyal Benvenisti, “Upholding Democracy Amid the Challenges of New Technology: What Role for the Law of Global Governance”, 29 *European Journal of International Law* (2018), pp. 9-82 (especially 9-55)

Kristina Daugirdas, ‘Reputation as a Disciplinarian of International Organizations’, 113 *American Journal of International Law* (2019), pp. 221-271.

10. RESPONSIBILITY, PRIVILEGES, IMMUNITIES

Required Readings

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* (2003), pp. 314-342.

David Bosco, “When the Blue Helmets Are to Blame”, *Foreign Policy* (July 22, 2014).

Rosa Freedman and Nicolas Lemay-Hébert, “Between a Rock and a Hard Place – Immunities of the United Nations and Human Rights”, in Tom Ruys, Nicolas Angelet and Luca Ferro (eds.), *The Cambridge Handbook of Immunities and International Law* (Cambridge University Press, 2019), pp. 579-594.

U.N. Admits Role in Cholera Epidemic in Haiti, *The New York Times*, online (August 17, 2016).

Suggested Readings

Aleksander Momirov, “Immunity”, in Cedric Ryngaert, Ige F. Dekker, Ramses A. Wessel, and Jan Wouters (eds.), *Judicial Decisions on the Law of International Organizations* (Oxford University Press, 2016), pp. 439-450.

Antonios Tzanakopoulos, “Sharing Responsibility for UN Targeted Sanctions”, 12 *International Organizations Law Review* (2015), pp. 427-447.

Kevin C. Chang, “When Do-Gooders Do Harm: Accountability of the United Nations toward Third Parties in Peace Operations”, 20 *Journal of International Peacekeeping* (2016), pp. 86-110.

Ana Sofia Barros, Cedric Ryngaert, and Jan Wouters (eds), *International Organizations and Member State Responsibility: Critical Perspectives* (Brill Nijhoff, 2016).

11. CHALLENGES

Required Readings

Peter Danchin, Jeremy Farrall, Jolyon Ford, Rana Shruti, Imogen Saunders and Dan Verhoeven, “Navigating the Backlash against Global Law and Institutions”, 38 *Australian Yearbook of International Law* (2020), pp. 33-55.

Amitava Acharya, “Multilateralism and the Changing World Order”, in Thomas G. Weiss and Sam Daws (eds.), *The Oxford Handbook on the United Nations* (2nd ed., Oxford University Press, 2018), pp. 781-793.

Joanne Sandler and Anne Marie Goetz, “Can the United Nations Deliver a Feminist Future?”, 28 *Gender & Development* (2020), pp. 239-263.

United Nations, *Our Common Agenda: Report of the Secretary-General* (2021), pp. 3-7.

Suggested Readings

Karen A. Mingst, Margaret P. Karns and Alynna J. Lyon, *The United Nations in the 21st Century* (Taylor & Francis Group, 2022), pp. 349-361.

Ramesh Thakur, “The United Nations and the North-South Partnership: Connecting the Past to the Future”, 34 *Ethics & International Affairs* (2020), pp. 305-317.

Nathan Cogswell and Nate Warszawski, *5 Challenges the UNFCCC Must Overcome to Spur Climate Action*, March 14, 2022, online: <https://www.wri.org/insights/5-challenges-unfccc-must-overcome-climate-action>.

Sebastian Von Einsiedel, David M. Malone, Bruno Stagno Ugarte, “The UN Security Council in an Age of Great Power Rivalry”, *United Nations University Working Paper Series* (February 2015).

12. REFORM: WHO SHOULD SIT AT THE TABLE?

Required Readings

Karen A. Mingst, Margaret P. Karns and Alynna J. Lyon, *The United Nations in the 21st Century* (Taylor & Francis Group, 2022), pp. 50-53.

John Langmore and Ramesh Thakur, “The Elected but Neglected Security Council Members”, 39 *The Washington Quarterly* (2016), pp. 99-114.

Christian Wenaweser, “Working Methods: The Ugly Duckling of Security Council Reform”, in Sebastian von Einsiedel, David M. Malone and Bruno Stagno Ugarte (eds), *The UN Security Council in the Twenty First Century* (Lynne Rienner, 2015), pp. 175-194.

Suggested Readings

Thomas G. Weiss, *What’s Wrong with the United Nations and How to Fix It* (3rd ed., Polity, 2016).