

The Law and Practice of the United Nations

United Nations University (UNU-IAS)

Spring 2024

Location: 6F Lecture room

Time: 3:50pm – 5:30pm

Lecturer: Ms. Alexandra Ivanovic

Contact Information: ivanovic@unu.edu

Office Hours: 10:00am-5:30pm (by appointment)

Course Description

This course provides students with an introduction to the development of the United Nations as shown by interpretations of the UN Charter in practice. It addresses the most challenging issues confronting the United Nations and the global community today, from terrorism to climate change, from poverty to nuclear proliferation. The course will first examine the role, legitimacy and effectiveness of the United Nations through a review of case studies on peace and security issues, 'hard cases', in the UN Security Council and the 'hard choices' made in cases covering the development and human rights fields – these illustrate both the normative power of the United Nations and the challenges it faces in designing and implementing norms effectively. The course then examines the 'capacity' of the United Nations – its nature, status and legal powers. The course then explores how the United Nations has exercised its various powers in 'practice' in the areas of peace and security, sustainable development, and human rights. The final part of the course concludes with an analysis of responsibility and accountability of the UN and its agents, as well as current reform efforts.

The required text for this course is Chesterman, Johnstone, Malone, Law and Practice of the United Nations, 2nd ed. (Oxford University Press, 2016) – two copies are available in the Library and the text is also available for purchase online. (PLEASE NOTE: STUDENTS WILL BE WORKING FROM THE 2016 2ND EDITION NOT THE 2008 1ST EDITION). The edition contains author commentary, as well as primary materials. Such materials enable a realistic presentation of the work of international diplomacy: the negotiation, interpretation and application of such texts are an important part of what actually takes place at the United Nations and other international organisations. The accompanying commentary describes how the primary documents illustrate a set of legal, institutional, and political issues relevant to the conduct of international affairs and to the development of public international law through the United Nations. Guiding questions in selected chapters are intended to generate discussion and inspire reactions. There are also hypothetical fact scenarios included in the text which shall be used throughout the course to test understanding of the concepts covered in specific areas.

Course Objectives and Learning Goals

This course will provide students with an understanding of the development of the United Nations through interpretations of the UN Charter and case studies of implementation in practice. By examining primary materials focused on the normative context within which the United Nations functions, students will develop an understanding of the interaction between

law and practice. This is essential to a proper understanding of the UN Organization, but also to the possibilities and limitations of multilateral institutions more generally.

A background in law is NOT required for students to undertake this course. Graduate students lacking prior legal study are still able to learn to master and interpret primary material, and gain an understanding of the reasoning or ideas considered in negotiations and diplomacy. The course focuses on not only 'international law' but how this intersects with international relations and politics, as well as the challenges of public administration and policy development in the sphere of international organisations. By the end of the course, students should be able to not only understand the development of the United Nations and how the UN Charter is applied both in law and practice, but also for students to develop the ability to read the primary materials critically, parsing not only the meaning of the materials but also gaining insight into the politics behind such documents.

In this course, students will also be asked to develop their writing and presentation skills in addition to their research and interpretation of primary materials skills. Assignments throughout the semester will help students craft their writing, research and analytical abilities through a series of 'reaction papers', while short presentations of these papers requires students to succinctly convey their answers to guided questions selected for respective papers.

Requirements and Grading Policy

There is no final exam in this course, rather the emphasis is on broad participation by the students and not the instructor (who will not be lecturing on the topics assigned but will lead class discussions). Students who expect a lecture course or who are not willing to participate every day orally in class should seek a different course. Students are only expected to read the "required" readings; additional optional readings are only indicated for those who have a deeper interest in a topic but will generally not be the basis of class discussion.

Students' grades will be based upon:

- *Reaction papers and group presentation (35%)*
- *Active class participation (30%)*
- *Final paper (35%)*

Reaction Papers

Submission of four 1-page reaction papers (no longer than 500 words each) written over the course of the semester in response to the questions presented in the readings. Reaction papers will be due to be uploaded to Moodle as per the course outline. Each of the reaction papers will need to focus on one question from the chapter for the following class. The first reaction paper will not count towards the final grade. Each reaction paper will require a minimum of three hours of preparation. Reaction papers are then presented in the following class (5 minutes per presentation) to all students to encourage discussion, deliberation and critical analysis of the topic presented.

Group presentation/debate

There will also be one group presentation/debate on a topic of relevance to the course against which all members of each group will be graded.

Class Participation

The course requires students to attend all classes, to arrive on time, to complete the readings and to participate actively in class discussions. As this course is not lecture based, but conducted in a round table discussion format, students are expected to speak in each and every class. At the discretion of the instructor, frequent late arrivals or absences may result in a lower grade. Please note that the first session is of particular importance and cannot be missed. Students are also strongly encouraged to regularly follow the news to keep up with international developments relevant to the United Nations, as these events will be reflected in the class discussions. Relevant news sites and reporting archives may be shared by the instructor during the class. A part of the grade for class participation will be based on how well reaction papers are presented in class.

Final Report:

A final paper of 10 pages (double spaced, 12 Font) on a topic agreed with the instructor. A 1-page outline will need to be cleared with the instructor before drafting proceeds. The final paper will require 30 hours of preparation and will be due **Sunday 14 July 2024 by midnight JST.**

Course Outline

Lecture No.	Frame work	Title	Date	Instructors/Invited Speakers if any
1	Relevance/Capacity	Introduction and The UN Charter	Monday, 8 April, 2024 ~ 15:50-17:30	
2		Hard Cases in the UN Security Council	Thursday, 11 April, 2024 ~ 15:50-17:30	
3		Legal Status	Monday, 15 April, 2024 ~ 15:50-17:30	
4	Capacity	Legal Status – ICJ debate cases	Thursday, 18 April, 2024 ~ 15:50-17:30	
5		The Secretary-General and the Secretariat	Monday, 22 April, 2024 ~ 15:50-17:30	
6		Membership & Financing	Thursday, 25 April, 2024 ~ 15:50-17:30	
7	Practice	Counter-terrorism and Non-Proliferation of Nuclear Weapons	Monday, 29 April, 2024 ~ 15:50-17:30	
8		Peace Operations	Thursday, 2 May, 2024 ~ 15:50-17:30	
9		Sanctions	Monday, 13 May, 2024 ~ 15:50-17:30	
10		Development & Sustainable Development	Thursday, 16 May, 2024 ~ 15:50-17:30	

11		Human Rights	Monday, 20 May, 2024 ~ 15:50-17:30	
12		International Criminal Justice	Monday, 27 May, 2024 ~ 15:50-17:30	
13	Accountability	Immunity and Responsibility	Thursday, 30 May, 2024 ~ 15:50-17:30	
14		Accountability in Practice	Monday, 3 June, 2024 ~ 15:50-17:30	
15		Reform	Thursday, 6 June, 2024 ~ 15:50-17:30	

Course Readings

The required textbook for this class is: [Chesterman, Johnstone, Malone, Law and Practice of the United Nations, 2nd ed. \(Oxford University Press, 2016\)](#). Chapter readings will need to be completed prior to each class, with an average reading load of approximately 40~50 pages per class. Students are expected to actively contribute to class discussions based on the material provided. The lecturer may update the reading list throughout the course and will alert students to the changes in class. Two copies of the textbook are available at the UNU library and relevant chapters can be copied at the designated copy machines. Other required or recommended readings shall be uploaded to Moodle.

Supplementary readings may be added and updated in Moodle in advance of lessons.

Course Readings by each Lecture

Lecture No.	Required and Recommended Readings
1	<p>Introduction and the UN Charter</p> <p>Required Reading:</p> <ul style="list-style-type: none"> Chesterman, Johnstone, and Malone – Introduction and Chapter 1 <p>Recommended reading:</p> <ul style="list-style-type: none"> Anne-Marie Slaughter, "International Relations, Principal Theories", in Wolfrum, R. (Ed). Max Planck Encyclopedia of Public International Law (Oxford University Press, 2011), pp1-28 https://scholar.princeton.edu/sites/default/files/slaughter/files/722_intlrelprincipaltheories_slaughter_20110509zg.pdf Abram Chayes and Antonia Handler Chayes, The New Sovereignty: Compliance with International Regulatory Agreements (1996), pp. 22-28, and 112-127. <u>Ian Johnstone, "Security Council deliberations: the power of the better argument", European Journal of International Law</u> Oona Hathaway and Harold Koh eds, Foundations of International Law and Politics (2005), pp. 191-201. <u>Robert Keohane, "International Relations and International Law: Two Optics", Harvard International Law Journal, Vol. 38(2), Spring 1997, pp. 487-502.</u>

2	Hard Cases in the UN Security Council (Reaction Paper Due by 10:00am JST Thursday 11 April)
<p>Required reading:</p> <ul style="list-style-type: none"> • Chesterman, Johnstone, and Malone, Chapter 2 <p>Recommended Reading</p> <ul style="list-style-type: none"> • Report of the Secretary-General, Implementing the Responsibility to Protect 	
3	Legal Status
<p>Required reading:</p> <ul style="list-style-type: none"> • Chesterman, Johnstone, and Malone, Chapter 4 	
4	Legal Status (Student Group PPTs Due by 10:00am JST Thursday 18 April)
<p>Required reading:</p> <ul style="list-style-type: none"> • Relevant ICJ Cases to be shared in advance of the class 	
5	The Secretary-General and the Secretariat
<p>Required reading:</p> <ul style="list-style-type: none"> • Chesterman, Johnstone, and Malone, Chapter 5 <p>Recommended reading:</p> <ul style="list-style-type: none"> • James Cockayne and David Malone, "Relations with the Security Council" in Secretary or General? (Simon Chesterman ed., 2007) • Ian Johnstone, "The Secretary-General as Norm Entrepreneur", in Secretary or General? (Simon Chesterman ed., 2007) 	
6	Membership and Finance (Reaction Paper Due by 10:00am JST Thursday 25 April)
<p>Required reading:</p> <ul style="list-style-type: none"> • Chesterman, Johnstone, and Malone, Chapters 6 & 7 	
7	Counter-terrorism and Non-proliferation of Nuclear Weapons
<p>Required reading:</p> <ul style="list-style-type: none"> • Chesterman, Johnstone, and Malone, Chapter 8 • Nuclear Non-Proliferation Treaty <p>Recommended Reading</p> <ul style="list-style-type: none"> • J. Cirincione, J. Wolfstahl and M. Rajkumar, "The International Non-proliferation Regime", 	

[Chapter 2 of Deadly Arsenals: Nuclear, Biological and Chemical Threats \(2nd ed, 2005\)](#)(16 pages).

- [David M. Malone, The International Struggle Over Iraq \(2006\), Chapter 6.](#)

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Peace Operations

Required reading:

- Chesterman, Johnstone, and Malone, Chapter 9

9

Sanctions

Required reading:

- Chesterman, Johnstone, and Malone, Chapter 10

Recommended Reading:

The Kadi Case:

- [Juliane Kokott and Christoph Sobotta “The Kadi Case – Constitutional Core Values and International Law – Finding the Balance?” *The European Journal of International Law*, 2012, Vol. 23 no. 4, pp. 1015–1024.](#)
- Court of Justice of the European Union, [Press Release No. 93/13, “The Court dismisses the appeals against the General Court’s ‘Kadi II’ judgment.” Luxembourg, 18 July, 2013](#)

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Development & Sustainable Development **(Reaction Paper Due by 10:00am JST Monday 16 May)**

Required reading:

- Chesterman, Johnstone, and Malone, Chapter 3 (3.1 pp 69- 94)
- Chesterman, Johnstone, and Malone, Chapter 11

11

Human Rights

Required reading:

- Chesterman, Johnstone, and Malone, Chapter 3 (3.2 pp 94-110)
- Chesterman, Johnstone, and Malone, Chapter 13

12

International Criminal Justice

Required reading:

- [William Schabas, An Introduction to the International Criminal Court \(2007\), Chapter 2](#) (34 pages)
- Article 16 of the Statute of the International Criminal Court
- [Security Council resolution 1593 \(31 March 2005\) \(referral of Darfur situation to the International Criminal Court\)](#)

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Immunity and Responsibility

Required reading:

14

Accountability in Practice (Reaction Paper Due by 10:00am JST Monday 3 June)

Required reading:

Chesterman, Johnstone, and Malone, Chapter 16

Recommended Reading

- Report of the Secretary-General, [Special measures for protection from sexual exploitation and sexual abuse, A/69/779, 13](#) February, 2015,
- Office of Internal Oversight Services, [Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations, Assignment No.: IED-15-001, 15 May 2015](#)

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Reform

Required reading:

Chesterman, Johnstone, and Malone, Chapter 17

Important Information

Class Conduct & Etiquette

Students are expected to arrive on time and not to engage in disruptive behavior during class. This includes, among other things, private side conversations, the use of cellphones and other electronic devices, or the reading of newspapers. Cellphones should be switched off and stored in the bag. We wish to create an atmosphere of open and tolerant discussion in the classroom and request students to recognize every individual's right to have an opinion. The lecturer and other students should be treated with dignity and respect, in particular in discussions on contentious political issues where a diversity of opinion is likely to arise. However, we also recognize that there are limits to tolerance and the lecturer reserves the right to request disciplinary action against any student who violates this policy or repeatedly shows disruptive behavior in class.

Computer Use in Class

*For online classes, students must have access to a camera and audio and show their faces in class to ensure lessons are conducted in an interactive manner. In **The Law and Practice of the United Nations** course, students are expected to actively participate and engage in discussion during online lessons. Students are requested to turn off other notifications on their cell phones during class. The use of computers (including tablets) in the classroom is restricted to taking notes, reading the course materials, or searching for course related information on the internet.*

Any disruption of the class by cell phones, instant messaging programs or other communication devices will not be tolerated. The lecturer reserves the right to revoke this permission if a student is found using a computer for any non-course related activities.

Plagiarism & Academic Misconduct

Please be aware that the consequences of plagiarism are severe, and students found guilty of academic misconduct will be punished in accordance with UNU's academic honesty policies. The lecturer reserves the right to run all assignments through an anti-plagiarism software provided by the UNU. If evidence of academic misconduct on the assigned presentations, the mid-term exam or the final essay should be found, the assignment will receive a failing grade. In case of repeated violations of academic conduct, the student may receive a failing grade for the entire course and will be reported to the appropriate authorities for disciplinary action.

Lecturers' Bios

***Alexandra Ivanovic,
Senior Programme Manager, Office of the Rector,
United Nations University (Tokyo)***

*Alexandra Ivanovic has been teaching a post-graduate course on the Law and Practice of the United Nations to students at UNU since 2015 and has conducted workshops on thematic areas including to the Ministry of Foreign Affairs, Japan, and graduate students at the University of Maastricht/UNU-MERIT (The Netherlands). Within the Office of the Rector, Alexandra has worked with and supported the previous Rector, Dr. David M. Malone, on academic projects including: as associate editor and project manager of Chesterman, Malone and Villalpando's **The Oxford Handbook of United Nations Treaties** (Oxford University Press, 2019), and project manager of the course text by Chesterman, Johnstone, Malone, **The Law and Practice of the United Nations**, 2nd ed. (OUP, 2016) where she worked on 6 book chapters with the former Rector. She is the co-author of a chapter on Open Universities in the **Oxford Handbook of Higher Education in the Asia-Pacific Region** (OUP, 2024). In her role as Senior Programme Manager in the Office of the Rector, she provides advice and support to the Executive Officer and Chief of Staff on institutional development, evaluations, senior recruitment, and other organizational and management issues. She is also UNU's Gender Coordinator.*

Prior to working with the Rector's office, she was the Senior Project Manager at the UNU Centre for Policy Research (in Tokyo), managing projects, undertaking research, and publishing in the fields of development, and peace and security.

She has previously worked as a lawyer and mediator in Australia and as director of several small and medium enterprises. She holds a MSc from UNU in Sustainability, Development and Peace and an LLB/B.Com from the University of New South Wales, Australia.

***Nicolas du Bois
Programme manager, Office of the Rector
United Nations University (Tokyo)***

Nicolas previously worked at the University of Tokyo, where he was the programme manager of the startup inception programme, FoundX. He also has experience working as a consultant connecting African startups to Japanese investors, as well as work as a paralegal at a major international law firm in Tokyo.

He holds an MPhil degree in Modern Japanese Studies from the University of Oxford, where his research focused on Japanese investment and its impact on African development; as well as a degree in politics, philosophy, and economics from the University of Cape Town. He is fluent in English and Japanese, and conversational in Russian and Afrikaans.

At UNU, Nicolas is the primary focal point in the Rector's Office (RO) for project management and manages the Junior Fellows Internship Programme. He supports the RO in financial assessment, strategic planning and evaluation, external inquiries, budget, and Council and CONDIR matters. Nicolas' work in the RO covers a range of topics covered in the LPUN course, in particular, on budget, financing and SDG reporting. He has been an assistant instructor in the course since 2023.