

**COURSE
GUIDE****INR 422
INTERNATIONAL INSTITUTIONS**

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INTRODUCTION

INR 422: International Institutions is a second semester course in the fourth year of B.A. (Hons) French and International Relations. It is a 2 credit unit course designed to explore the nature of international institutions and international organisations. It has five modules, and is intended to enable you to appreciate international institutions, their modes of formation, and types of international institutions among others.

This course guide gives you an insight into what to expect as you embark upon the study of the course. It provides valuable materials you are expected to consult for you to have a good grasp of the course and assessment as you undertake this course.

The course guide will enable you to appreciate international institutions, modes of their formation, and the types of international institutions among others.

At the end of the course, you should be able to:

- give a detailed and satisfactory definition what is meant by international institutions
- discuss the formation of international institutions
- mention the types of international institutions
- state the different modes of exit from the membership of an international institution
- discuss the financing of international institutions
- explain how international institutions are dissolved and transformed
- identify the rights enjoyed by a member of an international institution.

WHAT YOU WILL LEARN IN THIS COURSE

International Institutions, in its simplistic definition refers to an entity established by the coming together of several countries having common goals, in order to achieve specific purposes. Countries that come together to establish international institutions usually pool their resources for purpose of achieving common goals.

Therefore, the course is fundamental, as it is important for you as students of International Relations to acquire the basic knowledge of international institutions, how and why they are established, their structures and governance. This course is expected to guide you in exploring the subject of international relations from their formation, the reasons for the formation of the international institutions, types and legal

status of international institutions, entry and exit of members, funding, governance and sanctioning of erring members. The course further reviews the global peace and offers various perspectives on how conflicts could be curtailed through international politics. The course further provides ample examples of how international institutions are structured and organised.

COURSE AIMS

The main aim of INR 422 is to facilitate the understanding of the reason for the formation of international institutions and how conflicts could be curtailed through international politics.

COURSE OBJECTIVES

The objectives of each unit are specified at the beginning of the unit and are to be used as reference points to evaluate the level of progress in the study. At the end of each unit, the objectives are also useful to check whether the progress is consistent with the stated objectives of the unit. However, at the end of this course you should be able to:

- discuss international institutions
- differentiate between international institutions and organisations.
- identify various types of international institutions.
- explain how international institutions are formed
- appreciate the various routes of entry into the membership and exit from international institutions
- identify the rights of members of international institutions
- state the role played by international institutions
- explore the revolution in weapons technology
- discuss the global war on terrorism.

WORKING THROUGH THE COURSE

It is advised that you carefully work through the course studying each unit in a bid to understand the concepts and principles in international law and how the discipline evolved and has continued to develop. Knowing the theoretical debates to this study will also be very useful in having a good grasp of the course. Questions should be noted regularly and asked at the tutorial classes. It is recommended that you also engage new ideas generated from unfolding events around the world that international laws and principles can be applied to and relate or discuss these ideas with other students and the tutorial master.

COURSE MATERIALS

1. Course guide
2. Study Units
3. Textbooks
4. Assignment file
5. Presentation schedule

STUDY UNITS

There are 20 study units in this course which are grouped into five modules.

Module 1 Introduction to International Institutions

- Unit 1 Definition of International Institutions
- Unit 2 Typology of International Institutions

Module 2 Membership of International Institutions

- Unit 1 Entry of Members into an International Institution
- Unit 2 Rights of Members of an International Institution
- Unit 3 Duties of Members of an International Institution
- Unit 4 Withdrawal of a Member from an International Institution

Module 3 Formation, Governance, Financing and Dissolution of International Institutions

- Unit 1 Formation of International Institutions
- Unit 2 Governance of International Institutions
- Unit 3 Financing of International Institutions
- Unit 4 Dissolution and Transformation of International Institutions

Module 4 Functions and structures of International Institutions

- Unit 1 Functions of International Institutions
- Unit 2 Structures of International Institutions
- Unit 3 Why States Act through International Institutions

Module 5 International Institutions and International Law

- Unit 1 Legal Status of International Institutions
- Unit 2 Sanctions Imposed by International Institutions on Member States
- Unit 3 Immunity Enjoyed by International Institutions

TEXTBOOKS AND REFERENCES

Each unit contains a list of relevant reference materials and text which can help enhance reading and understanding of this course. It is important to note that conscious effort has been put to developing this course guide, however, it is in your best interest to consult these relevant texts and many others not referenced here to widen your horizon and sharpen your own ability to be versatile and creative. This instruction is crucial as it will go a long way in helping you find solution to assignments and other exercises given to you.

ASSESSMENT

There are two types of assessment involved in the course: The Self-Assessment Exercises (SAEs) and the Tutor-Marked Assessments (TMAs) questions. The SAEs are intended to prepare you on your own and assess your understanding of the course since you are not going to submit it. On the other hand, the TMAs are to be carefully answered and kept in your assignment file for submission and marking. It is important you take it seriously as it accounts for 30% of your overall score in this course.

TUTOR-MARKED ASSIGNMENT

The Tutor-Marked Assignments (TMAs) that you will find at the end of every unit should be answered as instructed and put in your file for submission afterwards. This account for a reasonable score and so must be done and taken seriously too.

FINAL EXAMINATION AND GRADING

There will be a final examination at the end of taking this course. The examination duration is three hours carrying 70% of your total score and grade in this course. It is highly recommended that your self-assessment examination and tutor-marked assignments are taken seriously as your examination questions will be drawn from the questions treated under these assessments.

COURSE MARKING SCHEME

The following table sets out how the actual course marking is broken down.

Assessment	Marks
Four assignments (the best four of all the assignments submitted for marking).	Four assignments, each marked out of 10%, but highest scoring three selected, thus totaling 30%
Final Examination	70% of overall course score.
Total	100% of course score.

Units	Title of Work	Week Activity	Assignment (End-of-Unit)
Course Guide			
Module 1	Introduction of International Institutions		
Unit 1	Definition of International Institutions	Week 1	Assignment 1
Unit 2	Typology of International Institutions	Week 2	Assignment 1
Module 2	Module 2 Membership of International Institutions		
Unit 1	Entry of Members into International Institutions	Week 5	Assignment 1
Unit 2	Rights of Members of an International Institution	Week 6	Assignment 1
Unit 3	Duties of Members of an International Institution	Week 6	Assignment 1
Unit 4	Withdrawal of a Member from an International Institution	Week 7	Assignment 1
Module 3	Formation, Governance, Financing and Dissolution of International Institutions		
Unit 1	Formation of International Institutions	Week 9	Assignment 1
Unit 2	Governance of International Institutions	Week 10	Assignment 1
Unit 3	Financing of International Institutions	Week 10	Assignment 1
Unit 4	Dissolution and Transformation of	Week	Assignment 1

Units	Title of Work	Week Activity	Assignment (End-of-Unit)
	International Institutions	11	
Module 4	Functions and structures of International Institutions		
Unit 1	Functions of International Institutions	Week 12	Assignment 1
Unit 2	Structures of International Institutions	Week 12	Assignment 1
Unit 3	Why states act through International Institutions	Week 13	Assignment 1
Module 5	International Institutions and International Law		
Unit 1	Legal Status of International Institutions	Week 14	Assignment 1
Unit 2	Sanctions Imposed by International Institutions on Member States		
Unit 3	Immunity Enjoyed by International Institutions		
	Total	14 Weeks	

TEXTBOOKS AND REFERENCES

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Yearbook of International Institutions 2011.

TUTOR-MARKED ASSIGNMENTS/ SELF-ASSESSMENT EXERCISES

There are 20 Tutor-Marked Assignments (TMAs) in this course. You need to submit at least four assignments of which the highest three marks will be recorded. Each recorded assignment counts 10 percent towards your total course grade. Three recorded assignments will thus count for 30%. When you complete your assignments, send them including your form to your tutor for formal assessment on or before the deadline.

Self-Assessment Exercises are provided in each unit. The exercises should help you to evaluate your understanding of the materials so far. They are not to be submitted. However, answers are provided or directions given as to where to find answers within the units.

FINAL EXAMINATION AND GRADING

There will be a final examination at the end of the course. The examination carries a total mark of 70% of the total course grade. The examination will reflect the contents of what you have learnt and the self-testing and tutor-marked assignments. You therefore need to revise your course materials before the examination.

COURSE OVERVIEW

There are 20 units in this course. You are to spend one week on each unit. One of the advantages of Open and Distance Learning (ODL) is that you can read and work through the designed course materials at

your own pace, and at your own convenience. The course material replaces the lecturer that stands before you physically in the classroom.

All the units have similar features. Each unit has seven items beginning with the introduction and ending with reference/suggestions for further readings.

SUMMARY

INR 422 is designed to facilitate understanding of the nature of the formation, existence and conduct of modern warfare, contemporary strategic concepts such as containment, brinkmanship, massive retaliation, flexible and gradual response, mutual assured destruction, overwhelming force, deterrence, etc., The course further explores the revolution in weapons technology, the military industrial complex as well as the impacts of the revolution in military technology on the conduct of the 21st Century warfare. Issues relating to the causes, evolution and the global war against terrorism were also explored in the course. The course further reviews the global war against terrorism and offered various perspectives on how terrorism could be curtailed in international politics. All the basic course materials needed to successfully complete the course are provided. Upon completion, you will be able to:

- Explain the complexities and changing trends of strategy, especially contemporary strategy in the 21st Century. Central to the discussion is an in-depth understanding of the contemporary strategic concepts, the interactions between strategy, national interest and military aim, military power and contemporary strategy and the nature of strategic configuration in the post-cold war order.
- Discuss the nature, causes, and the legal framework guiding the conduct of war and the utility of War as policy instrument in the contemporary politics.
- Describe the revolution in military technology and its impact on weapons development, the challenges of technology for strategy and how the revolution in technology is changing the character of the 21st century warfare.
- Examine the broad issues of terrorism and its attendant impacts on global security in the contemporary world order
- Provide a justification for the contemporary global war against terrorism

**MAIN
COURSE**

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MODULE 1 INTRODUCTION TO INTERNATIONAL INSTITUTION

- Unit 1 Definition of International Institutions
Unit 2 Typology of International Institutions

UNIT 1 DEFINITION OF INTERNATIONAL INSTITUTION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of International Institution
 - 3.2 Distinction between International Institutions and International Organisations
 - 3.3 List of Some Major International Institutions
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/ Further Reading

1.0 INTRODUCTION

The general aim of this unit is to provide you with knowledge of the concept of international institutions. This unit will present a literature review of the various definitions of authors on international institution. The review aims at preparing your minds for the theoretical definitions of international institutions and the contribution of modern thinkers to international institution.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- state the definitions of international institution
- highlight the differences in the various definitions of international institution
- list major international institutions.

3.0 MAIN CONTENT

3.1 Definition of International institution

According to Simpson and Weiner (2011), an international institution is an organisation, establishment or foundation devoted to the promotion of a cause or programme especially one of public, educational or charitable character.

International institution as defined by John Duffield is an institution that has occupied a central place in international relations, composed of countries that come together to achieve specific goals (Duffield, 2007).

According to Simmons and Martin (2001: 192), the term international institution has been used in the last few decades to describe a wide range of phenomena, but particularly after the World Wars, to refer to formal international organisation, specifically, the organs or branches of the United Nations system.

Koremenos, Lipson, and Snidal (2001) on their part, defined international institutions as explicit arrangements, negotiated among international actors, which prescribe, proscribe, and/or authorise behaviour and these explicit arrangements are public, at least among the parties themselves. According to this definition, these institutions are the fruits of negotiations and agreement. The definition however excludes tacit bargains and implicit guidelines; however important they are as general forms of cooperation.

Koremenos, Lipson, and Snidal (2001) further argue that the Realist School of thought's definition of international institutions are little more than ciphers for state power. States rarely allow international institutions to become significant autonomous actors. Nonetheless, institutions are considerably more than empty vessels. States spend significant amounts of time and effort constructing institutions precisely because they can advance or impede state goals in the international economy, the environment, and national security. States fight over institutional design because it affects outcomes.

John Klabbers views international institutions as social constructs created by people in order, presumably, to help them achieve some purpose, whatever that purpose may be. He further states that the aim of international institutions being created is to make ends meet (Klabbers, 2002:8).

Another definition has been offered by the International Congress of Supreme Audit Institution (INCOSAI XVII). It states that international

institution is an organisation whether or not established by a treaty, in which two or more states or government agencies or publicly funded bodies are members and in which a joint financial interest is overseen by a governing body.

From the definitions given above by various authors, international institutions can simply be defined as the coming together of two or more nations, to achieve a particular aim or aims, and these aims are achieved by countries belonging to these international institutions by pooling resources together. Note that cooperation is a major factor in international institution.

The purpose of an international institution could be to achieve international cooperation in dealing with issues of an economic, technical, social, cultural or humanitarian character or a combination of more than one of these. There could also be cooperation in the field of governance and security, as exemplified by the United Nations whose main aim is to promote peace, security, promoting social progress, better standards and human rights and developing friendly relations among nations.

SELF-ASSESSMENT EXERCISE

In your words, how would you define international institutions?

3.2 Distinction between International Institution and International Organisation

For a better understanding of the term international institution, which is the concern of this course, it is important to make a comparison between the term international institution and international organisation. But before we venture into distinguishing both terms, it is necessary to give a definition of international organisation as this will aid your appreciation of the concept, international institutions.

According to the Penguin Dictionary of International Relations, 'International Organisation is an organisation with international membership, scope or presence' (Graham and Newnham, 1999). International organisation is a body that promotes voluntary cooperation and coordination between and among its members. The members are bound by formal agreement and their existence is recognised by the law in their member countries.

It appears that the distinction between international institution and international organisation is thin, in that, while the term international organisation is mainly focused on the formal character of the

relationship between member countries of an organisation within the context of broad objectives, the term international institution extends beyond the formalities, to specific principles, rules, norms and activities. Also, an international organisation can be viewed as a social-political arrangement aimed at broad collective goals, which controls its own performance. On the other hand, international institutions are sometimes used to refer to agencies, structures and mechanisms of social order and cooperation governing the behaviour of two or more individual countries or set up by an international organisation to execute specific mandates. In the latter instance, agencies of the United Nations, such as the International Court of Justice, United Nations Children's Fund and the World Health Organisation will be regarded as international institutions with specific mandates to address specific United Nations goals and ideals.

It is however, imperative to note that most writers and scholars use the terms international institution and international organisation interchangeably and as such, whatever slight distinction there may exist between them is largely overlooked.

SELF-ASSESSMENT EXERCISE

Differentiate between international institutions and international organisations.

3.3 Lists of Some Major International Institutions

- a) World Bank
- b) International Monetary Fund
- c) World Trade Organisation
- d) World Health Organisation
- e) International Court of Justice
- f) World Health Organisation
- g) World Food Programme
- h) Food and Agriculture Organisation
- i) African Union
- j) European Union
- k) North Atlantic Treaty Organisation
- l) Economic Community of West African States

SELF-ASSESSMENT EXERCISE

Draw up a comprehensive list of international institutions apart from the ones already listed above.

4.0 CONCLUSION

It is important to understand the definition of international institutions in order to appreciate the topic international institutions. Generally, the term international institution refers to the coming of different nations together having a common interest in order to achieve particular objectives. The objectives that international institutions intend to achieve could be cultural, technical, social, and economic among others. For example, the World Bank's main aim is to promote a neo-liberal, free trade and a sustainable global economic system.

5.0 SUMMARY

In this unit, effort has been made to identify several definitions of the term international institution in an attempt to give you a background of what the course is all about. You have also been provided with a short list of international institutions, but you are required to further research other types of international institutions. A common thread that runs through these definitions is the fact that international institutions are formed to attain common mutually beneficial objectives.

6.0 TUTOR-MARKED ASSIGNMENT

Differentiate between international institutions and international organisations.

7.0 REFERENCES/FURTHER READINGS

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UNIT 2 TOPOLOGY OF INTERNATIONAL INSTITUTIONS

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- 1.0 Introduction
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- 3.0 Main Content
 - 3.1 Classification of International Institutions
 - 3.1.1 Classification Based on Number of Members
 - 3.1.2 Classification by Common History
 - 3.1.3 Classification Based on Interests
 - 3.1.4 Classification Based on Region or Geography
 - 3.2 Examples of International Institutions under Each Classification
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

This is the second unit of Module 1. The main thrust of this unit is to introduce you to the typologies of classifying international institutions. To better aid your understanding of this Unit, relevant examples of international institutions classification are provided.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- classify international institutions
- give examples of institutions under each classification.

3.0 MAIN CONTENT

3.1 Typology of International Institutions

Like most social phenomena, international institutions can be classified based on their commonalities ranging from their composition, objectives to their functions among others. Without prejudice to the foregoing, it is important to note that classifications of international institutions are not absolute categories, as some institutions by their nature and composition can be classified into more than one category. We shall consider a few

classifications of international institutions based on the following: number, common history, interests and region or geography.

SELF-ASSESSMENT EXERCISE

What do you understand by typology of international institutions?

3.1.1 Classification Based on Number of Members

This method of classification is based on the fact that the membership of some international institutions is exclusive, while others are open to all countries. The United Nations is an example of an international institution because its membership is open to all sovereign countries, unlike other institutions. Other institutions are limited to only few members or limited members, and this limitation may be derived from the purpose they intend to achieve. An example of such institutions is the G20 which comprises twenty members made up of the most industrialised nations in the world. They were formerly G7 which comprised of Western European countries and the United States. Later Russia was admitted into this exclusive group and its name changed to G7 + 1 and then G8, but now its membership has increased to twenty.

3.1.2 Classification by Common History

Some institutions can be classified by virtue of the shared common history of their member states, which has resulted in them grouping together to protect their common interests. The Commonwealth group is an example of an institution whose membership is limited to countries which were hitherto part of the British Empire, and these include the United Kingdom, former British colonies, protectorates and dominions. Another example is the North Atlantic Treaty Organisation (NATO) which arose from issues of geo-politics and security during the Cold War era. Its membership is drawn from countries of Western Europe as well as the United States and Canada, who were locked in security posturing against the member states of the former Union of Soviet Socialist Republics (USSR) and its allies, then known as the Warsaw Pact countries. NATO as an institution has outlived the Cold War and has found relevance in the wake of new global security challenges. It has incorporated new member states and has been involved in security operations in Bosnia, Afghanistan and more recently Libya in 2011.

3.1.3 Classification Based on Geographical Location

This is another classification of international institutions which concerns itself with groupings of international institutions based on the regional or geographical location of their members. Just as some institutions are

universal, transcending geographical locations and cutting across the globe, others are regional and territorial in nature. The most significant example of an institution whose membership is drawn without prejudice to geographical location bias, include members of the United Nations group, such as the World Health Organisation, the International Criminal Court and the Food and Agriculture Organisation. However, on the other hand, regionally grouped international institutions include the Economic Community of West African States (ECOWAS) which comprises of only states in the West African sub-region, the African Union (AU), the successor of the Organisation of African Unity (OAU) and the European Union (EU). However, in view of the recent admission of some Eastern European countries into the EU and the current consideration of Turkey's application for membership, the question has been raised whether the EU remains a regional institution.

3.1.4 Classification Based on Interests

This classification is based on the common interests of members of international institutions, which is deducible from the objective necessitating the formation of such institutions. As earlier discussed in this unit, the common interests of member states which necessitate the formation of international institutions vary significantly and include one or a combination of security, food security, health, settlement of disputes, economy, trade, disaster management, human rights, and global finance among so many others. For a better understanding of the classification of international institutions based on interest, it is important to consider a few major areas of common interests and examples of some international institutions which have been formed on the basis of these.

a) Security and Peacekeeping

An example of an institution based on security is the European Police Office (EUROPOL) whose mission is to assist law enforcement authorities of member states in fighting organised crimes. Another is the International Police Office (INTERPOL) which has a membership of 190 countries. The Interpol focuses primarily on public safety, anti-terrorism, organised crimes, environmental crime, piracy, illicit drug production, corruption etc. Other examples include the UN Security Council and NATO.

b) Food Security

The World Food Programme (WFP) is an institution established to address hunger worldwide and it distributes food to about 90 million people per year and has 80 countries as its members. Also, the Food and Agriculture Organisation (FAO) is part of the UN group and has a mandate of global food security, through

research and the provision of expert advice on policy to its members.

c) Health

The World Health Organisation (WHO) aims at helping member states in attaining the highest level of health for their population. Also, another example is the United Nations and Aids (UNAIDS) whose singular objective is to provide an HIV/AIDS free world.

d) Education

The United Nations Educational, Scientific and Cultural Organisation (UNESCO), also a member of the UN group, has its main mandate to build peace through education in all its ramifications.

e) Socio-Cultural Values

United Nations Educational, Scientific and Cultural Organisation (UNESCO) fall under this category as well, because one of its mandates is the promotion of respect for and protection of world's cultural heritage.

f) Settlement of International Disputes

There are various means of settling international disputes and this can be by negotiation, arbitration, mediation, litigation and conciliation. In international relations fora settings, the settlement of disputes is especially very important, because of the sovereignty of member states. An example of an international dispute settlement institution is the International Centre for Settlement of Investments Disputes which has 139 members and its objective is to facilitate and provide conciliation and arbitration of disputes between member countries and foreign investors. The International Court of Justice (ICJ) is another institution that settles disputes among its member states, within the context of international law. Also, the International Court of Arbitration in the Hague helps in the settlement of international disputes between international institutions.

g) Economy

Examples include the G20 which draws its membership from the 20 most industrialised nations, and the Economic Community of West African States (ECOWAS) which draws its membership from countries in the West African Sub Region. The main objective of these institutions is to bring together their members in a forum, for facilitating cooperation on issues of economy and development, which are of mutual interest to their members.

h) Human Rights

African Commission on Human and Peoples' Rights aims at protecting the human rights of Africans. The institution conducts research and generates action plans to prevent and end grave abuses of human rights and to help demand justice for those whose rights have been violated. It has its headquarters in Banjul, the Gambia.

i) International Finance

There are numerous international institutions whose main aim is for finance advice and assistance. The International Monetary Fund (IMF), the World Bank, and the International Bank for Reconstruction and Development, to mention a few. The International Bank for Reconstruction and Development has 184 countries as members and its main aim is to have members subscribe to its capital and lend to credit worthy borrowing countries. The International Monetary Fund has 184 members. The World Bank is an international institution that offers loans, advice and array of customised resources.

j) Regulatory and Governance Institutions

These institutions have taken appropriate regulations and governance of field such as trade and investment, principal and economical regulation, environment and labour, intellectual property and standards of goods and services. The consequences of globalisation and worldwide economic integration, cross-border movements of populations include the fact that individual countries can no longer effectively perform regulatory functions. In response, many systems of regulatory and governance institutions have emerged at the transnational level. The growing density of international and transnational regulation enables more efficient regulation of trans-border activities or activities which are not trans-border in nature but have potential effects beyond the boundaries of the states in which they are carried out. These regulations do not only apply to the activities of states but to firms, NGOs and individuals. Examples include the World Trade Organisation (WTO), the International Atomic Energy Agency (IAEA), the International Civil Aviation Authority (ICAO) the World Intellectual Property Organisation (WIPO), the International Standards Organisation (ISO) and environmental regimes such as the Kyoto and Montreal Protocols. These regulatory standards are often implemented domestically by participating nations, although in some cases, such as refugee status determinations by the UN, international institutions may act directly against individuals. Usually, officials of member states usually agree to common regulatory standards and

practices which they then implement domestically (Slaughter and Zaring, 2006: 211).

SELF-ASSESSMENT EXERCISE

Mention five different criteria for classifying international institutions.

4.0 CONCLUSION

The main thrust of this Unit is to enable you to appreciate the imperative of classifying international institutions, and the various typologies used in this classification. Thus, comprehensive effort has been made to identify the classification of international institutions and the relevant examples of these international institutions under each classification have been given to guide your understanding. The study of the typologies of international institution is to allow you have the conceptual clarification of the variations in the nature of international institutions.

5.0 SUMMARY

Although there are no absolute classifications of international institutions, it is imperative to understand the classification of international institutions based on the characteristics exhibited by these institutions. These classifications have been based on interests, geography or region, numbers of members and the nature of the agreement entered into by parties. However, the classification of international institution based on interest have been further explained giving examples of an array of interests which form the basis of forming international institutions and these include security and peace keeping, food security, finance, economy, trade, health, culture and human rights. Also examples of the institutions falling under different categories have been given.

6.0 TUTOR- MARKED ASSIGNMENT

Discuss five interests which have led to the formation of international institutions.

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MODULE 2 MEMBERSHIP OF INTERNATIONAL INSTITUTIONS

Unit 1	Entry of Members into International Institutions
Unit 2	Rights of Members of an International Institution
Unit 3	Duties of Members of an International Institution
Unit 4	Withdrawal of a Member from an International Institution

UNIT 1 ENTRY OF MEMBERS INTO INTERNATIONAL INSTITUTIONS

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	How States Gain Entry into International Institutions
3.1.1	Entry by Founding Members
3.1.2	Entry by Treaties
3.1.3	Entry by Accession
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assessment
7.0	References/ Further Reading

1.0 INTRODUCTION

In this unit, we will be discussing the entry of member countries into international institutions. The entry of members into any international institution is very important. However, not all institutions allow open entry to all countries. For instance, some restrict the entry, while some are open, thereby giving opportunities to all countries to join their institution. This unit will give examples of various international institutions and how countries gain membership or entry into them.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- explain what is meant by entry of countries into the membership of international institutions
- give at least two examples of international institutions and how their members gained entry into them.

3.0 MAIN CONTENT

3.1 How States Gain Entry into International Institutions

Every international institution has its own unique mode of granting membership entry to states which desire to become their members. Also, states while founding a new institution, can decide on the various means of gaining entry into that institution. Entry in this concept is defined as the permission granted to a state to become a member of an international institution. Not all international institutions give open entry to states to become their members. For instance, some international institutions restrict the entry of members into their institution while others are open, by offering opportunities to all countries to join their ranks.

We shall now proceed to discuss the various means by which states gain entry into international institutions. The means by which states gain entry into international institutions vary, but we shall consider this broadly in order to appreciate this concept properly.

SELF-ASSESSMENT EXERCISE

Explain the concept of “entry of members into an international institution.”

3.1.1 Entry by Founding Members

Some states gain entry into international institutions by virtue of the fact that they are among the founding members of the international institution. So, we shall consider some international institutions and provide examples of some states that became members of such international institutions by being founders of such. One of such institutions is the World Bank. The World Bank consists of two institutions, namely; the International Bank for Reconstruction and Development and International Development Association. Canada was the founding member of the International Bank for Reconstruction and Development since its establishment in 1945. Canada also participated in the Breton Woods Conference of 1944 that led to the creation of the World Bank and International Monetary Fund, which Canada joined in 1945. The International Monetary Fund was founded by one nation, but today it has a membership of 188 countries. The International Monetary Fund started its activities fully when 29 countries signed the agreement. Another international institution who has membership by founding members is the European Union (EU), which was founded by Belgium, Italy, France, Luxemburg, Netherlands and Germany. However, the EU has gone on to establish seven other institutions which are:

- European Parliament
- European Council
- European Commission
- Council of European Union
- European central Bank
- The Court of Justice of the European Union
- Court auditors

The last example is the founding members of North Atlantic Treaty Organisation (NATO). There were originally twelve founding members of North Atlantic Treaty Organisation (NATO): The United States, United Kingdom, Canada, France, Denmark, Iceland, Italy, Norway, Portugal, Belgium, Netherlands and Luxembourg. These founding member states have remained members of the North Atlantic Treaty Organisation.

SELF-ASSESSMENT EXERCISE

How true is it that most states gain entry into international institutions by virtue of the fact that they are among the founding members?

3.1.2 Entry by Treaties

States may become members of an international institution by signing a treaty with another state or number of states. A treaty in this context is a formally concluded and ratified agreement between states. The term treaty is used to refer to instruments binding at international law concluded between states. Basically, what distinguishes a treaty from other agreements is that it must be binding between the contracting states (Vienna Conventions on Law of Treaties, 1969).

Treaties may be bilateral that is, between two states or multilateral that is, among more than two states. For a better understanding of this sub-topic, we will consider different treaties and how states have become members of some international institutions by signing these treaties.

The first is the European Union (EU) Treaties, signed by members of the European Union. Article 13 of the Treaty of EU established seven institutions namely:

- European Parliament
- European Council
- European Commission
- Council of European Union
- European Central Bank
- The Court of Justice of the European Union
- Court Auditors

Let us however consider three of the institutions above and how states have become members of these institutions.

The European Central Bank (ECB) was established by the Treaty of Amsterdam in 1998. The ECB serves as an institution of the European Union which administers the common monetary policy of the member states of the EU.

Another example is the European Parliament, which is the legislative arm of the European Union, created by the treaties of the European Union.

Lastly, the European Council became an institution in 2009, when the Treaty of Lisbon came into force.

Another treaty we shall be considering is the Economic Community of West African States (ECOWAS) 1975 Treaty signed by 16 countries geographically located in the West African sub-region, which was amended by the 1993 Treaty. The Treaty established some institutions to which the state parties are members. These institutions are:

- (a) The Authority of Heads of State and Government;
- (b) The Council of Ministers;
- (c) The Community Parliament;
- (d) The Economic and Social Council;
- (e) The Community Court of Justice;
- (f) The Executive Secretariat;
- (g) The Fund for Cooperation, Compensation and Development; and
- (h) Specialised Technical Commissions.

These institutions are to function according to the powers conferred on them by the ECOWAS Treaty.

3.1.3 Entry by Accession

Accession is an act whereby a state which is not among the founding members of an international institution, signs up to a treaty, to express its consent to become a party to the treaty, by depositing a written document of intent known as the instrument of accession with the secretariat of the institution. Accession is therefore used by states to express their consent to be bound by a treaty.

In December 1994, the Greek government successfully conditioned the accession of Spain and Portugal to the European Union on the implementation of integrated Mediterranean funds. The Mediterranean fund programme was designed to provide funds for power development

in the Mediterranean region. It is important to note that most international institutions dealing with issues of trade (EU, WTO) or security (NATO), usually grant other states the opportunity of accession. Accession has permanent consequence for efficacy. The accession of new members into the European Union has united Europe geographically and endowed fragile democracies and transitional market economies. Through accession of states into an international institution, these states are given the power to implement reform through their membership of the EU's several regional international institutions.

It is however important to note that before a country seeks accession into an international institution, it must bargain with the current members over the terms of entry; they must also reform the institution to improve its efficacy. For example, to become a member of the World Trade Organisation, a prospective member must first make an offer of accession, this is then placed for the consideration of existing members and the process takes about five years on an average, but it takes some countries almost a decade if the country is adjudged to be less committed to the process or if other political issues interfere. The shortest accession was that of Kyrgyzstan, lasting two years and ten months, and the longest was Russia lasting nineteen years and two months.

Finally, on accession, the European council decided during its December 2004 Summit to open accession negotiation with Turkey on October 3, 2005 and this negotiation is still ongoing.

SELF-ASSESSMENT EXERCISE

What do you consider as the main strengths of entry into international institutions by ascension?

4.0 CONCLUSION

From the various discussions in this unit, you have learnt that international institutions grant different means of entries to states who wants to become members of their institutions. You have also learned that states which want to become members of an international institution can decide on the mode in which they want to gain membership. We have been able to show that states can gain entry into an international institution by three means: entry as a founding member, entry by treaties and entry by accession. We have also been able to break down this unit for a proper understanding of students by explaining the founders of some institutions that were considered above. Also a comprehensive example of each mode of entry has been provided in this unit. You are

however advised to read more on this unit and research more on entry of members into an international institution as discussed above.

5.0 SUMMARY

In this unit, we have been able to discuss the entry of members into an international institution and examples have been provided to support the explanation for a better understanding of the unit. This unit is very important as it will significantly increase your understanding on the various means by which states gain entry into an international institution and become members of an international institution.

6.0 TUTOR-MARKED ASSIGNMENT

1. Explain the various means by which states can gain entry into an international institution giving examples of some states and how they have gained entry into the international institutions of which they are members.
2. Identify the founding members the following international institutions:
 - (a) International Court of Justice
 - (b) World Food Programme
 - (c) World Health Organisation
 - (d) International Police (INTERPOL)
 - (e) International Monetary Fund

7.0 REFERENCES/FURTHER READING

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UNIT 2 RIGHTS OF MEMBERS OF AN INTERNATIONAL INSTITUTION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Rights of Members of an International Institution
 - 3.1.1 Right to Participate in Policy Formation
 - 3.1.2 Right to Vote
 - 3.1.3 Right to Attend Meetings
 - 3.1.4 Right to Facilities
 - 3.1.5 Right to Participate in the Governance of the Institution
 - 3.1.6 Right to Withdraw From an Institution
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

In the previous module, we considered the entry of members into international institutions, however in this unit we shall be considering the rights accorded to members of an international institution as a result of their membership status. We shall however first consider the meaning of the word, “right” and the sense in which it is employed here.

The Black’s Law Dictionary defines ‘right’ as a power or privilege; authority to do something; a legal, equitable, or moral entitlement to something; an individual liberty. It also means a legally enforceable claim that another will do or will not do a given act; a recognised and protected interest the violation of which is a wrong (Garner, 2009:1436). In this context however, rights are the obligations and benefits accruing to a state upon becoming member of an international institution, from the institution and or from other members.

For example, one of the rights you have as a student of the National Open University of Nigeria is the right to acquire the knowledge you signed up for; and the rights of a citizen of Nigeria includes the right to vote and be voted for. In this unit we shall be considering the various rights accruing to states by virtue of their membership of an international institution.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- explain what rights are
- lists some international institutions and state the rights of members of such international institutions.

3.0 MAIN CONTENT

3.1 Rights of Members of an international institution

So far, we have looked at the definition of the term rights in the introduction and an idea of what is going to be discussed in this unit has already been stated in the introduction. We shall be discussing the rights that come with being a member of an international institution.

1. Right to participate in policy formation
2. Right to vote
3. Right to attend meetings
4. Right to facilities
5. Right to participate in the governance of the institution
6. Right to withdraw from an institution
7. Right to promote trade across borders

3.1.1 Right to Participate in Policy Formation

Most international institutions accord their member states unfettered rights to participate in the processes of introducing, debating and formulation of operational policies of these institutions. For example, member states may participate in formulating policy with respect to what and how the institution interacts with individual members or how it relates with non-members. We shall hereafter consider some institutions and how they have exercised their rights to participate in policy formation of the institution they belong to.

Article 30(1) of the EU's Lisbon Treaty, 2007 confers upon member states of the European Union, the right of participating in policy formation of the institution. The article provides that any member state, the High Representative of the Union for Foreign Affairs and Security Policy, or any Minister with the Commission's support, may refer any question relating to the common foreign and security policy to the Council and may submit to it initiatives or proposals as appropriate. Members of the European Union also have a right to participate in the foreign policy of the European Union as stated in Article 32 of the

Treaty by consulting one another within the European Council on any matter of foreign and security policy of general interest.

Also, the ECOWAS Treaty gives members the right to participate in policy formation. Article 26 of the ECOWAS Treaty provides that members shall have the right to participate in the formulation of industrialisation policy by promoting industrial development in member states. Member states can also formulate policies on trade (Frederoc Benz and David, 2007).

3.1.2 Right to Vote

Most modern day international institutions operate on the principles of democracy. Because of this, decisions are usually arrived at through casting of votes, where the majority carries the day. One of the most critical ways member states of an international institution can influence decision making is through voting. Voting is the formal expression for preference for a thing, a candidate for an office or for a proposed resolution of an issue. Members States have the right to take part in making decisions in the institution in which they belong by voting. Every member state of an international institution ought to have equal right to vote, however institutions have their various voting rights. We shall consider a few international institutions and the voting rights of their member states.

The United Nations

The first institution we shall be considering is the United Nations. The member states of the United Nations have equal voting rights in the General Assembly except members with observer status such as the European Union and any member of the United Nations which is in arrears in settling its financial obligations. Article 19 of the United Nations Treaty 1945 provides that a member state shall not have a right to vote in General Assembly if it defaults in its financial obligations and the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years.

International Monetary Fund

Another institution that will be considered as regards to voting rights of members of an international institution is the International Monetary Fund. The members of the International Monetary Fund have the right to vote during the process of appointing executives of the International Money Fund. The voting right of the members of the International Monetary Fund is determined by a nation's financial contributions unlike member states of the United Nations who have equal voting rights. The members of the World Bank also do not have equal voting rights, as their votes are weighed according to their financial contribution to the equity of the institution.

3.1.3 Right to Attend Meetings

Member states also have the right to attend meetings convened by their institutions. We shall examine some institutions and the right of members to attend meetings.

The European Union

The European Union member states which established the European Council hold their meetings at least twice every six months in the Jutus Lipsuis building at the headquarters of the institution in Brussels and all members are invited to attend.

International Monetary Fund/ World Bank

Another institution we shall be considering is the International Monetary and the World Bank. These international financial institutions hold two meetings which members have rights to attend. The first is the annual meeting and the second is the spring meeting. The International Monetary Fund and World Bank meet each autumn in what is known as the annual meeting and they meet separately, in what is known as the spring meeting. The venues of these meetings are determined by the member states of the institution and the selection of a venue is through rotation among other considerations including security. The annual general meeting of the year 2012 was held between the 12th and 14th of October in Tokyo, Japan, a member state.

ECOWAS

The ECOWAS Treaty created nine institutions and each institution has time they conduct their meetings. We shall however consider one of these institutions and their meetings. The Article 11(1) of the ECOWAS Treaty provides that the Council of Ministers shall meet at least twice a year in ordinary session. One of such sessions immediately precede the ordinary session of the Authority of Heads of State and Governments of the Community. An extraordinary session may be convened by the Chairman of Council or at the request of a member state provided that such request is supported by a simple majority of the member states.

3.1.4 Right to Facilities

The members of the International Monetary Fund and World Bank have the rights to loan facilities from these institutions. These facilities can also be requested by low- income countries, developing and even developed countries. The International Monetary Fund also created the Special Drawing Rights granted to members in strict proportions (Mussa, 2005). Special Drawing Right is an international reserve asset created by the International Monetary Fund. Bird and Rowlands (2005) argue that “Special Drawing Right” is the International Monetary

Fund's unit of the account linked to four major currencies and also constitutes a financial resource created by the IMF and distributed on occasion to its members. The World Bank created two institutions, namely; the International Bank for Reconstruction and Development and the International Development Bank. Members of these institutions have the right to request for facilities from these institutions. The International Bank for Development has granted USD\$238 billion to member states since 1960 and France was the first country to request for loan from the World Bank in the post- World War II era.

SELF-ASSESSMENT EXERCISE

What is a special drawing right?

3.1.5 Right to Participate in the Governance of the Institution

Members of specific institutions have rights to participate in the governance of the institutions they belong to. In a community of nations, governance is considered good when it is democratic. The right of members to participate in the governance of their institutions promotes good governance, equity, pluralism, transparency, accountability and the rule of law in a manner that makes the institution effective, efficient and enduring. Member states can participate in the governance of the institutions they belong to by being secretaries or presidents and also in making laws that regulate the institutions in which they belong to. Members have the right to participate in the governance of the institutions they belong to by participating in making decisions, and by strictly adhering to democratic principles resulting in the decentralisation of power at all levels of governance (ECOWAS Treaty, 1993 Article 1[d]). Members have the right to participate in the governance of their institutions by nominating citizens of member states for appointment into executive positions including the position of secretary. Article 34 of the Lisbon Treaty, provides that member states shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such forums. EU member states can act in certain situations especially in emergency situations instead of the Union but they must inform the Union (Lisbon Treaty, 2007). Members shall also have the rights to participate in the European Defence Agency (Lisbon Treaty, 2007 Article 45[2]).

The Treaty of the European Council also grants members states of the institution the right to participate in the governance of the institution by coordinating their employment and economic policies by arrangement as provided by the treaties (Treaty of the European Council, 2007 Article 2[3]). Members can also participate in the governance of their

institutions by participating in the admittance of new members especially in the aspect of accession of prospective members, compulsory withdrawal of members, and amendments of the articles of treaties, agreements and bye laws.

3.1.6 Right to Withdraw

A specific right of withdrawal is found in the constitution of a large number of international institutions. In contrast there is no provision for withdrawal in the UN or WHO. There are however, considerable variations in the conditions attached to the right of withdrawal. Whereas some financial institutions allow withdrawal simply upon submission of a written notice, and allow this withdrawal to take effect immediately, other organisations impose clear limitations on withdrawal. A condition sometimes attached to withdrawal is that outstanding obligations [usually financial obligations] must be fulfilled before withdrawal is effective. What is certainly clear is that mere silence on the question of withdrawal is not adequate to deprive a member of the right to withdraw (Bowetts, 2001).

Any member of an international institution has the right to withdraw from the membership of the institution at any time. Article 50 of the Lisbon Treaty provides that members have a right to withdraw from the union in accordance with the union's requirements. However, any member who wants to withdraw must notify the union of its intention (Lisbon treaty 2007), though no states have ever withdrawn. ECOWAS Treaty also provides for the right of members to withdraw. In December 26, 1999, the Secretariat of the ECOWAS received a letter from Mauritania, withdrawing from membership of the Economic Community of West African States (ECOWAS). The Secretariat replied by informing Mauritania that, under the terms of Article 91 of the Revised Treaty of 1993, a member state wishing to withdraw from the Community is bound by the following: first, to give one year's notice to the Executive Secretary who shall inform the other member states accordingly and the withdrawal becomes final and complete where the notice is not withdraw, within that one-year period. Second, the member state concerned shall, within that one-year period, continue to comply with the provisions of the Treaty and remains bound to discharge its obligations under the Treaty. The ECOWAS Secretariat also consequently wrote to all other member states notifying them of Mauritania's intentions. It must be noted, that by the provisions of the ECOWAS Treaty, the Islamic Republic of Mauritania was expected to fulfil all its obligations, particularly its financial obligation, to the Community before making good its exit (Schermers and Blokker, 2003).

Article VI Section 1 of the IBRD agreement gives right to members of the International Bank for Reconstruction and Development to withdraw from the Bank at any time by transmitting a notice in writing to the bank at its principal office and the withdrawal shall become effective on such date.

3.1.7 Right to Promote Trade Across Borders

Another right that members of international institutions enjoy is the right to promote trade. Article 50 of the Treaty of ECOWAS 1993 provides that member states, through their public and private sectors, have a right to promote trade activities across each other's border lines, such as:

- a. Promotion of the use of local materials, intermediate goods and inputs, as well as finished products originating within the Community;
- b. participation in the periodic national fairs organised within the region, sectoral trade fairs, regional trade fairs and other similar activities.

4.0 CONCLUSION

In this unit, we have taken ample time to explain the meaning of "rights", the various rights of members in an international organisation. We discussed the right of member states to withdraw from the institution they belong to; the right of members to participate in policy formation; the right of members to participate in the governance of the international institutions; the rights to loan facilities from international financial institutions amongst others. You are advised to in addition to reading this course material, to also source for and read other materials for a better understanding of the subject matter of this unit.

5.0 SUMMARY

In this unit, efforts have been made to identify the various rights of members of an international institution, and examples of institutions granting their members these identified rights have been highlighted. We explained that 'rights are the obligations and benefits accruing to a state upon becoming member of an international institution, from the institution and or from other members'. We further identified seven rights, although not exclusive and exhaustive that states benefit from belonging to international institutions. These include, the right to participate in policy formation; the right to vote; the right to attend meetings; the right to facilities; the right to participate in the governance of the institution; the right to withdraw from an institution and; the right to promote trade across borders.

6.0 TUTOR-MARKED ASSIGNMENT

Explain the rights of members in an international institution and give one example of an international institution that provides such rights to its members.

7.0 REFERENCES/FURTHER READING

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UNIT 3 DUTIES OF MEMBERS OF AN INTERNATIONAL INSTITUTION

CONTENTS

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- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Duties of Members of an International Institution
 - 3.1.1 Duty to Participate
 - 3.1.2 Duty to Promote the Interest of their Institutions
 - 3.1.3 Duty to Make Contributions
 - 3.1.4 Duty of Members to Abide by the Provisions of the Treaty
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

In the preceding unit, we discussed rights of the members of international institutions, however, for every right in any relationship, there is a corresponding duty or obligation. The general aim of this unit is to introduce you to these corresponding duties imposed on states as a result of their membership of international institutions.

This is the third unit of the module, “membership of international institutions”. The thrust of this unit is to discuss the duties of member states of an international institution. We shall however consider the definition of duties before we proceed to discuss the subject matter of this unit. Duty is an obligation that is owed or due to another, that needs to be satisfied and an obligation usually is imposed where another is conferred with a corresponding right (Garner, 2009:580). Generally, duties are obligations one is expected to do to a person, or to something. In this unit our focus is on the duties members owe to the international institutions to which they belong.

2.0 OBJECTIVES

By the end of this course, you are should be able to:

- define what is meant as duties and obligations of international institutions
- explain what duties of members of international institution imply

- enumerate the duties of member states of international institutions.

3.0 MAIN CONTENT

3.1 Duties of Members of International Institutions

The definition of duty has been given above in the introduction of this unit, however it is implied that you already have an idea of what we are going to discuss in this unit. We shall be taking a look at the general duties of member states of international institutions and relevant examples will be used to support these duties.

3.1.1 Duty to Participate

An international institution is an artificial entity which cannot run itself or conduct its own affairs. Therefore, for any institution to succeed in achieving its aims and objectives, its members have a duty to conduct its affairs by participating in running it. This duty is broad because we shall be considering the duty of members to participate in voting; the duty of members to participate in the governance of the institution they belong to and duty to attend meetings.

Take for instance the European Union which established the European Council. This institution has its meetings at least twice in every six months at the Jutus Lipsuis building in Brussels and all members of the European Union as they have the right to attend such meetings, also have a duty to attend these meetings. Similarly, the International Monetary Fund and World Bank have their meetings and members have the duty to participate in these institutions by attending either the Autumn meeting or the Summer meeting. Members also have the duty to participate in their institutions by taking active part in decision making processes of their institutions. Members are equally obliged to participate in their institutions by taking part in the governance of their institutions.

3.1.2 Duty to Promote the Interest of their Institutions

Every international institution has aims and objectives for which they were established, which are usually in tandem with the interests of the members which the institution seeks to achieve. It is therefore the duty of members of each institution to promote the interest of their various institutions. We shall give some examples to elucidate this point.

Article 1 of the International Bank for Reconstruction and Development agreement provides for the purpose of establishing the institution which

can also be said to be the interest of the institution which is to assist in the reconstruction and development of territories of members by facilitating the investment of capital for productive purposes, including the restoration of economies destroyed or disrupted by war, the reconversion of productive facilities to peacetime needs and the encouragement of the development of productive facilities and resources in less developed countries (IBRD Articles of Agreement of February 16, 1989). Member states of the IBRD are therefore obliged to promote these interests of the institution by making it possible to achieve these objectives.

Also, Article 3 of the ECOWAS treaty states that the aim of establishing the institution is to promote cooperation and integration, leading to the establishment of an economic union in West Africa to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations among member states and contribute to the progress and development of the African continent (ECOWAS Revised Treaty, 1993). Thus, member states of this institution are enjoined to promote this interest which is also their aim.

Also, article 3 of the Lisbon treaty set out the aim of the European Union to include the promotion of peace and the values and well-being of its people and the member states are duty bound to promote these aims. Similarly, other members that belong to other international institutions have imposed upon them the duty to promote the interests of the institutions to which they belong.

3.1.3 Duty to Make Financial Contributions

It is trite, that plans without the resources to execute them do not amount to much and as such, the financial contributions of members to the institutions to which they belong are very essential to enable the institutions function and succeed. Members are therefore obliged to make contributions to the various institutions to which they belong. Note that the contributions discussed are primarily financial contributions, but however, other non-financial contribution such as land, logistics and human resources are also of immense importance.

International institutions have two available sources of administrative funds: periodic contributions from member countries, and receipts gained in the course of their operations. The first source is however very important and members of international institutions owe the duty to make financial contributions to their institutions. For example the UN programmes and specialised agencies rely heavily on voluntary contributions leaving questions of financial responsibility and budget size to the decisions of individual member states (Graham, 2012).

Today, the United Nations System receives the majority of its financial support from voluntary contributions. This is true both of UN programs, like the UN Development Programme and the UN Environment Programme, and of specialised agencies, like the World Health Organization and UNESCO. UN reliance on voluntary resources is not a new phenomenon. Therefore, the majority of international institutions usually insert a clause in their treaty which imposes on member states the obligation to contribute to the institution to enable the institution carry out its functions effectively. Some institutions such as the UN and its agencies have established regimes of fixed amounts, which each member state is obliged to contribute in financing the institution (United Nations, 1944:35). Although some institutions do not have this inscribed in their treaty, however, the duty of members to make financial and non-financial contributions to the institution is implicit.

3.1.4 Duty of Members to Abide by the Provisions of the Treaty

Every country has its governing rules embedded in their constitution and it is expected that citizens abide by those rules and failure to do so usually attract sanctions. These rules impose duties of compliance on citizens. Besides, most international institutions usually have a treaty which is a binding agreement establishing them, setting out their relationships and the rights and duties of members. Members, therefore, owe the duty to abide by the provisions of the treaty of the international institution to which they belong.

Article 5 of the Economic Commission of West African States (ECOWAS) Revised Treaty, 1993 provides that:

1. Member states undertake to create favourable conditions for the attainment of the objectives of the Community, and particularly to take all necessary measures to harmonise their strategies and policies, and to refrain from any action that may hinder the attainment of the said objectives.
2. Each member state shall, in accordance with its constitutional procedures, take all necessary measures to ensure the enactment and dissemination of such legislative and statutory texts as may be necessary for the implementation of the provisions of the Treaty.
3. Each member state undertakes to honour its obligations under the Treaty and to abide by the decisions and regulations of the Community.

This article however states the duty of member states of the institution to abide by the provisions of the treaty.

Also, Article 4(3) of the EU's Lisbon Treaty, 2007 provides that member states shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union. Member states shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives. Members of the European Union therefore owe it as a duty to abide by the provision of the Lisbon Treaty.

4.0 CONCLUSION

So far, we have discussed the general duties of members of international institutions. We discussed four duties in this unit which are; duty to participate, duty to contribute, duty to promote the interest to the institution and duty to abide by the provisions of the treaty establishing the institution. These duties are very essential. We also highlighted the fact that many international institutions incorporate in their treaties, the duties of members and sanctions for the violation of these duties. However, where these duties are not expressly stated, they are generally regarded as implied.

5.0 SUMMARY

The duties of members of international institutions have been discussed. Four general duties were examined and examples given to illustrate these. You are encouraged to further research this issue and identify additional duties to the ones already discussed here.

6.0 TUTOR-MARKED ASSESSMENT

1. List the general duties of members of international institutions.
2. Explain the duties listed in (a) above giving examples to support your explanations.

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UNIT 4 WITHDRAWAL OF MEMBER STATES FROM INTERNATIONAL INSTITUTIONS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Contents
 - 3.1 Withdrawal of Member States From an International Institution
 - 3.2 Modes of Withdrawal of Members States From an International Institution
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/ Further Reading

1.0 INTRODUCTION

The general aim of this unit is to understand the reasons and modes a member state of an international institution may withdraw its membership from an international institution. Different institutions have different stipulations for withdrawal of membership.

States can apply to become members of an international institution and may withdraw from such institution at any time. A specific right of withdrawal is found in the constitution or treaty of a large number of international institutions. In contrast there is no provision for withdrawal in the United Nations and World Health organisation. But the United Nations Charter provided for suspension and expulsion of members. Some institutions allow withdrawal simply on the submission of written notice and sometimes impose an obligation that should be performed by the withdrawing member, and such institutions may allow withdrawal to take effect immediately. Other institutions impose clear limitations on withdrawal. It is imperative to note that the mere fact that a constitution or treaty of an international institution does not provide for withdrawal of members from their institution does not deprive a member of his right to withdraw (Sands and Klein, 2001: 546-547, 549). We shall consider this subject in this unit by giving examples to further make us understand how member states withdraw their membership from international institutions.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- explain withdrawal of members from an international institution
- give detail examples of withdrawal of members from an international institution.

3.0 MAIN CONTENT

3.1 Withdrawal of Members States from an International Institution

Members may withdraw from an international institution voluntarily or compulsorily. A member is said to withdraw from an international institution voluntarily if the treaty or agreement establishing the institution the member states belongs to, provides that member states can withdraw from the institution and a member exercises this right on its own accord. However, if the treaty creating the international institution is silent on withdrawal of members, members still have a right to withdraw from the institution at any time. Though the United Nations Charter does not expressly provide for the right of withdrawal by members, Indonesia voluntarily applied to withdraw from the United Nations in 1965. Under the customary international law there exists the principle of *rebus sic stantibus* or “things standing thus”. Under this principle, a state may withdraw from a treaty which has no withdrawal provisions only if there has been some substantial unforeseen change in circumstances, such as when the objective of the treaty has become realised or has been breached, the *rebus sic stantibus* has been construed in terms of in Article 61 and 62 of the Vienna Convention on the Law of Treaties (Government Information Office, Republic of China (Taiwan), 2005).

Also a member may be asked to withdraw compulsorily if the member is in breach of the treaty or constitution establishing the institution or fails to perform an obligation which is conferred on it by the treaty, we shall discuss withdrawal in the general terms.

SELF-ASSESSMENT EXERCISE

Differentiate between voluntary and compulsory withdrawal of membership from an international institution.

3.3 Modes of Withdrawal of Members States from an International Institution

As discussed in the introduction, every member of an international organisation has a right to withdraw from an international institution. We shall be considering the different modes of withdrawal in some select international institutions.

European Union

The first institution we shall be looking at is the European Union. The Vienna Convention on the Law of Treaties does not provide for unlimited rights to withdraw from the membership of institutions governed by treaties, however, it sets some limitations for any member which intends to exercise its rights of withdrawal. Article 50(1) of the EU's Lisbon Treaty provides that any member state may decide to withdraw in accordance with the member state's constitutional requirements. It is worthy of note, that no member state has exercised this right of withdrawal. Article 50(2) further provides that a member state which decides to exercise its right of withdrawal must notify the European Council of its decision, which shall on behalf of the EU enter into negotiations on the arrangements for the exit and the Council shall conclude on the terms after a majority decision by the EU Parliament. It is noteworthy that this agreement is concluded between the member state on the one hand and the Union not the individual member states. After the conclusion of the withdrawal process, the Lisbon Treaty would cease to be applicable to the exiting member state from the date of the agreement. Note that the intention to withdraw does not have any direct terminating legal effect, instead a minimum period of two years which may be described as the negotiating period (van Gend and Loos, 1963).

United Nations

Next, let us discuss membership withdrawal in the United Nations. Members of the United Nations can withdraw from the United Nations at any time, but since the inception of the United Nations, no member state has been expelled from the United Nations under Article 5 and 6 of the United Nations Charter. There are 193 member states of the United Nations. The United Nations Charter deliberately made no provision for whether or how a member states can withdrawal in order to prevent the threat of withdrawal from being used as a political blackmail, or to evade obligations under the Charter. Indonesia was the first member to threaten to withdraw from the United Nations in 1965. Indonesia due to a feud with the new Federation of Malaysia, announced that it would withdraw from the UN, if Malaysia were to take seat in the Security Council. Three weeks later, Indonesia officially confirmed its withdrawal in a letter to the Secretary-General. Indonesia however reversed its decision a year later, in a telegram dated 19th September

1966, where Indonesia notified the Secretary-General of its decision to resume full cooperation with the United Nations and to resume full participation in its activities, starting with the 21th Session of the General Assembly.

SELF-ASSESSMENT EXERCISE

Explain the reasons that led to Indonesia's decision to withdraw from the membership of United Nations.

ECOWAS

Let us also consider the withdrawal of members from Economic Commission of West African States. Article 91 of the ECOWAS Revised Treaty provides for members the right to withdrawal from the institution. Any member state wishing to withdraw from the Community shall give to the Executive Secretary one year's notice in writing who shall then communicate such notice to other member states. At the expiration of this period, if such notice is not withdrawn, such a State shall cease to be a member of the Community. However, during the period of the prescribed one-year notice period, such a member state intending to withdraw shall continue to comply with the provisions of the ECOWAS Treaty and shall remain bound to discharge its obligations including finance under the Treaty.

The ECOWAS Executive Secretariat, on 26, December 1999, received a letter from the Islamic Republic of Mauritania, withdrawing its membership from the Economic Commission of West African States (ECOWAS). The Secretariat replied by informing Mauritania, that under the terms of Article 91 of the Revised Treaty, a member state wishing to withdraw from the community is bound by the following:

To give one year's notice to the Executive secretary who shall inform the other members accordingly; the withdrawal becomes final and complete where the notice is not withdrawn, within that one-year period (ECOWAS, 1999).

The Secretariat also wrote to all other member states, notifying them of this development. By the provision of the Treaty therefore, the Islamic Republic of Mauritania was obliged to fulfil all its obligations, particularly its financial obligations to the Community, which were outstanding.

IMF

The International Monetary Fund provides for members to withdraw from the Fund at any time by transmitting a notice in writing to the Fund at its principal office and withdrawal shall become effective on the date such notice is received. Also, the International Monetary Fund provides

for the compulsory withdrawal of members where a member fails to fulfil any of its obligations under the Agreement.

From the above we have been able to deduce that members of an international institution can withdraw at any time from the institution whether or not the treaty or constitution creating the institution provides for withdrawal of members from the institution. The only obligation of member states to the institution is to make their intention to withdraw known to the institution so that such withdrawal will not take the international institution by surprise.

4.0 CONCLUSION

We have been able to discuss the subject matter of this unit at some depth and you are encouraged to ruminates over the discussion and research other materials which will aid your understanding of the withdrawal of membership. We were able to explain that the withdrawal of members from an international institution can be voluntary or compulsory. A member can withdraw from an international institution at any time whether or not the treaty establishing the institution allows a member to withdraw from the institution. We examined withdrawal provisions in the treaties of some institutions including the European Union, United Nations, the Economic Community of West African States, and IMF.

5.0 SUMMARY

This unit focuses on withdrawal of members from international institutions. In summary, a member has a right to withdraw from the international institution it belongs to at any time without any restriction whether or not the treaty or constitution creating the institution provides for withdrawal of members. Some institutions like the EU and ECOWAS provide for withdrawal of members in their treaties, while others like the United Nations Charter do not provide for withdrawal of members. However, under the customary international law principle of *rebus sic stantibus* or “things standing thus” member states of international institutions are allowed to withdraw their membership even where the right to withdraw is not expressly provided for in the treaty of an institution.

6.0 TUTOR- MARKED ASSESSMENT

With relevant examples, provide a detailed explanation of withdrawal of members from an international institution.

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MODULE 3 FORMATION, GOVERNANCE, FINANCING AND DISSOLUTION OF INTERNATIONAL INSTITUTIONS

Unit 1	Formation of International Institutions
Unit 2	Governance of International Institutions
Unit 3	Financing of International Institutions
Unit 4	Dissolution and Transformation of International Institutions

UNIT 1 FORMATION OF INTERNATIONAL INSTITUTIONS

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	How an International Institution is Formed
4.0	Conclusion
5.0	Summary
6.0	Tutor- Marked Assessment
7.0	References/ Further Reading

1.0 INTRODUCTION

International institutions are formed to serve specific purposes. Formation here implies the coming into existence of something; specifically, the coming into existence of international institutions. Some international institutions were formed in the aftermath of the World War II while some were formed by treaties which gave them legal recognitions. Some international institutions are formed to promote trade and peace and so on. When an international institution is formed, it begins to grow, interact with the environment and tries to achieve the reason for its formation (Cho, 2007).

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- explain the formation of international institutions
- give examples of the formation of international institutions.

3.0 MAIN CONTENT

3.1 Formation of International Institutions

The main thrust of this unit is to discuss the formation of international institutions. Various international institutions have with them varied histories regarding their formation and *raison d'être*. This unit is better appreciated by providing relevant examples of how international institutions are formed.

United Nations

The origin of the United Nations is traceable to 1st January, 1942 when representatives of the 26 nations at war with the Axis powers met in Washington to sign the Declaration of the United Nations endorsing the Atlantic Charter and agreed not to make separate peace. The United Nations was formed in 1945 after the World War to replace the League of Nations to stop the war between countries and provide a platform for dialogue in solving international economic, social and humanitarian problem after 51 nations have ratified the United Nations Charter.

As an international institution, the UN is committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights. There are 193 members including every internationally recognised sovereign state in the world, apart from the Vatican City.

Despite the UN's mandate to maintain global peace and security, the Organisation has been heavily criticised for several gross failures. For example, during the Rwandan genocide in 1994, 800,000 people were killed while the UN did very little to intervene or prevent the genocide.

SELF-ASSESSMENT EXERCISE

Discuss the formation of the United Nations.

European Union

Three organisations are essential to the formation of the European Union: The European Coal and Steel Community (ECSC), the European Atomic Energy Community (EURATOM) and the European Economic Community (EEC).

After the Treaty of Rome was signed, the ECSC was accompanied by the European Atomic Energy Community and the European Economic Community. When the Treaty of Maastricht was signed in 1992, the ECSC, EURATOM and EEC were merged and became the European Union. The European Union was formed in order to raise Europe from

the ashes left by World War II. The major governments of the post-War continental Europe committed themselves to work on reducing the competitive pressures that led to the conflict. The first step they took was to unify the European coal and steel industries. Six years later, the Community for the unification was extended beyond the coal and steel industries and later gave birth to the EEC through the ratification of the 1957 treaty of Rome by France, Italy, Belgium, Netherlands, Luxembourg, and West Germany.

The Treaty of Rome is anchored on the vision of ending war and the division of the European continent. This treaty created a veritable framework for the construction of Europe into the future and a process of creating an ever closer union between the peoples of Europe.

SELF-ASSESSMENT EXERCISE

Why is the European Union regarded as a common market?

ECOWAS

The formation of the Economic Community of West African State dates back to 1963. This idea goes back to President William Tubman of Liberia, who made the call in 1964. An agreement was signed between Côte d'Ivoire, Guinea, Liberia and Sierra Leone in February 1965, but this came to nothing. In April 1972, General Gowon of Nigeria and General Eyadema of Togo re-launched the idea, drew up proposals and toured 12 countries, soliciting their plan from July to August 1973. A meeting was then called at Lomé from 10-15 December 1973, which studied the draft treaty. This was further examined at a meeting of experts and jurists in Accra in January 1974 and by a ministerial meeting in Monrovia in January 1975. Finally, 15 West African countries signed the treaty for an Economic Community of West African States (Treaty of Lagos) on 28 May 1975. The protocols launching ECOWAS were signed in Lomé, Togo on 5 November 1976. ECOWAS, designated one of the five regional pillars of the African Economic Community (AEC), together with COMESA, ECCAS, IGAD and SADC, signed the Protocol on Relations between the AEC and RECs in February 1998.

World Bank

The World Bank was created at Bretton Woods in 1944 to lend to European countries to help them rebuild after World War II. It was the world's first multilateral development bank, and was funded through the sale of world bonds. Its first loans were to France and other European countries, but soon lent money to Chile, Mexico and India to build power plants and railways. The World Bank came into full existence on 27th of December by 1945 following international ratification of the

Bretton Woods agreements, which emerged from the United Nations Monetary and Financial Conference.

The Bank however created five institutions namely International Bank for Reconstruction and Development, International Development Association, International Finance Corporation, Multilateral Investment Guarantee Agency, International Centre for Settlement of Investment Disputes. The World Bank also lent money to countries to help with family planning, pollution control and environmentalism (Amadeo, 2012). The Bank also provides low-interest loans, interest-free credits and grants to developing countries. The World Bank has a membership of 193 members.

General Agreement on Tariffs and Trade

Another international institution we shall be discussing is the General Agreement on Tariffs and Trade. The General Agreement on Tariffs and Trade (GATT) was formed in 1947 and signed into international law on January 1948. GATT remained one of the important features of international trade agreement until it was replaced by the World Trade Organisation on January 1, 1995. The foundation for GATT was laid by the proposal of International Trade Organisation in 1945. When GATT was concluded by 23 countries at Geneva, in 1947 (to take effect on Jan. 1, 1948), it was considered an interim arrangement pending the formation of a United Nations agency to succeed it. When such an agency failed to emerge, GATT was amplified and further enlarged at several succeeding negotiations. It subsequently proved to be the most effective instrument of world trade liberalisation, playing a major role in the massive expansion of world trade.

The General Agreement on Tariffs and Trade (GATT) was implemented to further regulate world trade to aid in the economic recovery following the world war II. GATT's main objective was to reduce the barriers of international trade through the reduction of tariffs, quotas and subsidies.

IMF

The last international institution we shall be discussing its formation is the International Monetary Fund. During the Bretton Woods Conference, agreements were signed to establish the International Monetary Fund (IMF), International Bank for Reconstruction and Development (IBRD or World Bank), and the General Agreement on Tariffs and Trade (GATT).

The International Monetary Fund came into existence on December 27, 1945, when 29 countries signed the treaty called **Articles of Agreement**. In 1946, the board of governors convened the first meeting of the IMF in Savannah, Georgia, U.S., to elect its executive directors

and decide the location of the organization's permanent headquarters and to draft the bylaws. They decided to select Washington D.C. as the permanent headquarters of the IMF. The financial operations of the IMF started on March 1, 1947. The statutory goals of the IMF are to oversee exchange rates, giving financial and technical assistance to the member countries and to address global economic problems.

IMF, which started with 29 countries as its members, now has a membership of 182. Countries seeking membership of the IMF have to deposit a particular amount as subscription fee to the fund and have to comply with the stipulated conditions. The other sources of income are loan repayments from debtor countries, gold reserves and requested resources from its shareholders. This amount is used by the IMF in providing financial assistance. In 1952, IMF had effected some changes to its drawing policies. The concept of structural adjustment loans that helped the borrowing government to adjust the economic structure, was introduced, and was modified in 1956. From 1956 till date, lending operations remain one of the main functions of the IMF and various changes have been incorporated to its drawing policies. Since its inception, the IMF has provided financial aid to various countries facing economic problems. The organisation still adheres to its objectives and tries to bring about a positive change in the global economic scenario.

4.0 CONCLUSION

International institutions are formed in different ways and for different reasons; some international institutions were formed by nations signing a treaty, while some international institutions were formed after the World War II. We looked at the formation of several international institutions like the Economic community of West African States, International Monetary Fund, General Agreement on Tariffs and Trade, World Bank and so on. We also discussed the various reasons for the formation of these institutions as institutions cannot be formed without a reason.

5.0 SUMMARY

There is a reason for everything, and there is a history to everything. International institutions are formed for a purpose and to meet a purpose. Some international institutions were formed after the World War II while others were formed as a result of a treaty signed by nations.

6.0 TUTOR- MARKED ASSESSMENT

With relevant examples, advanced detailed explanation for the formation of international institutions.

7.0 REFERENCES AND FURTHER READINGS

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UNIT 2 GOVERNANCE OF INTERNATIONAL INSTITUTIONS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main content
 - 3.1 Governance of International Institutions
 - 3.1.1 Governance in the World Bank
 - 3.1.2 Governance in the European Union
 - 3.1.3 Governance in the African Union
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor- Marked Assessment
- 7.0 References/ Further Reading

1.0 INTRODUCTION

The number of international institutions has increased dramatically in the recent years. One of the important issues associated with the creation of these institutions involves the allocation of responsibility for their management and implementation. Specifically, the question involves the roles that some actors play in the operation of such institutions. Some commentators suggest that the role of such actors in the governance of international institutions has expanded in the recent years. At the end of this unit, you will understand the governance of international institutions.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- explain governance in international institutions
- give examples of some international institutions and how such institutions are governed.

3.0 MAIN CONTENT

3.1 Governance of International Institution

Governance of international institution is very important as many international institutions are springing up. Governance in this sense implies the ways in which decisions are made and ways in which decisions are implemented. Governance of international institutions also means good quality management. Oran Young defines governance as “establishment and operation of ...rules of the game that serves to define social practices, social practices, assign roles and guide interactions”.

However, if international institutions are going to be more participatory, accountable and transparent it is important for them to be well governed.

3.1.1 Governance in the World Bank

The World Bank is governed by a Board of Governors, consisting of one governor for each of the 185 member states. Each member state appoints a governor and alternate, who each serve a term of 5 years. The World Bank is managed by a president, two managing directors and over 20 vice presidents. While all its members own the World Bank, only a few controls and make decisions. Unlike the United Nations which is governed on the principle of "one country one vote" the World Bank relies on a "one dollar, one vote" system. The Bank is therefore effectively controlled by a few donor countries, led by its largest donor the United States. Most of the bank's operational decisions which affect the lives of millions daily are made by over 10,000 World Bank staff most of who are based at its head office in Washington DC, USA.

3.1.2 Governance in the European Union

Dr. Bruno Bandulet in a speech delivered on "How the European Union is being Governed" described the European Union as a hermaphrodite, actually a juridical monster that is difficult to grasp. He described the European Union as democratically non-legitimated soviet government dictatorship since decisions are made in committees, councils, and commissions. The European Union is not democratic but governed by councils, committees and commissions (Bandulet, 2001).

The Council of the EU

The Council consists of ministers representing the member states. It adopts legislative acts (Regulations, Directives, etc.), in many cases in "co-decision" with the European Parliament. The Council has the responsibility of various remits. It helps coordinate Member States' policies, for example, in the economic field it develops the common foreign and security policy, on the basis of strategic guidelines set by the European Council. Moreover, it concludes international agreements on behalf of the Union and adopts the Union's budget, together with the European Parliament. The European Council defines general political guidelines and it takes decisions that require resolution or impulsion at that political level. The European Council decides by consensus, except if the Treaties provide otherwise. In some cases, it adopts decisions by unanimity or by qualified majority, depending on what the Treaty provides for. The presidents of the European Council do not have a vote. The European Council elects its President by qualified majority. The President's term of office is two and a half years, renewable once. The

European Council meets at least every 6 months usually in Brussels though its president can convene a special meeting if needed.

The European Parliament

The 736 Member of the European Parliament (MEPs) are elected once every five years by voters right across the 27 Member States of the European Union on behalf of its 500 million citizens. The President is elected for a renewable term of two and a half years, and represents the European Parliament vis-à-vis the outside world and in its relations with the other EU institutions. Members of the European Parliament sit in political groups- they are not organised by nationality, but by political affiliation. In order to do the preparatory work for Parliament's plenary sittings, Members are divided among a number of specialised standing committees. The European Parliament has three main roles. It debates and passes European laws, with the Council and scrutinises other EU institutions, particularly the Commission, to make sure they are working democratically. Moreover, it debates and adopts the EU's budget, with the Council.

European Commission

The Treaty of Rome gives to the Commission the sole right of legislative initiative, that is, to propose the text for laws to the Parliament and the Council. The Commission has also been called the "watchdog" because it has to ensure that the community's treaty and laws are applied. The treaty of Rome requires also that its independence of any outside interests be "beyond doubt". The President is nominated by the European Council. The Council also appoints other Commissioners in agreement with the nominated President. The Commission is in Brussels and Luxembourg and has offices (representations) in every EU country and delegations in capital cities around the world.

3.1.3 Governance in the African Union

African Union Charter talks about the governance of the institution. It provides that one of the objectives of the institution is to promote good governance in the institution. The Economic Community of West African States is governed by the Conference of Heads of states and government being the highest governing authority of the commission. The conference meets annually and the chairman is elected in turn from a member state. The council of ministers is also responsible for the community operations and meets twice a year.

Pan-African Parliament

This is regarded as the highest legislative body of the African Union. With headquarters at Midrand, South African, the Parliament is

composed of 265 elected representatives from all 54 AU states, and is intended to provide popular and civil-society participation in democratic governance.

Assembly of the African Union

This is composed of heads of state and heads of government of the AU states, the Assembly is currently the supreme governing body of the African Union. It meets once a year and makes decisions by consensus or by a two-thirds majority.

African Union Authority

The secretariat of the African Union, composed of ten commissioners and supporting staff and headquartered in Addis Ababa, Ethiopia. It is responsible for the administration and coordination of the AU's activities and meetings.

African Court of Justice

The Constitutive Act provides for a Court of Justice to rule on disputes over interpretation of AU treaties.

Executive Council

Composed of ministers designated by the government of members states. It decides on matters such as foreign trade, security, food, agriculture and communications, is accountable to the Assembly, and prepares material for the Assembly to discuss and approve.

4.0 CONCLUSION

Different international organisations exhibit different governance structures. In this unit, we have learned the various governance structures in the World Bank, European Union and the African Union. Although we have only provided a skeleton of such structures, it is imperative to understand that such structures are really complex indeed. Governance structures demand the creation of specialised institutions involving the allocation of responsibility for their management and implementation.

5.0 SUMMARY

In this unit, we have paid close attention to the growing importance of governance of international institutions. The creation of governance institutions is underscored by the fact that there is need to allocate responsibility for management and implementation. The examples of the World Bank, the European Union and the African Union show such governance institutions.

6.0 TUTOR-MARKED ASSIGNMENT

What are the differences and similarities between the governance structures in the European Union and the African Union?

7.0 REFERENCES/FURTHER READING

Cho, S. (2007). "Toward an Identity Theory of International Organisations. Available at papers.ssrn.com/sol3/Delivery.cfm%3. Accessed March 15, 2007

UNIT 3 FINANCING OF INTERNATIONAL INSTITUTIONS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Financing of International Institutions
 - 3.1.1 Financing Through Members Voluntary Contribution
 - 3.1.2 Financing Through Members Compulsory Contribution
 - 3.1.3 Financing by Borrowing (Loans)
 - 3.1.4 Financing of International Institutions by the Governments
 - 3.1.5 Financing of International Institutions by Endowments
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Reading

1.0 INTRODUCTION

In the third unit of this module, we shall focus on the financing of international institutions; simply put, how international institutions are funded. An institution cannot survive without some form of assistance, financial, moral, social and so on. But in this unit, our attention will focus on how international institutions are funded. Examples of how specific international institutions are funded, will be discussed

For international institutions to carry out their specific functions and to achieve the purpose for which they were set up, they need to be adequately financed. International institutions are financed in several ways; they could be financed by the governments, by the members either voluntarily or compulsory payments as well as through sister institutions financing.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- explain different ways in which international institutions can be funded
- give examples of how international institutions are funded.

3.0 MAIN CONTENT

3.1 Financing International Institutions

International institutions need to be financed to enable them carry out their objectives effectively. They can be financed in various ways. As we proceed, we shall consider the different ways in which international institutions are financed.

3.1.1 Financing through Members' Voluntary Contribution

Some international institutions are voluntarily financed by their members without the international institutions inscribing any clause in the treaty compelling members to contribute to the financing of the institutions. Some members voluntarily finance their international institutions whether or not there is a clause compelling members to contribute to the financing of the institution.

Financing of international by members is far more important than the other means of financing. It is important for members to contribute voluntarily to the financing of the international institution to help the international institution achieve the objectives for which it was created.

3.1.2 Financing through Members' Compulsory Contribution

Some international institutions make it compulsory for member states to finance the international institution. Some of them even inscribe it in the treaty or constitution establishing the international institution that it is compulsory for members to finance the international institutions. We shall however be looking at some examples of these institutions to allow you to grasp what we are discussing.

Some international institutions provide a definite sum for each member states to contribute if this is inclined in the constitution or treaty establishing the institutions. However, it is suggested that where such international institution puts a clause in the treaty or constitution establishing the institution asking members to compulsorily contribute to the financing of the international institution, a sanction should also be provided for erring member states that fails to contribute. Some of the sanctions that can be imposed on erring members that defaults in contributing to the financing of international institutions are:

- loss of rights: the loss of right is confined to loss of voting in all instances
- loss of privileges
- loss of services of membership

- loss of membership itself
- expulsion would have been preferred but it will be a severe punishment.

The United Nations spends more money than any other international institution. It however expects its members to contribute to the financing of the institution. Usually it is simply stated that the members shall contribute sums to be fixed by the organisation. In UN's charter, for instance, the exact words are: "The expenses of the organisation shall be borne by the members as apportioned by the General Assembly" (Article 17(2) of the United Nations charter). Where a member states fails to contribute, the United Nations imposes sanctions like withdrawal of the member state voting rights, but if the failure to pay is due to conditions beyond the member's control, the General Assembly of UN may permit retention of the voting power (Article 19 of the United Nations Charter).

The UN charter has tried to prevent such a contingency by providing that if a country's arrears equals or exceeds the contributions due from it for the preceding two full years, it will lose its vote in the General Assembly and presumably also, if it has membership there, in the Security Council (Sumberg, 1946:276- 306).

Member states of the United Nations also make voluntary contributions to specialised agencies of the United Nations such as the United Nations Educational Scientific and Cultural Organisation (UNESCO) and the World Health Organisation. The International Monetary Fund is financed by assigning quotas to each of its member states based broadly on its relative position in the world economy. A member country's quota determines its maximum financial commitment to the International Monetary Fund, its voting power, and has a bearing on its access to International Monetary Fund financing. When a country joins the International Monetary Fund, it is assigned quota just like the quota of the existing members. The largest member of the International Monetary Fund is the United States with a current quota of Special Drawing Rights of 42.1billion.

The International Monetary Fund relies principally on the three main sources of finance:

- (i) loan repayments (interest charges from debtor countries)
- (ii) gold reserves
- (iii) requested resources from its shareholders

Article 71 of the Economic Community of West African States provides for members compulsory financing of the institution. It provides that the

institution shall be financed from the community levy and such other sources as may be determined by the council. Until the entry into force of the community levy the budget of the ECOWAS was financed by the annual contributions from member states. But note that primarily the community's levy is the main source of finance for the ECOWAS institutions.

3.1.3 Financing by Borrowing (loans)

Some international institutions are financed by granting loans to member states of the international institutions charging interest on such loans. The interests are however used to finance the institution. We shall however be considering some international institutions that are financed through loans.

Like any other creditor, the International Monetary fund receives most of its finance from the periodic interest charges that are paid by nations who borrow from the fund. For examples, countries borrowing money from the International Monetary Fund pay 4.5% of interest on the loan taken in addition to service charges. These charges are used to pay out interest to the country whose quota was used to provide loan, after this any remaining sum will go to the International Monetary Fund. For example, the International Monetary Fund received over 2.7 billion SDR (Special Drawing Rights) as a special type of International Monetary Fund currency, the value of which is based on a basket of international currencies in periodic interest payments, while paying approximately 1.4 billion Special Drawing Rights in remuneration, leaving a remaining sum of around 1.3 billion Special Drawing Right for the International Monetary Fund.

SELF-ASSESSMENT EXERCISE

Identify international institutions that are funded through granting of loans.

3.1.4 Financing of International Institutions by the Governments

Another mode of financing international institutions is by the government. The Japanese government is one of the largest sponsors of international institutions. It contributes substantial funds to multilateral financing institutions. The government has made extensive contributions to constructing project in developing countries through these international institutions. However, the number of projects awarded to Japanese construction firms from these international institutions has

been extremely small, compared to the substantial contributions made by the Japanese government to those countries.

3.1.5 Financing of International Institutions by Endowments

Some international institutions are financed by endowments. Here we shall be discussing about how international institutions are financed by endowments. Some endowments may come with stipulations regarding how they should be used; sometimes they are required to be spent in a certain way or to be invested with the principal sum to remain intact in perpetuity or for a stipulated period of time. However, institutions can be financed by different types of endowments which are:

- True endowment funds which are received from external donors with restrictions that the principal or gift amount is to be retained in perpetuity and cannot be spent.
- Term endowment funds which allows all or part of the principal to be expended only after the expiration of a stated of time or occurrence of a specified event, depending on the donor wishes
- Quasi endowment funds must retain the purpose and intent as specified by the donor or source of the original funds and earnings may be expended only for the specified purpose.

3.1.6 Financing of international institutions by aids and grants

As the name implies, aids and grants are some of the means and forms of assistance. International institutions are financed by certain aids and grants they receive from nations or some donors.

4.0 CONCLUSION

In this unit we have been discussing the financing of international institutions. We highlighted the various means by which international institutions are financed. It is my own submission that contributions by member states should be made compulsory in order to help international institutions achieve its aims and objectives for which it was created and where a member states defaults in contributing to finance the institution, such member should be sanctioned.

5.0 SUMMARY

International institutions can be financed by various means. In this unit, we have identified some of these ways. The reason why international institutions need to be financed is to allow them achieve the aims and objectives for which they were established in the first instance.

6.0 TUTOR- MARKED ASSESSMENT

List the various ways by which international institutions are financed.

7.0 REFERENCES/FURTHER READING

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UNIT 4 DISSOLUTION AND TRANSFORMATION OF INTERNATIONAL INSTITUTIONS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Dissolution and Transformation of International Institution
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor- Marked Assessment
- 7.0 References/ Further Reading

1.0 INTRODUCTION

International institutions are formed and some of them get dissolved after a period or after they must have accomplished the purpose of their establishment or formation. Besides, International institutions sometimes get dissolved if they cannot achieve their purpose or if they were formed to exist for a particular period of time. After these international institutions are dissolved, some of them are transformed. Although some international institutions are generally created for longer periods of time, usually without any definite time in mind (An exception is the ECSC, created initially for a period of fifty years, although with the possibility of continuation,) not all of them manage to survive indefinitely. Some simply fizzle out without being succeeded in any way.

In other cases, international institutions are remodelled to cope with new or unexpected demands, or are succeeded by new entities providing similar services and exercising similar functions of their predecessors. The most famous example is, the League of Nations which, for all practical if not all legal purposes, has found a successor in the United Nations.

The main question is when an international institution dissolves, do they continue to exist and if so how? Will their assets be distributed? Who has the power to decide on the issues of dissolution? Does the power solely rest on the member states or the institutions?

3.0 MAIN CONTENT

3.1 Dissolution and Transformation of International Institution

It would be a good idea if the charter or treaty establishing an international organisation could state when the institution should be dissolved, how the institution should be dissolved, and what procedure should the dissolution of the institution take. And understandably so, an international institution is established to view its performance and existence rather than its demise. It is difficult to get member states of an institution to agree on what the institution is to do and how it should be done talk less of getting member states to discuss about dissolution of the institution.

There are, however, exceptions. Thus, Article VI, Para. 5, of the Articles of Agreement of the World Bank provides for a 'permanent suspension' and subsequent ceasing of all activities of the Bank upon a majority decision of its Board of Governors, and outlines in detail what will happen with the outstanding obligations. Similarly, Article XXVII, s. 2, of the Articles of Agreement of the IMF provides for its liquidation by decision of the Board of Governors, presumably by majority vote. On the other hand, the organisation has a right to terminate its existence whether or not its constitution provides for it. On this, the decision to dissolve an international institution should follow the regular decision making in an institution, or where several procedures exist one of such procedures should be followed.

It could be argued, for example, that termination of the EC would only be possible upon a proposal by the Commission and upon the advice (perhaps even the assent) of the European Parliament; while, with respect to the UN, such an approach would amount to, probably, a decision by the General Assembly upon the recommendation of the Security Council. A member state or member states of an international institution cannot terminate the institution without the institution consent. Where an institution is dissolved it is sometimes transformed and a successor takes the place of the former institution.

Dissolution without transfer of functions of assets and liabilities to a newly or existing institution is rare. And dissolution without transformation is most likely to occur. In addition, before an institution dissolves, its continued existence must have become untenable.

Also a typical case is the ECSC, which disappeared simply due to the expiration of its founding document. The Nice Treaty will keep a number of the ECSC provisions alive (mainly about those things the

ECSC shared with the other Communities), but ECSC will disappear as a separate organisation. A special protocol was concluded to deal with the financial ramifications: The Protocol on the financial consequences of the expiry of the ECSC Treaty and the research fund for coal and steel. The Protocol provided that assets and liabilities of the ECSC, as they existed in July 2002, would transfer to the EC which, in turn, would use the net worth to set up a Research Fund for Coal and Steel.

More so, international institutions can be dissolved according to the mode of dissolution provided by its articles of association, charter or by-laws. The constitution or bylaws of such institution serves as a contract between the institution and its members. The members are bound by the byelaws and presumed to be knowledgeable about the laws.

As stated earlier, whether or not the constitution, charter or bylaws are silent as to the methods of dissolution, the consent of majority of the members are needed to effect the dissolution of the institution. The general rule is that the absence of a stipulation as to the mode of dissolution in the treaty, constitution or charter of the institution may only be dissolved by the consent of members of the institution.

However, from the above we can conclude by saying that international institutions can be dissolved in three ways:

- a. By unanimous decision of its organs
- b. By consent of its member states
- c. By mere disuse

Once an international institution is dissolved, it ceases to exist. If a new international institution is established in order to fulfil the task of the dissolved one, the latter is generally fully replaced by the former. Examples of such all-embracing succession are provided by the International Institute of Agriculture (IIA) when replaced by the Food and Agriculture Organization of the United Nations (FAO) in 1946 and by the Organisation of the African Union when replaced by the newly established the African Union (AU) in 2002. That same year, all functions of the dissolved the European Coal and Steel Community (ECSC) were absorbed by the pre-existing EC.

In practice, the functions of the replaced organisation are often divided among several other international organisations. In 1947, the United Nations Relief and Rehabilitation Administration (UNRRA) transferred its functions to the International Refugee Organisation (IRO), the World Health Organization (WHO), the FAO and the United Nations Children's Fund (UNICEF). Another example of transformation is the liquidation of the League of Nations which became the United Nations.

Transformation usually occurs when an institution gets dissolved and the assets and liabilities of the institution and also the functions are transferred to some other institution having the same objectives as the former institution that is dissolved. For a transfer of functions to take place, a reduction of the predecessor's functions and the assumption of those roles by the successor must occur. The functional loss and assumption must be legally identical in content and nature, whereas the legal personalities of the predecessor and the successor organisation must differ. It is important to note that the transfer of functions is the transfers of full responsibility and obligations. Also the institution that the predecessors' functions and obligation is transferred to cannot assume a right different from the rights enjoyed by the predecessor. To give us a better understanding of the subject matter of this unit we shall be considering the case study of the League of Nations and the United Nations.

Though the charter of the United Nations was created on the 24th of October 1945, whereas, the League of Nations Assembly decided on its dissolution on 18th of April 1946, the United Nations filled the spot left by the League of Nations; its functions were similar just with few differences. To the extent that a transfer of functions, assets and liabilities and staff occurred and it took place on the basis of mutual agreement of the two institutions.

SELF-ASSESSMENT EXERCISE

Explain with various reasons why an international institution could be dissolved.

4.0 CONCLUSION

In this unit, we have discussed the dissolution of international institutions. International institutions can be dissolved for various reasons: although some provide for the dissolution in the constitution, charter or treaty creating the institution, others do not provide for the dissolution. It is suggested that dissolution should be done with the consent of the members of the institution. Also where an institution is dissolved and it is later transformed, that is when the rights, functions and obligations of the predecessor institution is transferred to a new institution, it is suggested that that new institution should not exceed the rights and obligations of the predecessor institution.

5.0 SUMMARY

We have discussed the dissolution of international institutions. Just as human beings die, international institutions get dissolved if they have

fulfilled the objectives for which they were created or if they were established to exist for a specific period of time. We also mentioned that when an international institution is dissolved, it ceases to exist. We however gave example of the League of Nations which got dissolved and became the United Nations. An international institution can simply be dissolved in three ways: by the unanimous decision of its organs, by the consent of its members and by mere disuse. Note that when an international institution is dissolved it rarely ceases to exist totally as it may undergo transformation which involves transferring its functions, obligations, assets and liabilities to another institution that has the same objective as it does to continue with its work while some international institutions when they are dissolved it leads to the creation of a new institution which carries on its functions and its obligations.

6.0 TUTOR-MARKED ASSIGNMENT

Briefly explain what is meant by dissolution and transformation of international institution.

7.0 REFERENCES/FURTHER READING

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MODULE 4 FUNCTIONS AND STRUCTURE OF INTERNATIONAL INSTITUTIONS

Unit 1	Functions of International Institutions
Unit 2	Structure of International Institutions
Unit 3	Why states acts through International Institutions

UNIT 1 FUNCTIONS OF INTERNATIONAL INSTITUTIONS

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Functions of International Institutions
4.0	Conclusion
5.0	Summary
6.0	Tutor- Marked Assessment
7.0	References/ Further Reading

1.0 INTRODUCTION

International institutions have defined functions that enable them achieve the overall objective which they were set up to accomplish. When international institutions are created, they are intended to perform some specific function or functions. In this unit, we shall carefully look at functions of some international institutions like the United Nations, European Union, the World Bank, and International Monetary Fund etc. Some of these international institutions have their functions embedded in their charter, treaties or constitution establishing them while some do not. More so, before a state becomes a member of an international institution, such a state must look at the aims and objectives of such international institutions and its role in such international institutions.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- state and explain the functions of some international institutions
- give examples of functions performed by international institutions.

3.0 MAIN CONTENT

3.1 Functions of International Institutions

In this section, we shall look at the functions performed by various international institutions.

3.1.1 United Nations

The first international institution we shall be considering is the United Nations. The United Nations was actually formed at the end of the World War II as a successor of the League of Nations.

There are three major functions of the United Nations that we shall consider:

- to preserve international peace
- to solve economic, social, political problem through international peace
- to promote respect for human rights
- render humanitarian assistant.

To preserve international peace

The main function of the United Nations is to maintain and preserve peace and security in all its member states. Chapter 6 of the Charter provides for pacific settlement of disputes through the intervention of the Security Council by means such as negotiation, mediation, arbitration, and judicial decision. The duty of the Security Council is to investigate any dispute or situation that will endanger international peace and security. In the post-cold war periods, a lot of appeals to the United Nations for peace keeping have increased. Notwithstanding the role of the United Nations in the maintenance of peace and security., any member states or a country which is not a member of the United Nations can report any issue to the United Nations which has to do with any situation that will endanger international peace. Though the United Nations does not maintain its own military, it does have peace keeping forces which are supplied by its member states. On approval of the United Nations Security Council, these peace keepers are often sent to regions where armed conflict has recently ended to discourage combatants from resuming fighting. In 1988, the peace keeping force won a Nobel peace prize for its actions.

Render humanitarian assistant

In conjunction with some organisations such as the Red Cross, the United Nations provides humanitarian assistance to disasters afflicted areas, especially where wars or riots have taken place. These agencies

include the World Food Organisation and the High Commissioner for Refugees, the World Health Organisation, UNAIDS, the United Nations helps to fight AIDS, Tuberculosis and Malaria. The member states of the United Nations have all agreed to achieve these goals, reducing mortality rate and fighting diseases.

To solve economic, social, political problem through international peace

The United Nations plays an important role in social and economic development through its united development program. This is the latest source of technical grant assistance in the world. The United Nations has however established what is called millennium development goals, the member states have all agreed to achieve this goals and reduce poverty.

To promote respect for human rights

One of the main reasons for setting up the United Nations was for the promotion of the human rights. After the genocide of the Second World War, the United Nations charter enjoined member states to promote universal respect for, and observance of human rights. The Universal declaration of human rights though not legally binding was adopted by the General Assembly in 1948, as a common standard of achievement for all.

3.1.2 World Bank

Soumya Singh highlighted seven functions of the World Bank which are:

- a. Granting reconstruction loans to war devastated countries
- b. Granting developmental loans to underdeveloped countries
- c. Providing loans to governments for agriculture, irrigation, power, transport, water supply, education, health, etc.
- d. Providing loans to private concerns for specified projects
- e. Promoting foreign investment by guaranteeing loans provided by other organisations
- f. Providing technical, economic and monetary advice to member countries for specific projects
- g. Encouraging industrial development of underdeveloped countries by promoting economic reforms.

The World Bank is a financial institution that provides financial and technical assistance programs such as bridges, roads, and school etc. The major function of the World Bank is to eliminate poverty and to provide assistance to the poor by offering loans, policy advice and technical assistance, therefore the first loan that was given by the World Bank was \$250 million to France to help to help rebuild their country after the

World War II. The World Bank grants two types of loans which are investment loans and developmental policy loans.

3.1.3 International Monetary Fund

The International Monetary Fund is a financial international institution that was created on July 22, 1946. The major function of the International Monetary Fund is to stabilise exchange rates and assist the reconstruction of the world's international payment system. The functions of the International Monetary Fund however include:

- a. Fostering global monetary cooperation
- b. Secure financial stability
- c. Facilitate international trade
- d. Promote high employment
- e. Sustain economic growth by promoting international economic cooperation.
- f. Reduce poverty

Soumya Singh also highlighted five functions of the international monetary fund which are:

- (i) Providing short terms credit to member countries for meeting temporary difficulties due to adverse balance of payments
- (ii) Reconciling conflicting claims of member countries
- (iii) Providing a reservoir of currencies of member countries and enabling members to borrow on another's currency
- (iv) Promoting orderly adjustment of exchange rates
- (v) Advising member countries on economic, monetary and technical matters

Furthermore, the International Monetary Fund works to foster global growth and economic stability. It provides policy advice and financing to members in economic difficulties and also works in developing nations to help them achieve macroeconomic stability and reduction of poverty. The main functions of the IMF include:

- To provide financial assistance to countries that experience serious financial difficulties. Member states with balance of payments problems may request for loans and/ or organisational management of their national economies.
- To oversee the fixed exchange rates arrangements between member states, thus helping national government to manage their exchange rates and allowing these governments to prioritize economic growth and also provide short-term capital to aid

balance of payments. This assistance was meant to prevent the spread of economic crises. The fund was also intended to help mend the pieces of the international economy post the great depression and World War II of international economy post.

3.1.3 European Union

The European Union was created in the aftermath of the World War II in response to economic, social and political devastations that resulted from nationalist division in Europe.

The European Commission identifies three functions of the European Union which are:

- Initiating proposal for legislation
- Guardian of the treaties
- Manager and executor of the Union policies and of international trade relationships.

The overall function of the European Union is to create and implements laws and regulations that integrate the member states of the European Union.

3.1.4 Economic Community of West African States

The Economic Community of West African States was created by the Treaty of Lagos on the 28th May 1975. This international institution was created to promote economic integration, trade, national cooperation, and monetary union, for growth and development throughout West Africa.

According to Nwosu (2010), the functions of the Economic Community of West African States are to promote economic integration in all field including industry, agriculture, transport, commerce, telecommunication, natural resources and economic activities.

Article 3 of the treaty of ECOWAS (ECOWAS, 1993) states the functions of the Economic community of West African include:

- to promote cooperation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations among Member States and contribute to the progress and development of the African continent;

- to harmonise and coordinate national policies and the promotion of integration programmes, projects and activities, particularly in food, agriculture and natural resources, industry, transport and communications, energy, trade, money and finance, taxation, economic reform policies, human resources, education, information, culture, science, technology, services, health, tourism, legal matters;
- to promote of the establishment of joint production enterprises;
- to harmonize and coordinate policies for the protection of the environment;
- to establish a common market through:
 - (i) the liberalization of trade by the abolition, among Member States, of customs duties levied on imports and exports, and the abolition among Member States, of non-tariff barriers in order to establish a free trade area at the Community level;
 - (ii) The adoption of a common external tariff and, a common trade policy *vis-à-vis* third countries;
 - (iii) The removal, between Member States, of obstacles to the free movement of persons, goods, service and capital, and to the right of residence and establishment.

SELF-ASSESSMENT EXERCISE

What are the main objectives of the Economic Community of West African States?

3.1.5 African Union

The main objectives of the African Union are to get rid of the remaining vestiges of colonisation and apartheid. However, the functions of the African Union are:

- To promote unity and solidarity among African States
- To coordinate and intensify cooperation for development
- To safeguard the sovereignty and territorial integrity of member states
- To promote international cooperation within the framework of the United Nations.
- The eradication of child labour in African states
- Promotion of gender equality

4.0 CONCLUSION

Every international institution has its aims and objectives and specific functions it performs. In this unit, we have discussed the functions

performed by selected international institutions. However, some of these international institutions have their functions embedded in the treaty, constitution or charter establishing the institution while others do not. It is however suggested that international institutions should have their functions embedded in the charter, institutions or treaties establishing them.

5.0 SUMMARY

This unit has discussed the various functions of international institutions. These functions are germane since they constitute the *raison d'être* of the organisation. We have considered the functions of such international institutions like the United Nations, African Union, European Union, the World Bank, the International Monetary Fund and the Economic Community of West African States.

6.0 TUTOR-MARKED ASSESSMENT

What are the main functions of the United Nations?

7.0 REFERENCES/FURTHER READING

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UNIT 2 STRUCTURE OF INTERNATIONAL INSTITUTIONS

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- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
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 - 3.1.1 The Structure of the ECOWAS
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor- Marked Assessment
- 7.0 References/Further Reading

1.0 INTRODUCTION

The structure of an international institution is of importance in understanding the modus operandi of such international institution. This structure consists of the various parts or organs of an institutions starting from the head to the least organ in the institution. In this unit, we shall examine the structures of various international institutions. The structures of these international institutions perform different functions.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- describe the structures of some international institutions
- explain the functions of structures of some of these international institutions.

3.0 MAIN CONTENT

3.1 Structures of International Institutions

We mentioned earlier that no two international institutions have the same structures. The structures of international institutions are assigned different functions to help the institution achieve the aims for which it was established.

The first international institution we shall be considering is the Economic Community of West African States.

3.1.1 The Structure of the ECOWAS

The Economic Community of West African States consist of Heads of State and Heads of Government, the Council of Ministers, the Community Tribunal, the ECOWAS Parliament, the Executive Secretariat and six specialised commissions.

The Authority of the Heads of State and Government of member states is the supreme institution of the Economic Community and it comprises of the Heads of State and/or Government of the member states. The authority of heads of state is responsible for the direct management and control of the community and takes all measures to see that the aim of the institution is achieved. The authority does the following (ECOWAS, 2005):

- determines the general policy and major guidelines of the community, gives directives
- harmonizes and co-ordinates, the economic, scientific, technical, cultural and social policies of members
- delegates to the council, where necessary, the authority to take such decisions as stipulated in the Treaty
- oversees the functioning of the community institutions and follow-up implementation of community objectives
- appoints executive secretary in accordance with the provisions of the Treaty
- exercises any other power under the treaty.

The Council of Ministers

The Council of Ministers is one of the structures of the Economic Community of West African States. It comprises of Ministers in charge of ECOWAS affairs and any other development of the community. The Council, unless otherwise provided in a treaty is expected to:

- make recommendations to the Authority on any action aimed at attaining the objectives of the community
- appoint all statutory appointees other than the Executive secretary
- issue directives on matters concerning coordination and harmonisation of economic integration policies
- make recommendations to the Authority on the appointment of External Auditors.
- prepare and adopt its rules of procedure;
- carryout all other functions assigned to it under this treaty, and exercises all powers delegated to it by the Authority.

The Council is expected to meet at least twice a year in ordinary session.

The Tribunal

The Tribunal is another structure of the ECOWAS, whose composition and competence are determined by the authority of Heads of state and government. The tribunal interprets the provisions of the treaty and settles disputes between member states that are referred to it.

The Executive Secretary

The Executive Secretary is the fourth structure of the ECOWAS. The Executive Secretary is elected for a four-term, which may be renewed once only (ECOWAS, 1993). The restructuring of the Executive Secretariat was approved at the summit in December 1999.

Specialised Commissions

Specialised Commissions are other part of the structure of the ECOWAS. The following are the commissions established within the Economic Community of West African States:

- Food and Agriculture
- Industry, Science and Technology and Energy
- Environment and Natural Resource
- Transport, Customs, Taxation, Statistics, Money and Payments
- Trade, Customs, Taxation, Statistics, Money and Payments
- Administration and Finance Commission

Each of these commissions comprises of representatives of each member state.

Community of Court of Justice

The ECOWAS established the Community of Court of Justice on October 1999. The Court addresses complaints from member states and institutions of the ECOWAS, as well as issues relating to default by member states of the Commission.

ECOWAS Parliament

The ECOWAS Parliament was convened in May 2003. The Parliament is constituted from the membership of the national parliaments of each member states. If the member loses their seat in the national parliament they would lose their seat in the regional parliament. The ECOWAS parliament is situated in Abuja.

3.1.2 The Structure of the EU

Various authors have given divergent numbers of the structures of the European Union. However, we will focus on six structures of the European Union.

- Presidency of the European Union
- European Parliament
- European Council
- Council of Ministers
- European Commission
- Court of Justice of European Union

The presidency of the European Union

The President of the European Union is occupied by a member state. It rotates between member states on a pre-arranged basis every six months, with groups of three Presidencies (the trio) co-ordinating their strategic priorities for the EU for 18 months at a time. The Member State with the EU Presidency chairs the meetings of the Council. The Presidency of the European Union is often confused with the President of the European Council, but they are two separate roles.

European Parliament

The European Parliament consists of 736 Members of the European Parliament (MEPs) at present who are democratically elected by citizens of Member States to represent their interests. Direct elections are held every 5 years by voters across the 27 Member States. The function of the European Union is to consider the laws proposed commission which affects the day to day activities of citizens throughout the European Union; this can range from environmental protection to consumer rights.

European Council

The European Council is the meeting of the presidents or prime ministers of each member state. It provides the European Union with a strategic direction. The meeting of the Council is held quarterly though informal summits occasionally take place. The President of the European Council is a new position which gives greater continuity to the work of the European Council. The President is chosen by the leaders of the EU's member states for a period of 2.5 years, which can be renewed once.

Council of Ministers

The Council Ministers is the decision-making body for the European Union. It consists of a minister from each member state with responsibility to decide on the subject under discussion. Although formally the Council is a single body, it meets in ten different configurations covering between them all the subject areas with which the council is concerned. For example, issues of foreign policy are discussed by the foreign affairs council. The main role of the council of ministers is to regulate and approve European laws. Some types of council meet once a month, while others meet four times in a year.

European Commission

The European Commission implements the agenda set by the European Council, by developing and drafting legislations or other non-legislative measures and monitoring implementation of those measures. The European Union is also the executive body of the European Union. The member states come together to agree on who to be the president of the commission, after which the European Parliament approves the person designated as the president of the commission.

Court of Justice of the European Union

The Court of Justice of the European Union consists of judges appointed by each member state. The Court exists to ensure that laws passed at the European Union level are enforced and interpreted correctly.

3.1.2 The Structure of the IMF

The structures of the international Monetary Fund are four:

- Board of Governors
- Executive Board
- Ministerial Committee
- Executive Board
- Managing Director

Board of Governors

The International Monetary Fund has 185 members. Each member country is entitled to appoint a governor and an alternate governor. In practice, almost all the Governors and alternate Governors are Minister of Finance, or senior officials of similar standing and authority. The Board of Governors however selects one of the governors as chairman. The chairman serves for a full year; and the chairmanship is rotated among regions of the world. The Board of Governors have two powers, the explicit power and the implied powers. The explicit powers are those conferred on them by the provisions of the Articles of Agreement. The explicit power however includes;

- Acceptance of new members and establishment of quotas
- suspension of membership
- power to appoint or nominate and elect executive directors and power to increase the number of executive directors
- power to determine the remunerations and benefits of the executive directors

As for the implied powers of the Governor, the articles provide that all powers under the agreement that are not conferred directly on the Board of Governors, the Executive Board or the Managing Director shall be

conferred on the Board of Governors. It also provides that the Board of Governors may delegate to the Executive Board the authority to exercise any of these implied powers. The governors may take decisions without meeting, through vote by mail.

Executive Board

The Executive Board is another structure of the International Monetary Fund which is of importance in the discussion on the structure of the International Monetary Fund. The Executive Board present has 24 executive directors and is chaired by the Managing Director in a non-voting capacity. The size of the Executive Board is determined by the Articles and partly by the decision made by the Board of Governors. The Articles of Agreement provides that there shall be 20 executive directors, but it also provides that the Board of Governors may by 85% vote increase the number of the Executive directors to be elected. The Executive Board serves on a full time basis and are paid by the International Monetary Fund at the Bretton Woods. The Executive Board is responsible in conducting the business of the fund and function in continuous session at the principal office of the Fund, meeting as often as the work of the Fund may require.

The Ministerial Committee

The Ministerial Committee is another structure of the International Monetary Fund. The Board of Directors are advised by two ministerial committees, the International Monetary and Finance Committee and the Development Committee.

The IMFC meets twice a year, during the IMF-World Bank Spring and Annual Meetings. The Committee discusses matters of common concern affecting the global economy and also advises the IMF on the direction of its work. At the end of each meeting, the Committee issues a joint communiqué summarising its views. These communiqués provide guidance for the IMF's work programme during the six months leading up to the next Spring or Annual Meetings. The IMFC operates by consensus and does not conduct formal votes.

The Development Committee is a joint committee, tasked with advising the Board of Governors of the IMF and the World Bank on issues related to economic development in emerging and developing countries. The committee has 24 members (usually ministers of finance or development). It represents the full membership of the IMF and the World Bank and mainly serves as a forum for building intergovernmental consensus on critical development issues.

Managing Director

The Articles of Agreement does not really say much about the Managing Director beyond that he should be elected by the Executive Board and the Managing Director's remuneration and benefits are to be decided by the Board of Governors. The Articles provide simply that "The Managing Director shall be chief of the operating staff of the Fund and shall conduct, under the direction of the Executive Board, the ordinary business of the Fund. Subject to the general control of the Executive Board, he shall be responsible for the organisation, appointment, and dismissal of the staff of the Fund.

4.0 CONCLUSION

The structure of international institutions is of utmost importance in the study of this course. The structure of international institutions consists of some organs of the international institutions that help the institutions achieve their aims and objectives. It is suggested that each international institution should create an organ to checkmate the functions of these structure so as to ensure that they carry out their functions effectively.

5.0 SUMMARY

In this unit, we have argued that the structures of international institutions have varied implications and affect the functioning of such institutions. Some international institutions have their structures embedded in their treaty, charter, or constitutions establishing them. Structures of international institutions consist of various organs which help the institution achieve its objectives. We discussed the structures of some international institutions and we drew a conclusion that no two international institutions have the same structure.

6.0 TUTOR-MARKED ASSIGNMENT

What are the main differences between the structures of the EU and the AU?

7.0 REFERENCES/FURTHER READING

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UNIT 3 WHY STATES ACT THROUGH INTERNATIONAL INSTITUTIONS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Why States Acts Through International Institutions
 - 3.1.1 Financial Assistance
 - 3.1.2 Political Reasons
 - 3.1.3 Peace and Security
 - 3.1.4 Economic and Trade Relations
 - 3.1.5 Employment Opportunities
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor- Marked Assessment
- 7.0 References/ Further Reading

1.0 INTRODUCTION

In this unit, we will look at the reasons why states act through international institutions. All states that belong to an international institution became members of such international institutions because of some benefits they hope to derive from such institutions. Some states act through international institutions in order to manage their everyday interactions with other states and some act through international institutions to seek aid, solve conflicts and financial assistance.

This unit addresses the question of why states act through international institutions. We argue that international institutions enable states to achieve their ends when they act through them. For example, when the United States decided to reverse the Iraq invasion of Kuwait, it did not act unilaterally but it acted through the United Nation Security Council. Another example of how states acts through international institution is when states liberalised trade services and strengthened intellectual property protection in the Uruguay Round, they were not content to draft rules. They created the World Trade Organisation (WTO) and a highly institutionalised dispute settlement mechanism.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- discuss the reasons while states act through international institutions.
- give examples of states acting through international institutions.

3.0 MAIN CONTENT

3.1 Why States Act Through International Institutions

International institutions are very important and states act through them for various reasons. Some states act through international institutions as a vehicle for cooperation, for aids, security, and financial assistance and so on. We will help in answering these questions by identifying the functions of these international institutions because some states act through these international institutions because of the functions these international institutions perform. Though most international institutions perform more than one function, however each institution has its own functions it performs.

For simplicity, states are the principal actors in various sectors of government, be it politics, trade etc. and they act through international institutions to achieve their goals.

We shall however discuss how states act through international institutions by examining some international institutions and how states acts through them.

We earlier mentioned that states act through international institutions for various reasons like:

- Financial assistance
- Peace and security
- Economic and trade relations
- Political reasons
- Provision of employments

3.1.1 Financial Assistance

As we mentioned earlier, some states act through international institutions for various reasons and because of the functions these international institutions render. Some states act through international institutions for financial aid and assistance e.g. the International Monetary Fund. This body is an institution that renders financial assistance to member states and other developing states. The International Monetary Fund was created on July 22, 1944. The International Monetary Fund works to improve the economies of member states. The IMF helps to foster global monetary cooperation, secure financial stability, promote high employment and sustainable economic growth and reduce poverty. States act through these International institutions for financial assistance and by doing the following:

- They have the opportunity to influence the economy of other states, not only to influence their economy but their exchange rates.
- They can seek credit facilities from these international institutions. For instance, the International Monetary Fund and World Bank grants credit facilities to member states and some developing countries.

In summary the reason why states act through the international institution is to seek for financial assistance, and by seeking for financial assistance they also have access to the economic policies of all member countries if they become members of such international institution that rendered financial assistance to them, for example the International Monetary Fund. Apart from the opportunity to influence other members economic policies, they could also have access to technical assistance in banking, fiscal affairs, and exchange matters, financial support in times of payment difficulties and increased opportunities for trade and investment. By providing financial assistance to states that needs financial assistance poverty is reduced, though the International Monetary Fund and the World Bank have failed in reducing poverty (Dembele, 2004).

3.1.2 Political Reasons

We shall be discussing another reason why states act through international institutions which is for political reasons, or for political power. Let us examine some international institutions that some states act through them for political reasons and power. Some states are principal actors in world politics; they use international institutions to create social orderings appropriate to pursue their shared goals.

States are jealous with their powers and they are deeply concerned with the distributive consequences of their interactions. That is why they act through international institutions for political reasons to gain power politically. The United States is an example of a country that has acted through some institutions like the GATT, International Monetary Fund, and NATO and so on. These states act through these institutions to further their own political interest and they even go to the extent of inducing weaker states to act through these institutions also. This however makes the institutions to be agents to the states, which in turn influence the interests of states that act through them. The international institutions however represent governments through which this state acts.

The following are however the benefits of states acting through international institutions for political reasons:

- a. States acquire political influence within the world and often smaller states recognise these bigger states and join these bigger states to have voice.
- b. States however have the chance to influence the creation of international law
- c. By acting through international institution for political reasons and power, states have diplomatic approach to dealing with each other. The leading countries of the United Nations have the chances to handle the problems of the institutions.

3.1.3 Peace and Security

Some states act through international institutions for security assistance. Security is gained from being in an international institution like the NATO, United Nation, ECOWAS etc. These large groups give its members an alliance of sorts, knowing that if they were threatened by another nation with military measures, they would have help.

The United Nations which was founded in 1945 after the World War II to replace the League of Nations was created to perform the following functions:

- a. Facilitate cooperation in international law and among member states
- b. Facilitate international security
- c. Promote economic development among member states and states affected by the World War II
- d. Facilitate human rights and world peace
- e. Stop wars in countries and provide a plat form of dialogue

States act through the United Nations in order to:

- Seek security assistance from member countries or render security assistance to any states experiencing security instability. For example, Nigeria through the peace keeping force rendered security assistance to Liberia by sending security personnel to Liberia to calm the civil war they were experiencing.
- To prevent conflicts in their states and also in other member states and to make future wars impossible in their states and also in other member states. Examples are instances in which the United Nations had help to preserve peace and intervened in the Korean War (1950-1953) and the authorisation of intervention in Iraq after the Persian Gulf War in 1990.

3.1.4 Economic and Trade Relations

States sometimes act through international institution to promote economic and trade relations with other states. Some international institutions are however created to foster and facilitate free trade among its members. Close economic ties between nations in an organisation can lead to better diplomatic relations between those nations.

The Economic Community of West African States as a regional group of fifteen West African countries founded on 28th May, 1975 is one of such institutions that states act through for economic and trade interests. Its main aim is to promote economic integration across the region. It was also formed to achieve collective self-sufficiency for its member states by creating a single large trading bloc through an economic and trading union. It also serves as a peace keeping force in the region. However, states in the West African sub-region act through the Economic Community of West African States by:

- Promoting economic stability in member states and also in their state by trading with other state. For example, the trade relationship between Nigeria and Benin Republic allows Nigeria to export products out and also allows Nigeria to import what they cannot produce.
- Another way in which states can act through international institutions is by contributing to progress development in African States, which includes rendering assistance to developing states in the West African region.

3.1.5 Employment Opportunities

Some international institutions offer challenging employment opportunities. Some states act through such international institutions so as to get employment opportunities in those institutions for their citizens. The World Bank is an institution that grants employment opportunities to citizens of its member states and Nigeria is one of the countries that benefit from this.

4.0 CONCLUSION

International institutions are very important and all are created to perform some functions and achieve some aims and objectives. It is based on their functions that some states decide to act through these institutions. States acts through various international institutions for different reasons. For example, they act because of financial aid, peace and security assistance, trade relations, and political reasons.

5.0 SUMMARY

States act through international institutions for various reasons. In this unit, we have broadly discussed these reasons to include financial assistance, peace and security, economic and trade relations, political reasons and employment opportunities. Since the list is not exhaustive, you are encouraged to look at the various reasons while states act through international institutions.

6.0 TUTOR-MARKED ASSESSMENT

Critically analyse why states act through international institutions.

7.0 REFERENCE/FURTHER READING

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MODULE 5 INTERNATIONAL INSTITUTIONS AND INTERNATIONAL LAW

Unit 1	Legal Status
Unit 2	Sanctions
Unit 3	Diplomatic Status
Unit 4	Diplomatic Immunity

UNIT 1 LEGAL STATUS OF INTERNATIONAL INSTITUTIONS

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Legal Status of International Institutions
3.1.1	The Legal Status of the Bretton Woods Institutions
3.1.2	The Legal Status of the European Union
3.1.3	The Legal Status of the United Nations
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

Whether international institutions have legal status has remained a controversial issue for a long time. The root of the controversy goes down to the issue that only states are the true subjects of international law. The legal status of international institutions determines the rights, privileges, powers and duties with which an international institution operates at the international level. The legal status of an international institution is distinct and separate from its members. The legal status of international institutions determines the rights, privileges, powers and duties with which an international institution operates at international level. Legal status may however be defined as the potential ability to exercise some certain rights and perform certain obligations (Bekker, 1994: 152-153). The legal status of international institutions is distinct and separate from its members, and also parallel with its members. Legal status is conferred on international institutions to ensure that they can carry out their aims and achieve their purpose. We shall however be considering the legal status of some of these international institutions in this unit.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- explain what is the legal status of international institutions
- state and explain how this status can be acquired by international institutions.

3.0 MAIN CONTENT

3.1 International Institutions have Legal Status

While some of these institutions have their legal status inscribed in their charter, constitution or treaty establishing the institutions, with others, the legal status can be inferred from their functions.

3.1.1 The Legal Status of the Bretton Woods Institutions

The World Bank which is an international financial institution that provides loans to developing countries for capital programs. The World Bank however created two institutions which are the International Development Association, the International Monetary Fund and the International Bank for Reconstruction and Development. The legal status of these international funds institutions shall be classified under three sub-heads:

- (a) International juridical or legal personality
- (b) Legal capacity
- (c) Privileges and immunities.

The articles of agreement of the International Development Association, the International Monetary Fund, the International Bank for Reconstruction and the World Bank provides for three ways in which these institutions can be conferred with legal status:

- (a) Its constituent instrument(s) (for example a treaty or international agreement)
- (b) A decision of the supreme organ of an intergovernmental body
- (c) The national laws of one or more member states
- (d) The national laws of all member states

The Articles of the International Monetary Fund, the International Bank for reconstruction, the World Bank provides that each of these institutions has a legal personality and in particular;

- i. capacity to contract
- ii. acquire and dispose of immovable and movable property
- iii. to institute legal proceedings

Where the constituent instruments do not explicitly vest the fund or financing institution with international legal status, the existence of such legal status may be inferred from the functions of the fund or financing institution by reference to its constituent instruments. Where the fund or financing institution requires international legal status in order to discharge its functions, such status will be implied, in accordance with the doctrine of functional necessity or implied powers. Thus, in the *Reparation Case* (ICJ, 1949), the International Court of Justice (ICJ) stated that although the Charter of the United Nations does not contain any explicit provision on the legal personality of the Organisation, such personality could be inferred from the totality of the provisions of the Charter. In that decision, the ICJ stated that: "In the opinion of the Court, the Organisation was intended to exercise and enjoy, and is in fact exercising and enjoying, functions and rights which can only be explained on the basis of the possession of a large measure of international personality and capacity to operate upon the international plane'.

Some international institutions have been granted legal status in each of their participating member states in accordance with the provisions of the constituent instrument of the organisation. Each member state of the International Development Association as well as the International Monetary Fund are required to take necessary action under their national laws to make effective the legal status of these institutions in accordance with the articles of agreement of these entities. Each member state shall take such action as is necessary in its own territory for the purpose of making effective in terms of its own law the principles set forth in this article shall inform the association of the detailed action which it has taken. The article of agreement here serves as the creation of these entities and their legal status.

3.1.2 The Legal Status of the European Union

The European Union also has legal status, however, questions have been raised as to the European Union being an autonomous object of international law - the European Union comprising of three European Communities, CEC, ECSC and Euratom. The entry into force of the European Union treaty marked the coming into effect of a legal entity; by this, the European Union enjoys a legal status. It has been said that when a treaty purports to establish a new entity under international law, such entity has a legal status. This however implies that a legal entity is a legal person. Therefore, generally legal persons are equipped with

organs that are responsible for taking the decisions and performing the acts imputed to the former. In that sense, organs are legal persons within legal persons. Organs may be composed of one natural person (the 'office holder', e.g. Mr. Solana as the High Representative for CFSP), or they may be composed of a number of subjects that are assigned the task of deciding and acting jointly on behalf of the organ (the 'board', e.g. the Council of the EU) (Wessel, 2001). In the reparation for injuries case, the International Court of Justice held that to say that an international institution possess a legal status means that it is a subject of international law and capable of possessing international rights and duties and that it has capacity to maintain rights by bringing international claims (ICJ, 1949). Bekker cited in Ian Brownline (1990) defined legal status as the concrete exercise of or at least the potential ability to exercise certain rights and the fulfilment of certain obligations.

The European Union is ipso facto a legal person. It does not enjoy legal status because the member states so decided, but because international law so demands. The European Union is a legal person distinct from its members because it can make decisions that are binding on member states. The question of whether or not the decision was unanimously taken by member states is not important. Article 5 of the treaty provides member states must take full and appropriate measures, to ensure the fulfilment of the obligations of the institution arising out of the treaty.

3.1.3 The Legal Status of the United Nations

As earlier mentioned, the essence of international institution possessing legal status is to enable them perform their rights and duties, such as the reparations for injuries suffered in the service of the United Nations (ICJ, 1948) in which the court held that the United Nations has a limited legal personality with rights and duties and with powers to bring claims. The legal status of the United Nations in its member states does not only include the consideration of the status of the institution itself, the juridical personality, its legal personality, its privileges and immunities and so on.

In the reparation case, the International Court of Justice, in establishing legal status of the United Nations, based its conclusions on a number of criteria which may be identified as:

- The entity must be an association of states or international organisations or both (a) with lawful objects and (b) with one or more organs which are not subject to the authority of any other organised communities except the participants in those organs acting jointly.

- There must be a distinction between the organisation and its members in respect of legal rights, duties, power and liabilities, etc. on the international plane as contrasted with the municipal or transnational plane, its being clear that organisation was intended to have such rights and duties and liabilities.

4.0 CONCLUSION

International institutions possess a different legal personality from its members, and it has been said that it would be very hard for the international institution to reach its objectives without attaining a legal status. Some international institutions attain legal status from the treaty, constitution or charter establishing them; others attain legal status from the decision of the supreme organ of an intergovernmental body, national laws of one or more member states and national laws of all member states. An international institution is said to have a legal status if it can contract, institute legal proceedings, acquire and dispose movable or immovable property. The legal status of international institutions determines the rights, privileges, powers and duties with which an international institution operates at international level.

5.0 SUMMARY

We have taken time to explain in detail the legal status of international institutions. International institutions are very important and as a result of this they possess legal status to enable them carry out their functions without hindrance. The legal status of an international institution is distinct from its member. This however grants an international institution the capacity to contract, the capacity to acquire and dispose movable and immovable properties and also the capacity to institute legal action.

6.0 TUTOR-MARKED ASSESSMENT

Explain in details the legal status of the Economic Community of West African States.

7.0 REFERENCES/FURTHER READING

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UNIT 2 SANCTIONS IMPOSED BY INTERNATIONAL INSTITUTIONS ON MEMBER STATES

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 What are Sanctions?
 - 3.2 Sanctions Imposed by International Institutions on Member States
 - 3.3 Types of Sanctions
 - 3.3.1 Diplomatic Sanction
 - 3.3.2 Economic Sanctions
 - 3.3.3 Military Sanctions
 - 3.3.4 Sport Sanctions
 - 3.4 Reasons for Sanctions
 - 3.5 Dissolution of Sanctions
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assessment
- 7.0 References/Further Reading.

1.0 INTRODUCTION

In this unit, we shall discuss sanctions which international institutions impose on member states for violation of international norms. Specifically, we shall look at the definition of sanctions, reasons for sanctions and the types of sanctions.

As every country has laws regulating the country and its citizens and providing for sanctions when they are violated by its citizens, so also does international institutions have treaties, constitutions and charters setting them up, protecting their member states and regulating the affairs of the institutions. However, these treaties, charters or institutions provide for sanctions when any of the provision of the treaty, constitution and charter are violated by any of its member states.

2.0 OBJECTIVES

By the end of this unit, you should be able to:

- define sanctions
- explain the types of sanctions imposed by international institutions on its erring members

- give the reasons why sanctions are imposed by international institutions on member states.

3.0 MAIN CONTENT

3.1 What is Sanction?

Sanction is defined by Encarta (2007) as punishment imposed as a result of breaking a rule or a law. Sanctions are measures which the international community targets certain countries, individuals and/or entities to coerce them into changing their behaviour so that they will no longer threaten international peace and security, abuse human rights or act contrary to international norms and/or obligations.

The enforcement of international treaties, constitutions, or charter establishing an international institution is necessary that is why sanctions are made to be imposed on any erring member states of an international institution. Sanctions are designed to force cooperation with the law establishing the institution or international law; this can be seen in the sanctions placed on Iraq in Resolution No. 661 on August 6, 1990 after the initial invasion of neighbouring Kuwait. The United Nations placed an embargo on the nation in an attempt to prevent armed conflict. The bodies that apply these sanctions are usually representatives of the international institutions. It is important to note that sanctions are not the same in all international institutions. We will be taking a look at the different types of sanctions that are imposed by international institutions in the next section.

3.2 Sanctions Imposed by International Institutions on Member States

As earlier mentioned in this course, international institutions are very important and have rules and regulations which guide the way they operate. These rules and regulations are embedded in their treaty, constitution or charter establishing them and provide for sanctions to be imposed on any member states that violate the laws.

SELF-ASSESSMENT EXERCISE

What are sanctions?

3.3 Types of Sanctions

Sanctions can take different forms; it can be restrictive or coercive. Sanctions can include arms embargoes, travel bans, asset freezes, reduced diplomatic links, reduction in any military relationship,

suspension from international institution, withdrawal of aids, trade embargoes, restriction on cultural links and sporting links and so on.

However, we will compartmentalise sanctions in five different types:

- Economic sanction
- Diplomatic sanction
- International sanction
- Sport sanction
- Military sanction

3.3.1 Diplomatic Sanction

Diplomatic sanctions are political sanctions taken to express disapproval of at a certain action through diplomatic or political means, rather affecting the economy or military relations. The measures include limitations or cancellations of high-level government visits or expelling or withdrawing diplomatic missions or staff. Diplomatic sanctions are always slow to work, and the burden of this sanction falls on a particular segment of the members of an institution. This sanction mostly affects the member of a state that is least able to influence the government.

3.3.2 Economic Sanctions

Economic sanctions can vary from the imposition of import duties on goods, or blocking the export of certain goods to a particular state in the institution, to a full blockage of ports in order to prevent the importation of goods from other state(s) that belongs to a particular institution. Economic sanctions which include trade embargo may halt inward and outward bound trade except for humanitarian items. In recent years, the Security Council of the United Nations has imposed some form of economic sanctions on Angola, Haiti, Iraq, Liberia, Libya, Rwanda, Somalia and other countries in the former Yugoslavia.

Examples of economic sanctions include the United Nations sanctions against South Africa; the United Nations sanctions against Zimbabwe; the United Nations sanctions against Iraq and the United Nations sanctions against Cuba. On May 13, 1998, the United Nations and Japan imposed economic sanctions on India; however, it has since been lifted. In 2001/2002, the United States imposed economic sanctions against the state of Zimbabwe, through the Zimbabwe Democracy and Economic Recovery Act of 2001 or ZDERA, S. 494, restricting access to financing, debt relief and rescheduling, forcing the government to operate on a cash only basis.

An example of trade and services that the United Nations has imposed sanctions on are:

- Military and paramilitary item or items
- Items with an application in nuclear, chemical or biological weapons programs or in the development of weapons delivery system
- Military activities generally
- Rough diamonds

3.3.3 Military Sanctions

Military sanctions can range from carefully targeted military strikes to degrade a nation's conventional or non-conventional capabilities, to the less aggressive form of an arms embargo to cut off supplies of arms or dual-use items. On the 26th of February 2011, the Security Council voted unanimously to impose sanctions against the Libyan authorities slapping the country with an arms embargo and freezing the assets of its leaders. The Council imposed a travel ban on President Muammar Al Gaddafi and other senior figures in his administration, including some members of his family and other relatives. The Council also asked all states to immediately take necessary measures to prevent the direct or indirect supply, sale or transfer to Libya from or through their territories or by their nationals, using their flag vessels or aircraft, of arms and related material of all types including weapons and ammunition. They also prohibited Libya from exporting all arms and related materials and obligated the United Nations member states to prevent the procurement of such items from Libya by their nationals (UN, 2012).

3.3.4 Sport Sanctions

Sport sanctions are used as a way of psychological warfare, intended to crush the morale of general population in target country. The only instance where sports sanctions were used was the international sanctions against Federal Republic of Yugoslavia in 1995, enacted by UN Security Council by Resolution 757. The Gleneagles Agreement approved by the Commonwealth of Nations in 1977, committed member nations to discourage contact and competition between their sportsmen and sporting organisations, teams or individuals from South Africa. However, it was not binding and unable to stop events such as the 1980 British Lions tour to South Africa or the 1981 South Africa rugby union tour of New Zealand.

Note that additional sanctions can be placed on any state that violates the rules and regulation of an international institution notwithstanding the fact that a sanction has already been placed on such state.

3.4 Reasons for Sanctions

Sanction formulations are designed into three categories:

1. To force cooperation with international law; this was exemplified in the sanctions placed on Iraq in Resolution No 661 on August 6, 1990 after the initial invasion of neighbouring Kuwait (Conforti, 1991).
2. Sanctions imposed to promote peace within a geographical boundary (Chesterman and Pouligny, 2003).
3. The third category of sanctions involve the United Nations Council condemnation of actions of a specific action or policy of a member/non-member nation.

SELF-ASSESSMENT EXERCISE

Explain the three categories of sanctions imposed on member states.

3.5 Dissolution of Sanctions

There are several ways to remove and dissolve sanctions that have been implemented on a nation(s). For example, in some cases and in the sanctions imposed on Iraq, only a reserve resolution could be used to remove it (Lopez and Cortright, 2004). This is done when no provision is put in the resolution for the removal of the sanction. This is done when the sanctioned party is remorse and has shown willingness to adopt certain conditions of the Security Council (Chesterman and Pouligny, 2003). Another way in which sanctions can be removed is when time limits are implemented with the initial sanction. After an extended duration, the sanction will be removed.

Additional sanctions may be placed, however, if the Security Council deems it necessary. The tradition of time limitation has grown over the years allowing for gradual removal of restrictions on nations conforming to at least partial conditions imposed by the Security Council.

4.0 CONCLUSION

Sanctions are very important in international institutions to maintain international peace and security. Most international institutions have sanctions embedded in the charter, constitution, or treaty establishing them. The United Nations Security Council under Chapter VII (Article 41) (UN, 1945) of the charter is the responsible body to adopt measures which are binding on all United Nations member states, while the European Union can independently adopt sanctions in accordance with

the objectives of its foreign and security policy, for example, protection of human rights, rule law and democratic principles.

5.0 SUMMARY

Sanctions are very important in an international institution to maintain peace and security. In this unit, we have examined the various types of sanctions placed by international institutions on erring member states. We also gave the reasons why international institutions impose sanctions on erring members and the types of sanctions normally placed. It remains to be argued that international institutions sometimes selectively target some members when it comes to sanctioning them. This is usually criticised.

6.0 TUTOR-MARKED ASSESSMENT

Give examples of states in which sanction were imposed on and explain in details the type sanction placed on these states.

7.0 REFERENCE/FURTHER READING

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UNIT 3 IMMUNITY OF INTERNATIONAL INSTITUTIONS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
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1.0 INTRODUCTION

As earlier mentioned in this course, the role played by international institutions has increased drastically over the years and their membership range from global to regional or sub-regional. It is however important for these institutions to have immunities. Some treaties, charters or constitutions establishing these international institutions provide for the immunities of these institutions. As soon as the first international bodies were set up, it became apparent that there was a need to protect them, particularly against executive officials and judges capable of interfering with their operation. Through its immunity, the international organisation's independence seeks to be protected against interference from the state in which it operates or in which it has an office or its headquarters. Immunities are therefore designed to permit international institutions to undertake their activities without hindrance from national governments. It is however important for international institutions to have immunity in order to preserve their autonomy.

3.1.1 Jurisdictional Immunity

International institutions enjoy jurisdictional immunities from legal claims in national courts against the institutions, representatives of member states and officials of the institution. Jurisdictional immunity is one of the very common and widely used avoidance techniques employed by national courts to decline exercising jurisdiction over disputes involving international institutions. Immunity from jurisdiction does not absolve an institution from its obligations under the applicable laws but constitute a more exemption from the adjudicative power of domestic courts (Schermers and Blokker, 2005). However, it is worthy

to note that international institutions can waive its immunity and consent to the jurisdiction of a domestic court and domestic courts can narrowly interpret the scope of existing immunities and thereby vest themselves with the jurisdiction to adjudicate suits against international institutions.

Article 105 of the United Nations Charter secures for the United Nations jurisdictional immunities in international institutions. However, in return, it is suggested that the institution is required to provide for an alternative means to address claims and settle disputes against the institution. Please note that immunity from jurisdiction is also called immunity from suit.

SELF-ASSESSMENT EXERCISE

What is jurisdictional immunity?

3.1.2 Sovereign Immunity

This is a legal protection that prevents an international institution from being sued. Sovereign immunity is one of the vast aspects of international law. International institutions enjoy immunity from the jurisdiction of its own courts and courts of other states. This is called sovereign immunity. Sovereign immunity governs to the extent of which an institution may claim to be free from the jurisdiction of foreign national courts. There are two conflicting concepts of sovereign immunity, according to the Supreme Court: (a) Classical or absolute theory: this implies that a sovereign cannot, without its consent, be made a respondent in the courts of another sovereign; and (b) Restrictive theory: which means that the immunity of the sovereign is recognised only with regard to public acts or acts *jure imperii* of a state, but not with regard to private acts or acts *jure gestionis*.

SELF-ASSESSMENT EXERCISE

Differentiate between absolute theory and restrictive theory of sovereignty.

3.1.3 Diplomatic Immunity

Immunity of Representatives of Member States and Officials of the Institutions

International institutions have granted immunity to representatives of member states and officials of the institutions. The Convention on Privileges and Immunities of the United Nations of 1946 sets out the immunities of the United Nations and its personnel (Shaw, 2004).

Therefore, immunities exist to help international institutions achieve its ends without hindrance.

Immunity from Tax and Duties

International institutions, and their assets wherever they are located and by whoever is held shall enjoy immunity from suit and judicial processes, custom duties and taxes imposed on international institution. Article 191 of the Treaty establishing the European Atomic Energy Community (EAEC), the European Union and the EC provides that the institutions shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks.

Rational for International Institutions Immunities

The rationale for granting of immunity to international institutions is not similar to state immunity or diplomatic immunity. Although both states and international institutions are established under the international law, their characteristics and legal personality can however not be compared. However, the rationale for the grant of immunity from local jurisdiction is to avoid the danger of partiality and interference by the host country in the internal workings of these international institutions or agencies. It is intended to shield the organisation from political pressure or control by the host country to the prejudice of member states of the organisation, and to ensure the unhampered performance of their functions (Fred, 2009). Besides the reasons of courtesy, international institutions unlike states do not have a territory, they can only exercise their functions on the territory of a state.

International institutions do not however have a population, since their activities can only be carried out by their member states. The independence of the institution can of course only be effective through the preservation of the independence of the official and agents of the organisation. The grant of immunities to international institution was to preserve and ensure the independence of the institution to enable it fulfil its functions which would not be interfered with by the host state (Fedder, 1960:64).

When the United Nations was established it was considered necessary that it should enjoy the status of a legal person under the domestic law of its member states, such a domestic personality is essential for an international institution to effectively carry out its duties such as procurement of contracts, acquisition of property and the capacity to pursue its private rights before a national court. The Charter of the United Nations Article 104 provides that the United Nations shall enjoy in the territory of its member states legal capacity as may be necessary for the exercise of its functions and fulfilment of purposes. Article 105

of the Charter of the United Nations provides that the United Nations shall enjoy in the territory of each of its member states privileges and immunities necessary for the fulfilment of its purpose

However, the provisions of the article cited needs detailed explanation in order to become workable in helping the officials of the United Nations and national judges to determine whether they should be considered capable of entering into a specific legal transaction or immune from particular law suit directed against it. It is therefore unclear as to what extent the United Nations and its member states representatives should enjoy immunities. Article 105 Paragraph 2 of the Charter makes provision for the United Nations and its officials to enjoy immunities necessary to help them discharge their functions effectively.

Note however, that the Convention of Privileges and Immunities also referred to as the General Convention which was adopted in the immediate aftermath of establishing the United Nations as provided for Article 105 Paragraph 3 of the Charter of the United Nations provides for the immunity of the United Nations and contains detailed provisions on immunities enjoyed by the United Nations officials and its member states representatives. The convention provides that the United Nations shall have immunity from jurisdiction in Article II section 2. It states that the United Nations, its property, its assets, wherever located shall enjoy immunity from every legal processes except in so far as in any particular case it has expressly waived its immunity. The absolute immunity from suits by the United Nations has been respected in most countries. The *de facto* absolute immunity of the United Nations is mitigated by the fact that Article VIII Section 29 of the Convention on Privileges and Immunities require the United Nations to make provisions for appropriate settlement of disputes arising out of contract or other disputes in which the United Nations is a party (Reinsch, 2008: 285-306).

In addition to the immunity from suit granted by the Convention on privileges and immunities to the United Nations, the convention also provides for the “inviolability of the United Nations premises and property which means that they are exempted from any search, requisition, confiscation, or other forms of executive, administrative, judicial or legislative interference. This same inviolability applies to the archives of the United Nations.

4.0 CONCLUSION

Immunities of international institutions are of utmost importance when discussing international institutions. Some of these institutions have their immunities provided for by the treaties, charter or constitution

creating them. We discussed the various immunities that can be enjoyed by international institutions giving an example of the United Nations. Most international institutions have immunities except if they are expressly waived. We also considered the rational for granting international institutions immunity which we said was to avoid danger of partiality and interference by host country in the international working of these institutional institutions. It is however suggested that international institutions should be granted immunity to enable them fulfil their purposes.

5.0 SUMMARY

International institutions enjoy immunity in their operations. In this unit, we have discussed five types of immunities enjoyed by international institutions and we also gave an example of the United Nations as international institutions that enjoy immunities. We also considered the rational for granting international institutions immunities which are to enable them fulfil their purposes.

6.0 TUTOR-MARKED ASSESSMENT

List the various types of immunities that enjoyed by international institutions.

7.0 REFERENCES/FURTHER READING

- Ahluwalia, K. (2004). *The Legal Status, Privileges and Immunities of Specialised Agencies of the United Nations and Certain Other International Institutions*. London: M Nijhoff, Dordrecht Publishers.
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