Common Law of International Organizations

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FOREWORD

I

When Professor Finn Seyersted passed away in December 2006 he had for many years worked on a manuscript entitled "Common Law of International Organizations", mainly based on his earlier work, listed below, on objective legal personality. Never finished, the manuscript provides a comprehensive theory of the system of legal norms that are developed partly in the internal written (constitutional) law of international organizations and partly through their consistent practice, and that are therefore common to international organizations. It was the author's wish that the manuscript should be completed and published. As an old student of Professor Seyersted's I have taken upon myself to contribute to finalizing the present book.

For generations of students Professor Seyersted was a source of inspiration. He drew extensively on his own personal experience from working in and with international organizations in his lectures, and he maintained that any legal theory that cannot conform to law in practice is of questionable value. The contradiction and lack of coordination between theory and practice that he observed, would bring to mind the old German philosophical description that "theory is when one knows everything and nothing so happens. Practice is when everything functions and nobody knows why."[1] In this respect he sided with the Scandinavian school of legal realism. Inspired by the Danish scholar and legal philosopher Alf Ross,[2] the theory of objective personality of international organizations owes to the reconceptualization of public international law by Ross as the law applicable to self-governing (sovereign) communities.

The legal construction presented in this book consists of the following main elements:

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1 "Theorie ist wenn man alles weiß und nichts klappt. Praxis ist wenn alles funktioniert und keiner weiß warum."

2 For an analysis of Alf Ross' contribution to international law, see A.L. Escorihuela; Alf Ross: Towards a Realist Critique and Reconstruction of International Law, EJIL (2003), Vol. 14 No. 4, pp. 703–766.

As for all other self-governing communities, all international organizations possess their own internal law governing their relations with 1) the organs of the organization, 2) the officials and 3) the member States in their capacity as members of the organization. Some organizations exercise, in addition, extended (delegated) jurisdiction over States, other organizations and/or individuals.

Secondly, as for other self-governing communities all international organizations are subjects of public international law in their relations with other self-governing communities (States and other international organizations), and in the case of extended jurisdiction, also in relations with individuals and private entities.

Thirdly, as for all other self-governing communities possessing their own internal law (their distinct *lex personalis*), international organizations enter into relations of a private law nature with both public and private entities. Governed by the rules on conflict of laws, these relations must be determined by assessing relevant 1) personal, 2) territorial and 3) organic connecting factors.

Thus "Common Law of International Organizations" brings together all those elements pertaining to the theory of objective legal personality that have, until now, been presented in a scattered fashion, in bits and pieces.

Even so, it is only rarely that one comes across a study on international organizations without finding references to the work and theory of Professor Seyersted on objective legal personality. As was noted by Karl Zemanek on the *1986 Vienna Convention on the Law of Treaties Between States and International Organizations or Between International Organizations*, the textual compromise reached lends itself to the interpretation "that international organizations possess treaty-making capacity by virtue of general (customary) international law, if that capacity is necessary for their exercise of their functions and the fulfillment of their purposes" which "comes very close to, if it is not identical with the theory which *Finn Seyersted* has defenced *[sic]* for many years".[3]

The sole purpose of my own involvement in the completion of the manuscript is to contribute to making available to new generations of legal practitioners, scholars and students this exposition of the common law of international organizations based on the theory of objective legal personality. In doing so,

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3 Karl Zemanek, The United Nations Conference on the Law of Treaties Between States and International Organizations or Between International Organizations, The Unrecorded History of its "General Agreement", in Karl-Heinz Böckstiegel, Hans-Ernst Folz, Jörg Manfred Mössner and Karl Zemanek (eds.), Völkerrecht – Recht der Internationalen Organisationen – Weltwirtschaftsrecht. Festschrift für Ignaz Seidl-Hohenveldern (Cologne, Berlin, Bonn and Munich, 1988), pp. 665–79 at 671, cited in August Reinisch, International Organizations Before National Courts, Cambridge 2000, p. 59, note 117.

I have decided to prefer speed to perfection and have concentrated on the updates, corrections and completions that have been thought of as essential to the presentation of the book. Of course I alone stand to be corrected for any errors committed in this process. Wherever in this book it is referred to the "present writer" the submissions are a true reference to the original manuscript of the author.

I would like to thank Henrik Bull, judge at the EFTA Court in Luxembourg, for valuable inspiration, guidance and corrections, particularly on matters relating to European organizations and EU Law and Øyvind Hernes, former executive officer/adviser in the Legal Department of the Royal Ministry of Foreign Affairs, Norway, for providing insight and comments, particularly on the work of the International Law Commission.

II

Turning to the context of Professor Seyersted's work, it is worth observing that his writing has consistently been guided and inspired by the idea that international organizations are inherently a good thing in that they contribute to a system of global governance that other mechanisms of coordination among sovereign States could not bring about with the same degree of efficiency and legitimacy. His has always been a functional approach, meaning that a sufficient margin of manoeuvre and independence from unwarranted State influence is needed for organizations to be able to deliver results on key common goals, such as world peace,[4] fundamental rights, sustainable development and distribution of prosperity. This is not to say that the contribution of the objective legal theory is to let international organizations loose on the rest of us without constitutional restrictions. On the contrary, the main achievement of the theory presented in this book is to meaningfully identify the limits of international organizations' internal and external powers by breaking down the concept of their exercise of powers into its various, distinct elements.

4 The aim of the United Nations is no less than "saving succeeding generations from the scourge of war", cf. first preamble paragraph of the Charter. In this context it is interesting to note that the UN, the specialized agencies and the IAEA have been awarded the Nobel Peace Prize no less than seven times since 1954; UNHCR (1954), UNICEF (1965), ILO (1969), UNHCR again (1981), UN peace-keeping forces (1988), the UN and Secretary-General Kofi Annan (2001) and IAEA (2005). Moreover, the 2007 peace prize was awarded to Al Gore and The Intergovernmental Panel on Climate Change (IPCC), established by WMO and UNEP.

In this context, organizations have over the years become subject to closer and more intense scrutiny, and their acts are no longer accepted just like that.[5] In parallel, both government policies and business activities of multinational corporations are being challenged on their values and on the social consequences of their entrepreneurship, not only by their members or shareholders, but also by the stakeholders. This rethinking of social responsibility has in turn put pressure on international organizations *e.g.* in the field of project funding, such as the World Bank, to further address the local impacts of their activities. There is no reason to believe that international organizations generally will be put to a more lenient test of social responsibility, democratic values, legitimacy and accountability in the years to come.

In this legal landscape functionalism has in part been replaced by a call for good governance, and international organizations are seen as a good thing only insofar as they deliver on those demands. "In order for an organization to be said to exercise sovereign powers then it must ensure that it is in accord with sovereign values".[6] For some organizations that only in limited fields of cooperation are vested with extended powers to commit States, individuals or entities outside the organization, such as in the field of trade, finance or security, there is a growing pressure for them to take into account wider societal values such as *e.g.* the environment, human rights, health and consumer protection.[7] The fundamental debate on international organizations' perceived "democratic deficit" is another important part of this picture. Even to the extent that international organizations are made up of sovereign, democratic communities, it is inherently difficult for them to recreate the ideals of representative democracy on the international level.[8] A more proper starting point is perhaps the democratic deficit that would result from a lack of organized regional and global coordination between sovereign States.[9]

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5 Cf. Jan Klabbers, The life and times of the Law of International Organizations, Nordic Journal of International Law, Vol. 70 2001, p. 314.

6 Dan Sarooshi, International Organizations and their Exercise of Sovereign Powers, Oxford 2005, p. 10.

7 On the perception of WTO law favouring narrow commercial interests, see Allan Rosas' comments on ECJ Case C-149/96 Portugal v. Council, on the possible direct effect of WTO law in the European Community; Common Market Law Review, Vol. 37 2000, pp. 797–816. Similarly the Multilateral Development Banks have been criticized for a lack of democratic basis, as their decision-making is based on the ratio of member States' shareholding.

8 Important questions of democratic distribution of powers were addressed by the Convention assigned by the European Council to propose a new EU constitutional treaty in the following way; how to bring citizens closer to the European design and European Institutions; how to organise politics and the European political area in an enlarged Union; and how to develop the Union into a stabilising factor and a model in the new world order.

9 Cf. also infra, note 17.

"Common Law of International Organizations" contributes in several ways to addressing, in terms of legal theory, important challenges of good governance and accountability.

Firstly, it should be underlined that the theory of objective legal personality may offer a solution to the problem of "soft" organizations or undefined legal constructions in international relations between States or international organizations. In a sense such undefined or autonomous entities may be said to "exist in institutional and constitutional limbo outside the remit of any effective judicial or parliamentary control: it is not clear what they can do, how they can do it, or how they can be prevented from doing whatever it is they can do. The only thing that is clear is that they harbour and accommodate executive power, untrammeled, unimpeded, and unchecked".[10] What the theory of objective legal personality offers is a model to clarify uncertainties as to the status of "soft" organizations, which are set up as any other international organization (and not as mere intergovernmental networks), but without the intention of vesting the organization with the proper rights and obligations that follows from the common law of international organizations. This is so because the theory of objective legal personality does not rely exclusively on the intent of the organization's founding fathers or on powers "implied" in its constitution, but on the fact that the organization exists and thus becomes a subject of international law *ipso facto*.

Thus, organizations which fulfill objective criteria are international organizations, and the common law described in this book apply to them. This must imply that the organization as a separate legal person is internationally responsible for its wrongful acts under public international law. And even though the organization has no inherent capacity to commit the member States financially without legal basis in its constitution or otherwise, member States will be expected to provide the resources necessary for the organization to comply with its promises, as an emerging rule of common law of international organizations.

There has been a scholarly debate particularly on the legal status of GATT and the later World Trade Organization (WTO), the Organization for Security and Co-operation in Europe (OSCE) and the European Union (EU) as distinct from the legal personality of the European Community (EC). While sovereign communities are free to establish or not to establish an international organization, they have to respect legitimate expectations of third parties in so doing. In light of EU's treaty-making capacity, if the EU could nonethe-

10 Jan Klabbers, Soft Organizations in International Law, Nordic Journal of International Law, Vol. 70 2001, pp. 406–7 and note 19.

less deny being bound by its agreements under international law because its drafters never endowed it with legal personality,[11] I, for one, would probably have to be looking for another job. While the issue of classification of GATT was about as interesting to GATT officials as "ornithology is to birds",[12] a locally engaged OSCE official on mission being thrown to jail because of uncertainties of her legal status and that of the organization, turns out to pose entirely different questions.

Certain mechanisms of international coordination may be described as purely intergovernmental networks, and as such they offer a solution to the perceived lack of accountability in that the participating national officials are made democratically accountable to their respective publics through domestic institutions.[13] National governmental bodies are, for example, increasingly representatives of a global administration responsible for implementing international standards for the achievement of common objectives, *e.g.* in the field of environmental protection.[14]

The pluses and minuses of not creating a formal organization can be viewed in light of the reasoning behind the set-up of the Group of 8 (G8):

> The G8 has remained informal and light on bureaucracy: it has no secretariat, no central office and no formal rules of procedure. Co-ordination is in the hands of the rotating Presidency and the Sherpa system provides direct links to Heads. On the plus side this means that the G8 is able to react quickly to events while reflecting the foreign policy and domestic concerns of the world's most powerful leaders. Notable successes have included breakthroughs on debt, climate change and non-proliferation. The weaknesses are a poor institutional memory, the absence of an in-built mechanism for following-up or implementing agreements, and the lack of a formal consultative mechanism. Nevertheless,

11 Ibid., p. 414. The EU's external treaty competence, as distinct from the EC, was introduced in 1997 by the Treaty of Amsterdam, cf. Art. J.14 (OJ C 340, 10 November 1997). The Treaty of Lisbon, 13 December 2007 (OJ C 306, 17 December 2007), will merge the "pillars" and the legal personality of the EU/EC into one.

12 Ibid., p. 407 note 21.

13 In this sense Anne-Marie Slaughter, A New World Order, Princeton 2004, who regards national governments as guarantors of democratic accountability in international networks. As noted by Kingsbury et al., infra note 14, p. 36, this model is not well adapted and may actually work against the realization of solidarist or cosmopolitan conceptions of international administration. A further question is: who is the relevant constituency? If the relevant public is global in character and different from the sum of the national publics, domestic procedures may be insufficient, at least in their traditional form (Id. p. 41).

14 Cf. Kingsbury et al., International Law and Justice (IILJ) Working Papers, New York, 2004/1, p. 9. Cf. also N. Krisch and B. Kingsbury, Global Governance and Global Administrative Law in the International Legal Order, EJIL Vol. 17 (2006) No. 1, pp. 1 ff.

> successive leaders have consistently resisted the temptation to create a Secretariat, which they believe would swamp the process in bureaucracy.[15]

Yet, as an intergovernmental network it is perceived as a powerful forum in world politics. The group's legal status does not seem to be decisive to demonstrators as there has been no less massive mobilization against G8 summits compared to the protests at WTO summits or European Council meetings, although the G8 seems to be challenged more by the positions they do not take than by the actual results the group delivers. What is important in this connection, is that the participating States cannot hide behind the veil of the organization, and accountability for consensus decisions runs, in principle, through national capitals. On the other hand, from an international perspective the legitimacy of governance limited within national States is fundamentally flawed in so far as it remains inevitably one-sided and parochial or selfish. It has been argued that the possibilities of what international law can achieve are limited by the configurations of State interests and the distribution of State power.[16] International organizations may be designed so as to cure these deficiencies as a correction of national State failures, and they may derive their legitimacy from this compensatory function.[17]

In conclusion, objective criteria of international legal personality means that "what you see is what you get", or as put by Klabbers,[18] "if an entity looks like an international organization, functions like one, and is treated by outsiders as one, then it is pretty unlikely that in reality it is, all appearances notwithstanding, something other than an international organization".

Secondly, the concept of "common law of international organizations" opens new possibilities for organizations to adapt their practices to new demands of democracy, legitimacy, good governance and accountability through borrowing, copying or importing standards as *e.g.* set by other organizations.[19] They all have the inherent capacity to adapt their internal law and organizational structure to meet the demands required by their exercise

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15 G8; "Pluses and minuses", cf. www.fco.gov.uk (visited September 2007).

16 Cf. Jack L. Goldsmith and Eric A. Posner; The Limits of International Law, New York 2005, p. 13, who do not include international organizations in their analysis of international law. See also the pertinent reminder of the importance of State interests in the formation of international organizations, in Schermers and Blokker, International Institutional Law, 4th ed., Leiden 2003, § 18.

17 Christian Joerges; Re-Constitutionalising Transnational Governance Through Conflict of Laws: The Example of International Trade – An Outline, paper submitted to The New International Law Conference, Oslo 15 – 18 March 2007, p. 13.

18 Ibid. note 10, p. 415.

19 Cf. the examples of "borrowing regimes" provided by Sabino Cassese in Shrimps, Turtles and Procedure: Global Standards for National Administrations, International Law and Justice (IILJ) Working Paper, New York, 2004/4.

of governmental functions. Even though each international organization possesses its own distinct internal law, there will often be a need to supplement its written sources of law with references to general principles of law, international (or global) administrative law, international peremptory norms or otherwise.

This legal method is of importance also in order to address the problem of fragmentation of international law. A "systemic integration" as described by the International Law Commission's Study Group

> looks beyond the individual case. By making sure that the outcome is linked to the legal environment, and that adjoining rules are considered – perhaps applied, perhaps invalidated, perhaps momentarily set aside – any decision also articulates the legal-institutional environment in view of substantive preferences, distributionary choices and political objectives. This articulation is quite important in a decentralized and spontaneous institutional world whose priorities and objectives are often poorly expressed. It is also important for the critical and constructive development of international institutions, especially institutions with law-applying tasks. To hold those institutions as fully isolated from each other and as only paying attention to their own objectives and preferences is to think of law only as an instrument for attaining regime-objectives. But law is also about protecting rights and enforcing obligations, above all rights and obligations that have a backing in something like a general, public interest. Without the principle of "systemic integration" it would be impossible to give expression to and to keep alive, any sense of the common good of humankind, not reducible to the good of any particular institution or "regime".[20]

A vehicle to achieve a greater "systemic integration" is found in the so-called judicial dialogue or interaction between judicial organs of different international organizations, a process that also involves national courts of the member States *inter alia* through the legal mechanism of requesting preliminary rulings. The formulation of human rights as part of Community law has for example largely been developed through the jurisprudence of the European Court of Justice.[21] Other examples are "imports" from national legal systems in the development of the principle of proportionality and the precautionary principle in European law.[22]

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20 Fragmentation of International Law: Difficulties Arising From the Diversification and Expansion of International Law; Report of the Study Group of the International Law Commission, Finalized by Martti Koskenniemi, Doc. A/CN.4/L.682 13 April 2006, page 244, para. 480.

21 Cf. Allan Rosas, The European Court of Justice and Fundamental Rights, in Carl Baudenbacher and Henrik Bull (eds.): European Integration through Interaction of Legal Regimes, Centre for European Law, University of Oslo, IUSEF No. 50 2007, pp. 33-63.

22 For the latter principle see further Carl Baudenbacher, The Definition of the Precautionary Principle in European Law: A Product of Judicial Dialogue, ibid., supra note 21, pp. 1–31.

Another example of current developments of common law in international organizations that seems to draw on the principle of "systemic integration" is the UN draft resolution on the administration of justice at the United Nations.[23] By this resolution the General Assembly emphasizes "the importance for the United Nations to have an efficient and effective system of administration of justice so as to ensure that individuals and the Organization are held accountable for their actions in accordance with relevant resolutions and regulations" and on this basis to decide to "establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and accountability of managers and staff members alike". In the 5th Committee debate on 22 March 2007 the German representative on behalf of the EU stated *inter alia* that: "The United Nation's system of administration of justice urgently needs to be reformed. It does currently not comply with international standards. [..] Therefore, the system must be professionalized and be in conformity with relevant rules of international law, principles of the rule of law and due process." Similarly, the Chinese representative on behalf of the G77 stated that "We consider a professional, independent and adequately resourced system of internal justice as a central pillar of the accountability framework of the Organization".

A further example of "systemic" development of common law is concerned with targeted sanctions and freezing of funds belonging to or controlled by private individuals and groups of individuals. In its best practices document,[24] the EU states that "The introduction and implementation of restrictive measures must always be in accordance with international law. They must respect human rights and fundamental freedoms, in particular due process and the right to an effective remedy. The measures imposed must always be proportionate to their objective." The Court of First Instance of the European Communities has in several judgments *inter alia* stated that "According to settled case-law, observance of the right to a fair hearing is, in all proceedings initiated against a person which are liable to culminate in a measure adversely affecting that person, a fundamental principle of Community law which must be guaranteed even in the absence of any rules governing the procedure in question".[25]

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23 See doc. A/RES/61/261, 30 April 2007.

24 Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy, Council doc. 15114/05, 2 December 2005, see also on measures to avoid mistaken identity, EU Best Practices for the effective implementation of restrictive measures, Council doc. 10533/06, 14 June 2006.

25 See e.g. Case T-228/02, Organisation des Mojahedines du peuple d'Iran v. Council of the European Union, judgment of 12 December 2006, para. 91, Official Journal of the European Union 2006/C 331/63.

The UN Security Council, by passing resolution 1730 on 19 December 2006, committed itself to "fair and clear procedures [...] for placing individuals and entities on sanctions lists and for removing them" and decided to establish a "focal point to receive de-listing requests [and to perform the tasks described in the annex]".

These few examples based on current thinking on organizations' exercise of power, support the proposition that the "Common Law of International Organizations", starting out from the position of objective legal personality, is fully compatible with modern requirements of good governance and accountability of international organizations, and particularly adaptable to the ideal of "systemic integration" of legal regimes constituting internal law of the organization.

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ABOUT THE AUTHOR

Finn Seyersted (1915–2006) served in the Norwegian Ministry of Justice and the Ministry of Foreign Affairs from 1943 after completion of law studies at the University of Oslo, Norway. He served *inter alia* as head of division in the Legal Department, Royal Norwegian Ministry of Foreign Affairs, deputy permanent representative for Norway to the UN during its first three years of existence and, subsequently, as expert adviser on international organizations in foreign ministries of three newly independent states in the Far East. Author of several works on public international law, he became Doctor Juris at the University of Oslo in 1966.

Among his appointments and experience may be mentioned: Delegate to the Geneva Conference on the Law of the Sea, 1958, Director Legal Division of the International Atomic Energy Agency, Vienna, 1960–65, Associé of Institut de droit international, chairman of the committee that drafted the constitution of the (former) International Maritime Satellite Organization; participation in conferences and meetings of other IGOs; and member of the international administrative tribunals until 1991 and of relevant committees of other IGOs. Norwegian Ambassador 1968–73, Professor of international law, University of Oslo from 1973.

Selected earlier works by the author:

- "United Nations Forces: Some Legal Problems", 37 *British Yearbook of International Law*, 1961, pp. 351–475.
- "Can the United Nations Establish Military Forces and Perform Other Acts Without Specific Basis in the Charter?" in *Österreichische Zeitschrift für öffentliches Recht*, Band XII, Heft 1–2, 1962.
- "Settlement of Internal Disputes of Intergovernmental Organizations by Internal and External Courts", *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, XXIV 1963, pp. 1–121.
- "Objective International Personality of Intergovernmental Organizations: Do Their Capacities Really Depend upon the Conventions Establishing Them?" – Copenhagen 1963 and 34 *Nordisk Tidsskrift for International Ret*, 1964, pp. 1–112.

- "International Personality of Intergovernmental Organizations: Do Their Capacities Really Depend Upon Their Constitutions?" – 4 *Indian Journal of International Law*, 1964, pp. 1–74.
- "Is the International Personality of Intergovernmental Organizations Valid *vis-à-vis* Non-Members?" – 4 *Indian Journal of International Law*, 1964, pp. 233–68.
- "Jurisdiction over Organs and Officials of States, the Holy See and Intergovernmental Organisations", *International and Comparative Law Quarterly*, XIV 1965, pp. 31–82 & pp. 493–527.
- "United Nations Forces in the Law of Peace and War", Leyden 1966.
- "Die Internationale Atomenergie – Organisation, ihre rechtlichen Aufgaben und Funktionen", *Beiträge zum Internationalen Wirtschaftsrecht und Atomenergierecht*, Verlag Otto Schwartz, Göttingen 1966.
- "Die internationale Atomenergieorganisation (IAEO)", Verlag Otto Schwartz, Göttingen 1966.
- "Applicable Law in Relations Between Intergovernmental Organizations and Private Parties", 1967 III, 122 *Recueil des Cours*, pp. 427–616.
- "Has the Government a Duty to Accord Diplomatic Assistance and Protection to Its Nationals?" – 12 *Scandinavian Studies in Law*, 1968, pp. 121–49.
- "Diplomatic Freedom of Communication" – 14 *Scandinavian Studies in Law*, 1970.
- "The Legal Nature of International Organizations", Comments on Mr. Reuterwärds article in Nordisk Tidsskrift for International Ret, 51 *Nordisk Tidsskrift for International Ret*, 1980, pp. 203–5.
- "The Åland Autonomy and International Law" in *Nordisk Tidsskrift for International Ret*, Vol. 51 1982.
- "Treaty Making Capacity of Intergovernmental Organizations: Article 6 of the International Law Commission's Draft Articles on the Law of Treaties Between States and Intergovernmental Organizations or Between Intergovernmental Organizations", 34 *Österreichische Zeitschrift für öffentliches Recht und Völkerrecht*, 1983, pp. 261–7.
- "Binding Authority for the United Nations and Other International Organizations in Limited Functional and Territorial Fields", 56 *Nordic Journal of International Law*, 1987, pp. 198–204.
- "Autoridad vinculante par las Naciones Unidas y otras organizaciones internacionales en determinados de lo funcional y territorial" in *Anuario Argentino de Derecho Internacional*, III, 1987–1989.
- "Federated and Other Partly Self-governing States and Mini-states in Foreign Affairs and in International Organizations" in *Nordic Journal of International Law*, pp. 369–75, 1988.

- "The Relationship between National Law, International Law and the Law of International Organizations" in N. Mikkelsen, ed., *The Implementation in National Law of the European Convention on Human Rights* (Danish Centre of Human Rights), Copenhagen 1989.
- "The United Nations Decade of International Law" in *Nordic Journal of International Law*, pp. 117–27, 1990.
- "Basic Distinctions in the Law of International Organizations: Practice versus Legal Doctrine" in Theory of International Law at the Threshold of the 21st Century, Essays in honour of Krzysztof Skubiszewski, Edited by Jerzy Makarczyk, Klüwer Law International 1996.

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