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International Institutional Law

VOL. III *Teaching and Materials*

SIJTHOFF

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INTERNATIONAL INSTITUTIONAL LAW

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Chapter One

Introduction

A. Development of the Course

At the University of Amsterdam international institutional law is taught as a separate optional course in the Faculty of Law. As a rule, law students participate in the course during one of the final years of their studies (fourth or fifth year). Also some students of other disciplines often join in, particularly students of political science.

Adjacent courses available to law students are: public international law, human rights and European law. In the latter course institutional aspects are also discussed, but there we mainly concentrate on the substantive law created by the European Communities and on the legal protection of individuals.

In recent years the methods of teaching in Dutch universities have rapidly developed. International institutional law forms no exception. When I started teaching in 1963 formal lectures were still the normal way of transferring knowledge. Only exceptionally did an audacious student pose a question; normally students just wrote down what the lecturer said. After many months, when they prepared for their examinations the students reviewed their notes together with the prescribed books.

Some research revealed that most sets of student notes were inadequate. To a smaller or larger extent, they all contained gaps and errors. I started to multiply my own notes and to distribute them to the students. At first we expected better results from the students when the notes were distributed after each lecture, but it soon proved more fruitful to deliver them beforehand so that students could follow the lectures along the lines of the notes.

The next step was to distribute complete texts of lectures[1] and ask the students to read them at home. This kept the lecture hours free for discussing the subjects. Traditionally Dutch students were not used to discussions in class. They rather passively absorbed the remarks of their professors. Discussion therefore easily fell dead, with no one saying anything. To enable the teacher to provoke the shy students to participate in the discussion questions have been added to the assignments.

The system worked well as long as all students fully cooperated. By nature however, most people are lazy and students often had other engagements which prevented them from seriously preparing classes.

As a result only part of the class fully participated, while the rest was ill-prepared and pressed the lecturer into repeating the contents of the literature which should have been studied. Stimulated by what I saw at the University of Michigan (Ann Arbor), we found two methods of curing this evil: first, we split the classes into smaller units and secondly we abandoned examinations. Before enrolling for a class the students were asked for a firm commitment

1. These texts finally grew and became my book *International Institutional Law*, 2 volumes, Sijthoff 1972.

that they would devote three months fully to the course and they were told that they would be graded on class performance. The concentration of the course into three months rather than spreading it throughout the academic year permitted us to give at least two courses a year thus splitting the student body into a size allowing each student to receive sufficient attention. The grading on class performance stimulated the students into preparing themselves more thoroughly for each session.

Studying from a limited number of books does not prepare the students for finding their way into the material. Often, it is more important to know where to find data than to know the data themselves. To offer at least some experience in using reference books and documents we added "*inquiries*" to the assignment for each session. Their purpose is to compel students to take books into their hands and to look into them.

Reading texts and subsequently discussing them helps students to understand the subjects. It does not quite prepare them for working in international institutional law and it may not be fully adequate for less talkative students. Furthermore, grading on the basis of discussions alone is too one-sided. For these reasons *tasks* were added to the materials for most sessions. They are to be prepared in writing and thus train the students for their future work and provide the lecturer with additional data on the students' abilities.

The method of teaching thus found has been established in close contact with the students involved during at least four consecutive courses. By means of questionnaires and discussions the students contributed much to the creation of the present system which was accepted as the best we could find. Of course, this does not prevent further improvements. All suggestions for that purpose will be most welcome.

B. The Class

1. *Number*

When no students in a class demand considerably more than average attention, a class could contain up to 12 students. With a higher number not all students can be kept continuously involved in the discussions; students may proceed on the premise that there is only a slight chance of their being questioned on a particular item; the shy ones will find insufficient opportunity to pose their remarks.

Below five, classes risk to become insufficiently active; many questions remain unasked: there may be insufficient diversity in views and attitudes; discussions may fall dead; the risk increases of one student dominating the others.

The ideal number of students is about eight. Depending on the qualities of the students and the teacher the number may be slightly more or less, but it cannot be accidental that the criticism "the class was too large" starts popping up in classes above nine and becomes a major objection in classes above twelve.

Of course the ideal size of a class also depends on the subject taught. The present remarks concern only the classes on international institutional law taught along the lines described in this book. However, in our classes on European law we came to the same numbers for maximum, minimum and optimum.

2. *Standard and preparation*

At the University of Amsterdam a general introduction in international law is compulsory for all law students. This introduction includes some twenty lecturing hours on international organizations. Students taking international institutional law are therefore assumed to have a basic knowledge of the most important international organizations. Like all assumptions this one does not always hold true.

To brush up their memories we use the first four sessions for discussing each of the most important international organizations individually. Only after those sessions is a systematic discussion of the problems of international institutional law started.

Another important aspect of the standards of the students is their linquistic ability. However valuable a knowledge of international institutional law may be, it will be of little use to those who are unable to communicate with others in international meetings. For any student in international affairs a good knowledge of English or French is essential, the knowledge of both is of great value and an additional knowledge of any of the other main languages is most useful.

It is impossible to incorporate a linguistic training in a relatively short course on international institutional law. Students should be urged, however, to pay attention to foreign languages. Not all the burden should be on those to whom English and French are foreign languages. The native speakers should train themselves in using easily comprehensible terminology and in understanding foreigners even when their linguistic capacities are limited. Often it may be true that someone who cannot express himself clearly in his own language does not think systematically and is therefore not worth listening to. This is different when speakers use a foreign language. Many excellent ideas have been clumsily expressed because the speaker could not translate them into the right words. In such cases the challenge is for the listener to derive the good ideas even from clumsy wording. This capacity can be learnt.

3. *Sessions*

Each assignment is to be discussed in a session of approximately two hours. In the Amsterdam programme where for twelve weeks the students have no other commitments than international institutional law, we have two sessions a week (Tuesday and Friday afternoons). When students have other classes as well, one session a week may be more advisable.

The number of sessions could be reduced by deleting tasks or by combining the first four sessions in case the students are sufficiently familiar with the existing international organizations. Some teachers may wish to devote extra attention to particular subjects – such as the international civil service – by adding further sessions.

A session may be divided into four periods:

(a) A substantial amount of time is needed for answering *questions and remarks* students may have on the material read. It may be necessary to restrict this period by cutting short remarks of students who absorb too much time, (occasionally there may be students who want to start the session by making such a learned impression that no further questions will be asked of them later on). Often it is possible to build a more general discussion on the initial questions. The teacher can stimulate this by asking other students to answer questions or to comment on remarks rather than by doing so himself.

(b) Commentary on the tasks performed can be made individually by writing in the margin. Often the performance of tasks provokes comment which is of use to the entire class and therefore should be made orally, notwithstanding the disadvantage of the lecturer speaking alone for a relatively long period of time. Some tasks have been imposed for the purpose of class discussion and take up a considerable part of the session.

(c) Discussion of the *questions* should cover the time available after discussion of the tasks with the exception of a few minutes at the end. Usually the lecturer will have to select the questions on the subjects considered most important which have yet to be covered after the students' questions and remarks.

(d) Finally, the last minute should be reserved for checking the answers to the inquiries and for comparing the sources students have used.

Of course, the amount of attention devoted to each of these four periods should vary, according to the subject concerned and according to the interests of the students. There is no need for hard and fast rules.

C. *The Teaching*

1. *The Teacher*

The teacher needs two qualities: he should know international institutional law and he should be able to teach. The latter quality is at least as important as the first and as impossible to obtain entirely. Teaching does not mean being able to tell the students what they should know, but to stimulate and help them in acquiring the comprehension and knowledge they need. Often this may be done best by letting the student find out for himself or by requiring him to explain to others. Even though he will have to explain things, the teacher should not speak too much and, first of all, he should approach the students in a positive way. Remarks such as "this is a stupid question", or, "no, your answer is wrong" may kill the discussion in a class. In all questions and remarks there is some positive aspect which can be brought forward first. Also the answering can be left to the other students.

2. *The use of the assignments*

Students starting a new course are usually well motivated and hard working. The first tasks assigned form a challenge and are carefully worked out. After a few weeks, however, the students get used to a routine and their original enthusiasm may fade. The best way to cope with this danger is the introduction of *variation*. To obtain such variation some students are asked to deliver a speech during Session 7. The others may critisize. For the same purpose Session 10 is largely organized as a mock session of the European Parliament; several sessions have no tasks assigned, others are only composed of tasks. This means that the student can first fully concentrate on the literature; he will then use his obtained knowledge some days later.

Depending on the class it may be necessary to introduce more variation. Teachers may ask students to read their tasks for discussion by others, a guest speaker may be invited for a particular session. It may be fruitful to ask each of the students to pay particular attention to one specific organization. Thus their active participation may be increased and their remarks in class may become more mutually beneficial. At the end students could report to what extent "their" organizations differ from the general pattern.

With the literature, the tasks, and the inquiries the *time* is indicated which will approximately be required for preparation. Though the actual time each student needs varies widely, these indications may help the teacher in deciding whether to delete tasks from the assignments of particular sessions or whether to divide tasks among the students. This again may help variation in the discussions.

3. *The grading*

There are different sorts of students. Not only are there brighter and less bright and shyer and less shy people, but also their strong and weaker points may vary. Some students have luminous ideas and visions of their own on the most desirable developments of international organizations, but lack a thorough knowledge of the law as it is. Others demonstrate such knowledge and prove to have studied the materials very carefully but lack any opinion of their own. How does one grade such people? The former group may be better for some jobs, the latter for others.

In a traditional examination it is very hard to do justice to all the abilities a student may have; in a continuous evaluation in class this becomes somewhat easier. Also the risk of students having their strong or weak day at an examination can be coped with by grading on class performance. This form of grading furthermore underlines the need for the student to be well prepared at each session.

Preferably the student should not realize that he is continuously assessed; the teacher should mark for himself the students' performance at each session and he should grade for himself each task a student made. He will thus obtain two sets of marks: one on the tasks and one on class performance. The former is quite objectively obtained from papers, the latter is largely subjective. Nonetheless, the latter set of grades should not be valued less, particularly when students prepare their tasks in teams.

D. The Assignments

1. *Literature*

The literature forms the core of the teaching and should receive most of the students' attention. From the assigned literature the students are to obtain their basic knowledge of the subject, the other parts of the assignment mainly being for illustrating the materials read, for allowing the students to test themselves whether they rightly understood the materials and for further digestion of the subjects.

Assuming that the students have two days for preparation, the literature assigned can be up to a hundred pages if there are no further assignments. Students do about 8 pages an hour. They need more time if their knowledge of English or their general knowledge on the subject is below average, or if they want to go deeper into some aspects, by reading further literature referred to in footnotes, as they should occasionally do.

As a rule it may be preferable to assign a variety of articles by different authors on each subject. This leads, however, to overlapping and to an increase in the number of pages to be read. Furthermore, library facilities are

rarely sufficient for allowing ten students to read the same articles during the same two days. For these reasons we limited most assignments to my book *International Institutional Law*, Sijthoff Leiden 1972, volume one for sessions 5-11, volume two for sessions 12-25; the sessions 1-4 being mainly used for a survey of the most important individual organizations. To this book we added little more than the essential cases of courts. As the chapters of the book vary in lenght, the cases have been added to the easier assignments, whenever a choice was possible. For that reason, the Admission case, for example, is assigned to Chapter Nine (interpretation) rather than to Chapter Two (membership). The assigned literature is supposed to cover the subjects sufficiently.

The *suggested additional literature* is meant to give some guidance to students wanting to read more. We suggested literature close to the subject concerned, but also tried to refer at least once to the books and articles considered as most essential to international institutional law in general.

2. *Tasks*

Students should be trained in using the material studied. This makes them understand the subject and its problems better. It compels them to think about the issues and to formulate their own points of view. Experience demonstrated that the tasks are essential parts of the assignments.

Tasks may perform two functions: (1) They allow the student to check whether he understood the assigned literature and whether he can find it whenever he needs it. As regards this function tasks serve largely for the better digestion of the literature read. (2) Tasks may stimulate autonomous thinking and research. They confront students with the sorts of problems which may arise in actual practice. As regards this function tasks stimulate the students' own inventiveness.

The second function is the most important. It compels the students to compare texts and gives them experience in finding data. Many students attach considerable value to the first function, however. For their benefit some tasks have been added especially for that function.

Time will not always permit all tasks to be performed. Often the lecturer will have to make a choice. To give some guidance an average has been mentioned of the time required for performing each task.

Tasks should be performed in writing and should be handed in some hours before the session. We sometimes asked a class to prepare a task for themselves and bring the solution at the session. The results then were considerably weaker than when a written preparation was required.

The teacher should make ample comments, by writing in the margin, both to contents and to form. It is in the interest of the students to be criticized and

to be trained in always referring to sources, in using a consistent system for references, and in being concise.

It is useful to ask students occasionally to read their answers in class, thus giving the others an opportunity to see how the problem could be solved and to criticize. Reading of the better answers is preferable, provided that they do not all come from the same students.

The correction of tasks requires a considerable amount of the teacher's time. One morning, however, is sufficient for correcting a complete set of tasks for 8-10 students. For a good class the teacher need hardly prepare the answers himself. It is rare that the most relevant aspects are not found by the collective student body. Much of the correction can, therefore, be performed by assistants.

Some students prefer to prepare their tasks in *teams*. For the sake of learning this offers the advantage that the partners will disscuss their common reply and by discussion deepen their knowledge. For the teacher teams offer the advantage of reducing the number of written replies and thus saving correction time. On the other hand there may be a risk of dividing the work between team mates or of a stronger student doing the tasks while others just join in. In the discussions during class the better debater may overshadow his team mate by presenting all arguments of the team. Most students prefer to work on their own as this takes less time and offers the advantages of individual comments from the teacher.

When established, some students find it difficult to break up a team even when they would rather do further tasks by themselves. For these reasons teams should not be the rule. Students who prefer to work in teams should be permitted to do so but should be advised not to stay in the same team for the entire course and to do at least some assignments individually.

On the other hand, students who never work in teams should be stimulated to do at least some tasks together with a colleague. Again variation is important.

Teams should not be larger than two persons.

3. *Questions*

Originally meant for stimulating discussion, questions also serve for spreading the discussions over several aspects of the literature studied and for helping to bring the discussion back to the subject if it might float away too far.

To some questions the remark has been added: "*not to be discussed if task ... of session ... will be assigned*". In those cases the subject concerned was considered of such importance that it should receive some attention in class, but preference is indicated to discussing the subject with the task following later. It may seem possible to discuss a subject first and to assign a task on it later, when the students are more familiar with it. In practice,

however, previous discussions make the tasks less interesting to the students. When the tasks are assigned the discussion should follow after their performance.

Students should concentrate on the literature rather than preparing answers to questions. For that reason the discussions should not be too close to the assigned questions. The questions have no further purpose than of forming the basis for well spread discussions. During class the lecturer may add all sorts of further questions.

Normally there will be no time to discuss all questions. The lecturer should make his choice and leave the others aside. It is of no use to transfer questions to a later session, unless additional sessions for the sake of further discussion can be added.

4. *Inquiries*

More important than knowledge of facts is the knowledge of the ways how to find further facts. Academically it may be best to give the assignments without any literature, and to present issues and require the students to collect the relevant literature by themselves. The selection of literature may require so much time, however, that students can do only a few subjects during the entire semester. In order to save that time the student finds his assignment of literature prepared for each meeting. This creates the risk that he will insufficiently consult the sources.

The inquiries have been added in order to bring the students into direct contact with the most important collections of information. The answers required are factual but unimportant. Good students should invest some extra time in looking into the books containing the required data, so that they know the lay out of these books and the sort of information they offer.

Everybody should make it a habit to quote sources exactly whenever giving information.

Inquiries proved useful particularly during the first part of the course. After a while students know their way in the library and special inquiries – apart from those necessary to perform the tasks assigned – become less useful. They may then be omitted.

Normally, the assignment of inquiries should be discussed with the librarian beforehand.

Chapter Two

Assignments