Preface

We depend for our future on international order. Our destiny is increasingly influenced by the activities – or lack thereof – of international organizations. Consequently, it seems appropriate to analyze more closely the law of international organizations.

Obviously, each organization has its own rules and practice, unique and designed for the realization of its objectives. A large number of studies have therefore already been devoted to specific organizations such as the United Nations, the Organization of American States, the European Union, the Organization of the Petroleum Exporting Countries, the European Bank for Reconstruction and Development, and the World Trade Organization.

Nevertheless, international organizations also have much in common and are confronted with a large number of similar day-to-day problems. For example, all organizations of which the Soviet Union was once a member needed to respond to its disintegration: should the Russian Federation step into the shoes of the Soviet Union, without being formally admitted as such, or should it be admitted as a new member? Should the chairman of an international organ remain in office when a subject on the agenda directly concerns his country? Should the secretariat of the organization be composed of civil servants selected exclusively on the basis of their professional qualifications, or should it have a certain number of nationals of all member states as staff members? Should specific organs be created to deal with disputes between the organization and its personnel? How can effect be given to the desire of the organization to invite persons to its meetings despite the fact that the host state would normally refuse these persons access to its territory? With respect to voting, should each member state have one vote (reflecting the formal rule of sovereign equality of states) or should members have different voting strength (reflecting factual inequalities between member states)?

These examples demonstrate that international organizations, despite their widely diverging objectives, powers, fields of activity and number of member states, share all kinds of problems. The rules for dealing with these problems are often similar. When a new organization is established, a number of its rules are copied – mutatis mutandis – from other organizations. Many writers take the view that in practice, although each organization has its own legal order, common rules or principles have developed. These shared problems, rules and principles of international organizations concern institutional legal matters in particular. Institutional law does not differ dramatically from one organization to the next; each organization needs rules concerning, for example, its
internal structure, membership, decision-making, financing, relations with the host state, and these rules often bear strong similarities.

This book offers a comparative study of the institutional law of international organizations. Although each organization has its own legal order, institutional problems and rules of different organizations are often more or less the same and, in practice, an impressive body of institutional rules has developed. This explains the subtitle of this book: unity within diversity.

Much has changed in our field of study since 1972, when the first edition of this book was published. The international political context has changed, and this has affected the functioning of international organizations. The Cold War era and the period following the end of the Cold War passed by. Now, at the beginning of the 21st century, a new situation has emerged in which there is only one superpower, whose dominant position also has its influence on the law of international organizations. Another change since the publication of the first edition is the different attitude of governments towards international organizations. For a considerable number of years following the end of the Second World War an international organization was established almost automatically as soon as an international problem and the need to cooperate were identified. In more recent years however, in particular since the 1990s, the opposite attitude has become predominant: at present, states almost instinctively express their wish not to create a new organizations once a problem presents itself with the need to cooperate. With regard to existing organizations, the responsibility for their own acts as well as larger questions of accountability are now hotly debated in academic writings and in practice.

Nevertheless, while much has changed, much also has remained the same. Plus ça change, plus ça reste la même chose. In practice, the creation of larger or smaller organizations such as the Organization for the Prohibition of Chemical Weapons, the International Criminal Court and the Agency for International Trade Information and Cooperation has appeared to be a simple necessity. In addition there continues to be a large amount of – often related – legal questions with which international organizations are confronted regularly.

The first author has taught a specialized course on international institutional law since 1963, first at the Law Faculty of the University of Amsterdam and subsequently at the Law Faculty of the University of Leiden. From 1984 to 1993, this course was given jointly with the second author. Following his retirement, the first author has continued to be involved in the teaching and research in this field. The second author in 2000 joined the legal service of the Dutch Foreign Ministry. Needless to say, the views expressed in this work are personal views and are not necessarily the same as those of the Dutch government. Since 2003 the second author has returned on a parttime basis to the Law Faculty of Leiden University where he is teaching a course on international institutional law.
In the previous editions of this book, published in 1972, 1980 and 1995, acknowledgements were made to many people. For the present, fourth edition we would like to repeat these acknowledgements. Although the text has been updated and revised, the previous editions have been the foundation without which no fourth edition would have been possible.

Many people have assisted in the preparations for this fourth edition. We thank our colleagues and friends from the academic world for their stimulating comments and help. In addition, a large number of staff members of Dutch ministries and of the secretariats of many international organizations have provided us with extremely valuable written and unwritten information. The world of the academic is quite different from that of the practitioner, we therefore greatly appreciate this assistance.

From the very beginning of work on this 4th edition, we have enjoyed the confidence of Martinus Nijhoff Publishers that has recently become part of Brill Academic Publishers. Annebeth Rosenboom has continuously supported our work in numerous ways. Anne-Marie Krens has prepared the camera-ready text. We would like to thank both of them for outstanding cooperation.

Preparations for the fourth edition of this book started in 2000. We have tried as much as possible to cover developments relevant for this book up to the summer of 2003. Our field of study is vast, institutional rules are numerous and sometimes complex, and practical developments have also been legion. In a general comparative study, it is impossible to discuss every aspect in detail, and omissions are unavoidable. Suggestions for improvement are therefore most welcome at the Department of Public International Law of the Leiden Law Faculty, P.O. Box 9520, NL-2300 RA Leiden, The Netherlands.

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