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The Future of International Institutional Law

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Professor dr. Niels Blokker

The Future of International Institutional Law



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Bij ons leer je de wereld kennen

The Future of International Institutional Law

Valedictory lecture

Professor dr. Niels Blokker

at the Universiteit Leiden

on Friday 14 March 2025



Universiteit
Leiden

Dear students, colleagues, excellencies,

Dear family and friends,

This farewell lecture will be mostly in English. As natural as it was to deliver my inaugural lecture in Dutch, 22 years ago, as natural it is now to say farewell in English. Most of my students and half of my international law colleagues are from abroad, and many guests are non-Dutch. Only a few final and most personal words will be in Dutch, also as an encouragement to our internationals to learn *een beetje Nederlands*.

1. Introduction

It is almost a platitude to say that we are living in harsh, gloomy times, full of uncertainties and geopolitical changes, in the interval between a previous era and a future one. “The old order changeth, yielding place to new”.¹ In such an interval, the rule of power governs, much more than the rule of law. A new world order is taking shape partly in ad hoc meetings, for example recently in Paris (17 February), Washington D.C. (25-28 February) and London (2 March), outside the framework of international organizations. The authority of institutions built during and after World War II is questioned. So now is the time to discuss the future of international organizations and the future of international institutional law. As John F. Kennedy stated in 1963: “those who look only to the past or the present are certain to miss the future”.²

Severe violations of the most basic rules of international law are commonplace these days. The news is continually filled with breaches of the *ius ad bellum*, international humanitarian law, international criminal law, human rights law, international economic law, sustainable development law and other sub-fields of international law.

Three years ago, the Russian Federation invaded Ukraine. It was a severe violation of one of the most fundamental

rules of international law, the prohibition to use force in international relations. Today, this war is still on-going, it has almost become ‘the new normal’. On 7 October 2023, there were the horrendous violations of the law by Hamas. In the weeks and months that followed, Israel violated key rules of international humanitarian law and key obligations vis-à-vis the United Nations. In addition, there are wars that receive far less international attention; in Sudan, Yemen, the Democratic Republic of the Congo and elsewhere.

All these violations of international law have taken place and are taking place even though over the years an international legal order has been created to improve the situation, to make life less “nasty, brutish and short”³ than it was in bygone times, to make it more peaceful and just, strengthening the rule of law in the international society. Over the years, in particular since World War II, a system of rules and organizations has been developed. Detailed sets of rules have been introduced in many areas of international law. What has been achieved in norm setting is impressive, within the International Law Commission (ILC) and often also elsewhere. In addition, international organizations have been created for almost all areas of human activity, to coordinate policies, prevent violations of international law, and to stop such violations when prevention has failed.

But this system of rules and organizations is far from robust. Its authority is challenged. Its weaknesses are felt in particular when these rules and organizations are needed most, when they are put to the test in harsh, uncertain times as ours. The fragility of the international legal order concerns in particular the role and functioning of international organizations. Whereas substantive rules have been developed in many sub-fields of international law, the organizations that should operate in tandem with them have remained underdeveloped, mostly at the global level. Long ago, Georges Scelle referred to this as the *carence institutionnel*, the institutional deficiency of the international legal order.⁴ If push comes to shove, *als*

puntje bij paaltje komt, the efficacy of international law largely depends on power support provided by states, in the absence of stronger institutions than the ones we have. Within Europe this institutional deficiency has been remedied to some extent, although the past few years have demonstrated that this is not an irreversible process. While the ideal of an ever closer union has stood the test of time, the reality is more unruly.

*

The dissertation of my promotor Hein Schermers, published in 1957, and many of his later works, are devoted to the institutional structures of the international legal order. Having experienced the Second World War, his profound interest in this field was inspired by his teacher and promotor professor Van Asbeck,⁵ and was also strongly influenced by his working experience in the Dutch Ministry of Foreign Affairs in the 1950s.⁶ It is against this background that Schermers took an extraordinary, generous initiative, announced at the very end of his valedictory lecture in 2002, a few years before he passed away. He decided to donate the proceeds from the sale of his house to Leiden University. In his own words:⁷

Daarom vertel ik iets over wat enkele juridische hoogleraren deden met hun huizen. Drie van mijn meest gewaardeerde voorgangers, Van Vollenhoven, Telders en Van Eysinga creëerden een nieuw mos, namelijk dat een professor aan het eind van zijn carrière zijn huis schenkt aan het Leids Universiteits Fonds. Ik wil mij bij die traditie aansluiten, maar ik heb mijn huis aan de Herengracht al een jaar geleden verkocht en bezit geen eigen huis meer om te schenken. Daarom wil ik in plaats van het huis zelf de netto opbrengst ervan nu aan het LUF geven. Vorig jaar was dat een miljoen gulden, een mooi rond bedrag. Nu zijn er geen guldens meer. In nauw overleg met Hotsche en onze kinderen maak ik vandaag een half miljoen Euro's aan het LUF over.

Bij een dergelijke overdracht mag je voorwaarden stellen. Al te streng wil ik dat niet doen, maar ik heb wel de wens uitgesproken

dat dat geld in de eerste plaats gebruikt zal worden voor een leerstoel voor de vergelijkende studie van de constituties van internationale organisaties, het vakgebied dat mij het naast aan het hart ligt en dat ik in 1963 bij mijn intrede in de universitaire wereld heb omschreven in mijn rede getiteld: "De studie van het internationale institutionele recht."

What a unique gift! It has remained unique. Since 2002, no law professor has followed Schermers' example. I am afraid I also lack his generosity.

Why did Schermers want this new Chair to be devoted to international organizations law? Why was international institutional law the field of law that was closest to his heart? In short: this stemmed from his deeply felt conviction that we need to remedy the institutional deficiency of the international legal order.

I applied for the newly established 'Schermers Chair' and was privileged to be selected in 2003. Originally this was a part-time professorship, which I combined with my work in the legal office of the Dutch Ministry of Foreign Affairs. I am grateful that the University was willing to provide additional funds so that the Schermers Chair could become a fulltime Chair in 2013, when I left the Dutch Foreign Ministry.

But before I will continue thanking all those who contributed to my work on the Schermers Chair, let me now first address the topic of my farewell lecture, "The future of international institutional law".

This topic is rather broad, the future is uncertain, my time is limited, and your seats are far from comfortable. I will therefore only make some general observations, illustrated with a few examples. My presentation is divided into three parts. First, I will discuss the beginning of the life of international organizations. I will take you to the moment of their creation, often full of euphoria. For each organization, here is the origin of

its law. Second, we need to better grasp what happens during the life of international organizations. I will look at that from two perspectives, that of the members and that of the organization. The third part of my presentation is devoted to the question of the unity within the diversity of the laws of international organizations. Following these three parts, I will briefly explore an overarching theme that I will call ‘institutional neglect’.

2. At the beginning: euphoria and the need for better built international organizations

The life and law of an international organization start at its creation. This is often a moment full of euphoria. It is sometimes called a Grotian moment. For example, when the UN Charter was adopted in June 1945, Paul-Boncour, the Chairman of the French delegation referred to the UN Charter as “the great thing, the great historic act accomplished by the San Francisco Conference, which gives to the world the hope, based on an obvious reality, that henceforward it may live in peace”.⁸ Foreign minister of Mexico Padilla stated on that occasion: “[i]n this Charter are gathered all the hopes for human solidarity. Henceforth, no nation need any longer be isolated in silence and darkness, in the indifference or the complicity of the rest of the world. We are now met at the forum of universal conscience”.⁹ There was similar euphoria when the International Criminal Court was created in 1998. The German Head of Delegation Gerd Westdickenberg stated that “a strong, effective and independent international criminal court would certainly be established. The world would hear the signal that heinous crimes like genocide, crimes against humanity, war crimes and the crime of aggression would no longer go unpunished”.¹⁰ On behalf of Sweden, also speaking on behalf of the Group of Western European and Other States, Per Saland said “that the historic adoption of the Statute of the International Criminal Court marked the realization of an aspiration harboured by human kind for more than 50 years and held out the promise of a better, safer and more just world”.¹¹

These moments of euphoria are usually the culmination of months or years of preparations. In its final phase, there is a concluding conference where an agreement is forged. It may seem a miracle that participants are able to bridge the gaps that long seemed unbridgeable. I have experienced this in 2010, in the two-week Kampala conference, which completed the work on the International Criminal Court (ICC) by bringing the crime of aggression within its effective jurisdiction. No one expected a full agreement at the beginning of this conference, yet there was an agreement at the end. How to explain this?

One explanation for such unexpected agreements was offered by Louis Renault, during the 2nd Hague Peace Conference in 1907. Louis Renault was a famous French lawyer who won the Nobel Peace Prize later that year. At the Hague Peace Conference, agreement was reached on the establishment of an International Prize Court. Renault attributed this success to “l’influence bienfaisante du milieu”,¹² the beneficial influence of the ambience of the Peace Conference. What could not be achieved in years, was now accomplished in a few weeks, through the *rapprochement* between men and ideas and through a sense of justice that prevailed over particular interests, as Renault explained.¹³ Detached from the home office, in an inspiring location, focusing on a single pertinent issue, no matter whether this is in The Hague, San Francisco, Rome or Kampala - all of this may contribute to “l’influence bienfaisante du milieu”, may offer favourable conditions for an ambience that is conducive to achieving a breakthrough.

What else do the examples of euphoria at the creation of a new international organization have in common? In all these cases, the hard work of people, building a common home for the future, has come to a successful end. They have been able to find common ground and make compromises, in the long-term interest of all. They agreed that it was insufficient to conclude merely a treaty with mutual rights and obligations,

and that it was necessary to also establish a living instrument, an organization within which the member states can cooperate, having more control over an uncertain future than they would have if they would continue to act alone. International organizations are for the future, international institutional law is for our common future. As Monnet wrote in his *Mémoires*: “[r]ien n’est possible sans les hommes, rien n’est durable sans les institutions”.¹⁴ Nothing is lasting without institutions, because they can, in his famous words “accumuler et transmettre la sagesse des générations successives”.¹⁵ However, Monnet adds an important reservation. Institutions can only perform this enduring function “si elles sont bien construites”, if they are well built.¹⁶ The next question is: what is “well built”? What does a well-constructed international organization look like?

What is a “well built” international organization?

6 My argument is that, by now, there exists a wealth of experiences, a wealth of rules and practices of international organizations from which we can derive institutional preconditions, minimum rules of institutional law that are necessary for a well-built international organization, for its legal architecture. This institutional *acquis* should be taken into account whenever decisions are taken to establish or to reform an international organization. In this way, such decisions will be better informed and less arbitrary. This would result in a euphoria at the creation that is more justified, since it will be more likely that what is created will meet the expectations more fully.

This does not mean that the ILC should start preparing a Vienna Convention on Constituent Instruments of International Organizations, just like there are the Vienna Conventions on the Law of Treaties. Rather, the necessary minimum institutional rules for a well-built international organization could be laid down in a ‘Model’, a ‘Prototype’, as a checklist to be used whenever a new international organization is created, and also to review existing organizations. Not a

Vienna Convention, but a Checklist, which could be called a Leiden Checklist since there is a long Leiden tradition to study “den juridischen wereldbouw”.¹⁷ The better the creators of a new organization follow this checklist, the more they demonstrate that they are serious about their new institutional commitments, the more they make clear that this is not window dressing, that they are not erecting merely a façade behind which life goes on as before.

Example: the need for an independent secretariat

It is high time to make these general observations more concrete by mentioning examples. There is no time now to elaborate the full Model or Checklist of fundamental institutional rules that I propose. Instead, I will briefly discuss one example of such rules that would need to be included in this Checklist. This example concerns the need for well-built international organizations to have an independent secretariat.¹⁸ Based on choices made a century ago, in the early life of the League of Nations and the International Labour Organization, and benefiting from the practice of these organizations, Article 100 was included in the Charter of the UN. Article 100 contains two fundamental obligations to guarantee the independence of the UN Secretariat: an obligation for the Secretary-General and the staff not to seek or receive instructions from governments or other authorities outside the UN, and an obligation for UN member states “to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities”. These provisions are closely connected. They have been copied in the constituent instruments of many other international organizations. Unfortunately, they have also been violated, sometimes very seriously.¹⁹ But the inclusion of these provisions also in the constitutions of recently established organizations demonstrates that states have not changed their minds and have reconfirmed that these rules are necessary for a well-built international organization.

Why is the independence of secretariats of international organizations so essential, why should this be a key element in the Checklist when a new international organization is established? This is because the people who carry out the work of the secretariat should do so in exclusive loyalty to the organization, detached from the member states. In implementing the great variety of tasks of international secretariats, from purely technical and administrative to more policy-oriented tasks, they should not represent the particular interests of the member states, but should act only in the common interest, serving the common good. If Chinese staff members of the Secretariat of the World Health Organization would not be independent but would represent China, how could the other 193 member states have the necessary trust in the objectivity, the quality of a report of this Secretariat dealing with COVID-19? Likewise, if American staff members of the International Monetary Fund would not be independent but would represent the US, how could the other 190 member states rely on IMF reports about the US economy?²⁰ Why did Germany request the Secretariat of the Chemical Weapons Organization to analyze biomedical samples from Alexei Navalny, to see if he was poisoned?²¹ The same is true for secretariats of less well-known international organizations. What would be the authority of reports by the Secretariat of the International Organization of Vine and Wine if the authors of these reports would not be independent but would represent member states such as France, Italy, Chile, or South Africa?

In an independent secretariat, a multinational staff works for the common good. They do so semi-permanently. Their position is thus different from that of Louis Renault in the 1907 Hague Peace Conference. Renault and his colleagues were not independent but represented their governments, and they were in The Hague only for a few months. However, what Renault observed in 1907 about *l'influence bienfaisante du milieu*, is also true for independent secretariats of international organizations, where staff are detached from national interests and work in the common interest.

It is therefore obvious that, since long, the constituent instruments or other rules of most international organizations include the twin obligations for staff and for member states to guarantee the independence of the secretariat. Nevertheless, there are a few examples of constituent instruments in which states have included only the first obligation (for the staff), not the second obligation (for the member states).²² These few cases lack the full guarantees for an independent secretariat. Leaving out an obligation for member states not to influence the secretariat arouses the suspicion that they want to stay more in control of each and every activity of the secretariat. This is not in the long-term common interest. Of course, construction defects such as the lack of an obligation for members not to influence the secretariat may be the result of political compromises. But there is often also a lack of knowledge. It is necessary to make better choices, better informed political compromises, at the creation of an international organization.

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An independent secretariat is an example of one key element of a well-built international organization, of its legal architecture. Other elements of the Checklist would concern rules about the powers of the organization, decision-making rules, rules about finances, and rules about the amendment of the organization's constituent instrument.

To conclude the first part of my lecture, what does this mean for the future of international institutional law? In short: the euphoria at the creation of international organizations has so far been rather thin, superficial. A fuller understanding of essential characteristics of international organizations is lacking. In order to take better informed decisions and manage expectations, there should be a deeper and more broadly shared understanding of key institutional characteristics of international organizations. This should be reflected in a Checklist of minimum fundamental rules of institutional law. The more such rules are observed, the more the euphoria will be justified, since the organization is well-built and therefore

enabled to “accumulate and hand on the wisdom of succeeding generations”.²³

International organizations should be well-built. A good start is half the work. But the other half of the work is the operation in practice of international organizations, on which I will focus in the second part of this lecture.

3. During the life of international organizations: towards a better understanding

We need to better grasp what happens in practice, during the life of international organizations, after the euphoria at their creation. By now, there is a vast amount of practice of the hundreds of existing organizations, some very old, some still rather young. There is a wealth of experience. This experience is under-researched. Oliver Wendell Holmes Jr. has observed that “the life of the law has not been logic: it has been experience”.²⁴ This is also true for international institutional law: much of its life is based on experience. If we want to better understand international organizations and their law, we must study their functioning in practice. Their law and vast practice provide important experiences, lessons for the future of international organizations, for the future of international institutional law.

It is difficult to generalize what happens in the practice of international organizations, since each organization has its own life. But there are also some common features and experiences in the practice of international organizations.

Firstly, international organizations need to find the proper balance between stability and change, between rigour and flexibility. The world is changing rapidly, so does the specific area in which an international organization must perform its functions. The future is uncertain. But isn't that one of the reasons why an organization is created in the first place? An organization's founding instrument is merely a framework,

which should be sufficiently flexible, to enable the organization to adapt, to respond to, and to influence relevant developments in practice. At the same time, key rules of this framework must be complied with. The prohibition of the threat or use of force in the UN Charter should not be weakened by condoning Russia's invasion of Ukraine or US President Trump's not ruling out the use of force to annex Greenland or to seize control over the Panama Canal. In practice, international organizations need to navigate between the Scylla of too much flexibility and the Charybdis of too much rigour. Member states may well disagree on the right course. If so, the organization may be adrift.

Rules of international institutional law provide navigation rules, assisting international organizations and their members to follow the right course between Scylla and Charybdis, balancing rigour and flexibility. These rules include the specific and general rules on the amendment of constituent instruments of international organizations. An example is Article 108 of the UN Charter. Unfortunately, this is one of the major flaws of the Charter, as it requires the ratification of a proposed amendment by each of the five veto powers. This makes it almost impossible to update the Charter whenever geopolitical changes weaken the position of a veto power. Apart from amendment rules, other examples of such navigation rules are the rules governing the powers of international organizations, and the notion of established practice.²⁵ The future of international institutional law is partly about the further development of these rules. It is about the scope of the doctrine of implied powers, the question whether the notion of established practice should be defined, and much more. The institutional lawyers of the future, in practice and in academia, need to face the challenge to sail the right course.

A second common element in the practice of international organizations is the distinction between the role and responsibilities of the organization and of the member states. In order to better understand what happens during the life of international organizations, it may therefore be useful to

briefly look at this from two perspectives: the perspective of the member states and the perspective of the organization.

The perspective of the member states is that an international organization should deliver. It is not created for its own sake, as *l'art pour l'art*, but to serve certain political or societal purposes, to perform the more general or specific functions that the member states have asked it to perform.²⁶ This is what international organizations normally do, and they therefore sometimes emphasize, somewhat servile, that they are 'member driven organizations'.²⁷ But it may also happen that an organization is failing. Examples are the slow response by the WHO in 2015 to the outbreak of Ebola in West Africa,²⁸ and the acts of sexual exploitation and abuse in which some of the 70.000 UN peacekeepers are involved.²⁹ In particular since the 1990s, there has been much attention to the role and responsibility of international organizations when they fail.³⁰ Accountability of international organizations became a buzz word. More and more, it has become common to examine in detail cases where international organizations and/or their member states have failed.³¹ In addition, the Articles on the Responsibility of International Organizations have been adopted.³² In spite of all the criticism of these Articles, they offer some guidance whenever victims bring cases against international organizations. In short, overall, having experienced that international organizations may fail or underperform, the law has developed. International institutional law of the future should further strengthen the existing frameworks of accountability of international organizations. This should improve the performance of international organizations, so that they better deliver. This is the perspective of the member states.

To be distinguished from this, although closely related, is the perspective of the organization. The perspective of the organization is that the member states should fulfil their obligations to enable the organization to perform its functions. *Pacta sunt servanda!* They should pay their contributions, in

full and on time. They must implement its decisions. If UN member states neglect binding Security Council resolutions and binding Orders of the International Court of Justice, if ICC state parties leave unimplemented arrest warrants of the Court, what is left of the authority that these same member states have bestowed upon these three key institutions? If states are serious when creating international organizations, they need to take their obligations more seriously. This is true not only for those who are addressed, such as the Russian Federation, Israel, the State of Palestine, and their leaders, but also for the other member states. If this is not done, the authority of these organizations is undermined. To be sure, this is not a new problem. It exists as long as international organizations exist.³³

If member states do not honour their commitments to the organization, *they* should be accountable. However, while organizations are accountable towards their members, it is less clear towards whom the member states are accountable. To some extent member states, their governments, are accountable at the national level, towards their national parliaments, their courts and populations. Also, they are accountable towards the other member states. This imperfect, diffuse nature of the accountability of member states of international organizations is as problematic as it is inherent in the nature of today's international political and legal order. It is inadequate, as the bottom line remains that the member states are mostly accountable towards themselves. This is a *contradictio in terminis*, because accountability has to be towards someone else. It is a challenge for the future of international institutional law to develop rules and mechanisms to improve the accountability of member states of international organizations.

In addition to inadequate implementation of decisions of international organizations, there is more. Members sometimes use international organizations as scapegoats. The human inclination to sometimes blame others for our own wrongdoings also occurs with states, and this is further magnified if states have authoritarian leaders. When the

Morandi Bridge in Genoa collapsed in 2018, killing 43 people, Matteo Salvini (at the time Deputy Prime Minister and Minister of the Interior) suggested that this could happen because limits on spending ‘imposed by Brussels’ prevented the Italian authorities from carrying out the necessary maintenance of the bridge.³⁴ When things go wrong, governments may ‘frame’ international organizations as part of the problem rather than part of the solution. During the COVID-19 pandemic, the Brazilian President Bolsonaro threatened to leave the World Health Organization, stating: “[w]e don’t want foreigners sticking their noses into the health situation here”.³⁵ Already in 2020, President Trump announced the US withdrawal from the WHO. This was undone by Biden on his first day in office. However, last January, President Trump, on the first day of his second term, repeated that the US will withdraw from the WHO, saying that it has mishandled the COVID-19 pandemic, that China has too much influence in the organization and that it does not pay enough to it.

But it is not all gloom and doom. Sometimes it is recognized that what is presented as a failure of the organization is often to a significant extent a failure of the member states. President Macron stated in the UN General Assembly in 2018: “[b]orn out of hope, the UN may become, like the League of Nations that preceded it, a symbol of powerlessness. And there is no need to look for those responsible for this disintegration; they are here, in this Assembly. They are speaking today. It’s we, the leaders, who are responsible”.³⁶ Another example is the Independent Expert Review of the ICC. Following the publication of an article entitled “the International Criminal Court needs fixing”, a group of independent experts was established, to carry out a review of the functioning of the Court. The reviewers concluded that not only the organization (the ICC) but also its member states ‘need fixing’. Their 236-page report did not only have recommendations for the Court, but also for the member states and for the Assembly of States Parties.³⁷

Furthermore, in addition to the inadequate implementation of decisions of international organizations and using them as scapegoats, member states sometimes fail to do proper and timely ‘maintenance’ on their organizations. In particular, they need to fully enable the Secretariat to do its work and should not unnecessarily micromanage. They should demonstrate trust in the international civil service, in their common interest. Organizations require permanent support and regular updating. After the euphoria at the creation of new organizations, member states should enable them to fully perform their functions, in often rapidly changing circumstances. If they lose interest in an organization, the organization will not be able to do what was once thought to be in the common interest. Member states may even decide to leave the organization. However, in practice, in most cases where states withdrew from international organizations, they later returned, illustrating the inevitability, the undeniable need for international cooperation.³⁸

In short: member states should be better member states. While international organizations often emphasize that they are ‘member driven’ organizations,³⁹ the other side of the coin is that member states should act more as ‘organization driven’ member states. They should better implement their decisions, they should not use them as scapegoats, and they should do the necessary maintenance.

This brief discussion of a vast topic, the operation in practice of international organizations in our rapidly changing world, leads to three conclusions. First: this topic is under-researched. We need to better understand the life of international organizations. Their experience in practice informs the future development of international institutional law. Second: international organizations need to be better international organizations, and, in particular, member states need to be better member states. Third: the international institutional

law of the future should facilitate the better functioning of international organizations and their members. For example, by developing better decision-making rules so that international organizations can deliver, better accountability rules to support their authority, and better constitutional amendment rules so that they can be updated.

4. On the need for more unity within the diversity of international organizations law

The third topic I would like to address is the question to what extent there is unity within the diversity of the laws of international organizations. International institutional law is full of paradoxes, and this belongs to the most fundamental ones. ‘Unity within diversity’ is the main rationale for the book *International Institutional Law*, originally published by Henry Schermers in 1972. There is a growing body of common principles, rules, and practices of international organizations. It is the task of academics working in this field to describe and analyze this, to develop theories in this field. As Paul Reuter has written long ago, this is not only intellectually legitimate, it also serves the purpose of rationalizing practice.⁴⁰

Following its creation, each international organization starts its own legal life. It has its own members, its own specific rules and practices. To what extent are there common rules and principles, applicable to all international organizations? A century ago, some pioneers first saw that there is some unity, which was not easy to perceive at the time when only a few organizations existed with limited practice. But now, with hundreds of organizations and extensive practice, it may be even more difficult to see such unity, to see the forest for the trees. There is great diversity. To a significant extent, each organization exists in its own bubble. Many international organizations have evolved into somewhat autonomously operating self-contained regimes. Each organization has its own specialists, who are fully familiar with the work of their own organization, and in most cases rather unfamiliar with

that of others. Therefore, it is perhaps not surprising that attempts of the ILC to elaborate general rules of international organizations law have not been very successful.⁴¹ And when such attempts were made at all, significant room was left for the own, specific rules of international organizations.⁴²

However, while this is true, I believe there are strong reasons for arguing that there *is*, and that there should be *more* unity within the diversity of the rules of international organizations. To be precise: unity, not uniformity.⁴³ Future work of the ILC should strengthen this unity.⁴⁴ International courts and tribunals have contributed to the awareness that there is unity in this field,⁴⁵ but should do so more in the future, whenever there is an opportunity. In the future, it will not only be more difficult, but also more important to see the unity in the law of international organizations. Why is this? Even though we need to fully recognize the specificity, the uniqueness of the law of each individual organization, what are these strong reasons for arguing for more unity? I see three reasons.

First: more unity fosters better collaboration. In the future, international organizations will need to collaborate with each other much more and much better. They can no longer deal with an increasing number of issues on their agendas alone and need to cooperate with each other to perform their functions effectively.⁴⁶ Previously, states experienced that they could no longer alone cope with a number of issues and needed to cooperate and establish international organizations. ‘There is no sovereignty in solitude’, as Mario Draghi stated four years ago.⁴⁷ Increasingly, international organizations now experience the same, because ‘there is no functionality in solitude’. In addition, closer collaboration between international organizations is necessary for a broader reason, to increase trust in international cooperation. As the ILO’s Global Commission for the Future of Work wrote some years ago: multilateralism is under pressure “because of doubts about its capacity to deliver credible responses to the global challenges of the day. Demonstrating that by working

together in full coherence the system is able to provide such responses will do much to win back the political support that it needs to operate at its full potential".⁴⁸ Closer collaboration between international organizations is easier when their rules and practices are similar or aligned, when there is more unity within diversity. This is particularly true for the external relations law of international organizations, but also more generally. If organizations implement an operation or project together, it is helpful if the requirements for doing this are similar so that the operation or project does not need to comply with completely different systems and procedures of each individual organization.

Second reason: more unity will reap more fruits from richer diversity. It has always been true that international organizations may benefit from the institutional rules and practices of other international organizations. As a result of the large increase in the number of organizations and in their rules and practices, the 'reservoir' of existing experiences from which they can benefit has multiplied. Today, many more international organizations than before face similar questions and should not re-invent the wheel. For example, if there is a pandemic (such as COVID-19), may organs of international organizations meet online? If so, under what conditions? Another example: what are the implications of arrest warrants by the ICC for other international organizations? Should there be 'business as usual'? Should the Secretary-General of the UN and the Directors-General of specialized agencies meet with President Putin and Prime Minister Netanyahu in the same way as before, or only for essential contacts?⁴⁹ Needless to say, rules and practices of one organization can never be copy-pasted, but have to be applied *mutatis mutandis*, taking into account the differences between organizations, as each organization is unique. But their uniqueness is no reason not to take into account and benefit from the wealth of existing rules and best practices of other organizations that have proven to be effective. A key problem here is the lack of a repository of such rules and practices. Academic output can only to a limited extent fill this gap. There

is the UN Juridical Yearbook, but this is years behind (the most recent issue covers the year 2016).

Third reason: more unity strengthens international law. More emphasis on the unity of the law of international organizations is necessary to deal more effectively with the institutional deficiency of the international legal order. If there is a robust core set of rules that are a given for organized cooperation in a particular area, if there is a checklist of minimum institutional rules for a well-built international organization, this should, in the long run, help to reduce this existing institutional deficiency. It would assist in avoiding that international organizations are established or reformed randomly, without any need to comply with a certain standard, without any commitment to maintenance during their existence. In the long run, this would offer better guarantees that international organizations can deliver, that they are not blamed when their member states should be blamed, and that they acquire the authority that they need. In the long run, this will contribute to building the trust in international organizations that is badly needed, particularly in times of change.

To conclude this third part: the insight and appreciation that the institutional rules of international organizations have much in common should become more important in the future. The future of international institutional law is entwined with greater recognition that there is unity within the diversity of the specific law of individual international organizations.

5. An overarching theme: institutional neglect

A common thread is running through what I have discussed so far. It is the *carence institutionnel*, the institutional deficiency of the international legal order, which I mentioned earlier, that is omnipresent at the beginning of the life of an international organization, during its life, and in the attempts to build more unity within diversity. Let me therefore expound a bit on this.

In international cooperation, states often tend to give priority to the *substance* of the problems to be solved, rather than to the way in which they *organize* their future cooperation. Priority is given to agreement on the *substance* of international criminal law, sustainable development law, human rights, disarmament, etc. There is much less attention for establishing an adequate institutional structure for future cooperation and governance in these fields. For example, during the many years of preparations for the establishment of the ICC, hardly any attention was given, and only at a very late stage, to governance of the Court. Where and how to organize the election of the judges, the adoption of the budget, and other key decisions without which the Court would not be able to function? The Assembly of States Parties is treated a bit as the Cinderella in the Rome Statute. Only at a very late stage in the negotiations serious attention was given to the Assembly, and the few provisions on the Assembly in the Rome Statute almost seem like an afterthought. Likewise, the governance of ad hoc international criminal tribunals has usually been dealt with in a rather improvised, less structured, ad hoc way.⁵⁰ Furthermore, there is not one strong international sustainable development organization, but rather dispersed treaty bodies usually called COPs or MOPs. Finally, the lack of priority for the way international cooperation and governance is organized is also illustrated by the finances of international organizations. There is a reluctance to provide core funding to international organizations, and a preference for earmarked, project funding and for voluntary contributions.⁵¹ As is true more generally, ‘follow the money’ is a helpful motto for better understanding international organizations and their law.

We need more and better international organizations rather than less. It is somewhat paradoxical that the current political climate is very much anti international organizations, even though we need them more to deal with global and other challenges that no single state can solve alone. No matter whether governments are liberal or illiberal, populist or not, they all have experienced and will experience that they cannot

deliver by operating in isolation. They need international cooperation; they need international organizations. Particularly now therefore, international organizations need to demonstrate that their contributions are indispensable to generate the solutions for the problems of our times. They need to deliver so that their member states can deliver.

Long ago, Inis Claude has written that “one of the major tasks of twentieth-century statesmanship is to strike a balance between obsessive concern with institutional problems – which makes international organization an end in itself, and exclusive concentration upon substantive issues of current world politics – which neglects the building of an adequate institutional apparatus for international relations”.⁵² This is equally true for statesmanship in the 21st century. Also in our world today, the building of “an adequate institutional apparatus for international relations” is often neglected. The *carence institutionnel* of the international legal order is not going to change overnight; it is a long-term project. Remedying this major shortcoming is an important task for the future. As was observed by Percy Corbett long ago: “the future of international law is one with the future of international organization”.⁵³

This ‘institutional neglect’ is not limited to politicians and governments, but is much broader. At times it is visible in the activities of the ILC. For example, in its work on the fragmentation of international law, it “recognized that fragmentation raises both institutional and substantive problems”, but it decided to focus exclusively on the substantive issues and to leave the institutional issues aside.⁵⁴ To some extent, this ‘institutional neglect’ is reflected in academic research and teaching as well. There is much focus on substantive law, from international criminal law to climate change law. In my experience, this is also what most students and PhD candidates are mostly interested in, more than in governance issues and international institutional law. Some of them may become fascinated by international institutional law, but this often comes later, not in their early academic life. The

‘love’ for international organizations is often not a love at first sight.⁵⁵ Given this ‘institutional neglect’, which also to some extent exists in academia, I am pleased that, following my farewell today, Fernando Lusa Bordin will be my successor on the Schermers Chair in International Institutional Law, even though only part-time.

6. Words of gratitude

This brings my brief reflections on the future of international institutional law to a close. These reflections are the result of some 40 years of research and teaching in this field. I am deeply grateful to the many people and institutions who have made this possible. I ask for your understanding that I cannot mention everyone individually, but will single out a few groups and individuals, and will do so partly in my native language.

14 I would like to thank Leiden University and the Leiden Law Faculty. This is the institution where I have been at home since 1977, as a student, a PhD candidate, a lecturer, and finally as a professor. It is here, all these years in the ambience of Leiden University, that I have personally experienced *l'influence bienfaisante du milieu*. I thank my students for their enthusiasm, curiosity and critical questions. When I started teaching, all my students were Dutch. Now I have students not only from the Netherlands but from all over the world. This has truly enriched my life as an international law teacher. I thank my colleagues, past and present, for their cooperation, inspiration, and friendship; and the support staff, het OBP, for their commitment and support.

I also would like to thank my former colleagues at the Dutch Ministry of Foreign Affairs, with whom I have worked between 2000 and 2013. Already before I entered the Foreign Ministry, I sometimes used the expression ‘le monde du spectateur est bien différent de celui de l’acteur’. In my years at the Foreign Ministry, I have experienced the accuracy of this observation. These years have deepened my knowledge and understanding

of international law and the law of international organizations. These years have made me both more pessimistic and more optimistic. They have made my idealism less naïve.

Next, and more specifically, I would like to name three colleagues with whom I have worked closely. Professor Ramses Wessel, now at Groningen University, with whom I have established the journal *International Organizations Law Review*. Together, we have been the journal’s editors in chief for 20 wonderful years. Thank you for all these years of smooth and friendly cooperation. I would also like to thank my close colleagues professor Nico Schrijver and professor Rick Lawson. Nico Schrijver has led our Grotius Centre for 12.5 years. With him I have organized conferences and edited books. Thank you for your support and friendship all these years. We share a certain optimism, which is only justified with regard to the development of international organization if you take a long-term perspective. Rick Lawson, thanks so much for your *camaraderie* and for your many incisive and inspiring observations during the last four decades. We share a common heritage. We both have continued the work of our *Doktorvater* Hein Schermers.

A special word of thanks to the Schermers family. Hein Schermers passed away in 2006. I owe him immense gratitude. Without him I would not have been on the Schermers Chair all these 22 years. All these years I have stayed in touch with the Schermers family. I have a small gift for you. After this ceremony, I would like to give you the first copy of the new, 7th edition of *International Institutional Law*.

Ten slotte wil ik graag mijn diepe dankbaarheid aan mijn eigen familie uitspreken. Ook daar was er *l'influence bienfaisante du milieu*. Ik wil graag mijn ouders noemen. Ze leven al lang niet meer, maar hebben nog wel in 1989 in ditzelfde Groot Auditorium mijn promotie meegemaakt, en mijn moeder ook nog mijn oratie in 2003. Ze hebben gezien dat ik hier in de Leidse Universiteit thuis was. Verder: mijn schoonouders,

die een paar jaar geleden zijn overleden en die tot het laatst intensief meeleeften met mijn werk. Ten slotte: mijn vrouw Marleen, al ruim 45 jaar de liefde van mijn leven, onze kinderen Daniël en Alissa, onze schoondochter Anneloes en onze kleinkinderen Lowen en Novian. Zij zijn mijn warme, liefdevolle thuisbasis. Aan hen draag ik dit afscheidscollege op, dat de overgang markeert naar een nieuwe levensfase, onze eigen toekomst.

I thank you for your kind attention,

ik heb gezegd.

Notes

1. From the poem *Morte d'Arthur* by A. Tennyson (written in 1837-1838, published in 1842).
2. Speech in the Paulskirche, Frankfurt, 25 June 1963 (available at <https://www.jfklibrary.org/asset-viewer/archives/jfkwha-199>, quotation at 7.20-7.26).
3. Thomas Hobbes, *Leviathan* (1651), p. i.xiii.9. In the edition published by G.A.J. Rogers and K. Schuhmann (2005), at p. 102. Full sentence: “[a]nd the life of man, solitary, poore, nasty brutish and short”. This famous quotation comes from the first part of *Leviathan* (“Of MAN”), in Chapter 13 (“Of the Naturall Condition of Mankind as concerning their Felicity and Misery”), at the end of a paragraph in which Hobbes describes life in a state of nature, when there is “continuall feare, and danger of violent death”.
- 16 4. G. Scelle, *Manuel de droit international public* (1948), p. 21. As Scelle explained, “[u]n ordre juridique purement normatif, dépourvu d’institutions publiques, de réglementation, de juridiction et de sanction, resterait sans efficacité. [...] Apparemment, il n’y a pas dans la Société internationale d’organes législatif, judiciaire, exécutif” (id.).
5. Speech by P.J.G. Kapteyn at a memorial meeting at the Leiden Law Faculty (5 September 2006), following the passing away of Henry Schermers. The speech is reproduced in a publication by the Leids Universiteits Fonds, *Leven in dienst van geregtigheid* (2006), pp. 19-21. There is a long Leiden tradition to study “den juridischen wereldbouw” (the title of Van Asbeck’s dissertation (1916)). In turn, Van Asbeck was inspired by Van Eysinga, who in his inaugural lecture at Leiden University (1912) discussed the organization of the international society and what he called the “frame of international government” (reproduced in W.J.M. van Eysinga, *Sparsa collecta* (1958), at 38-48). This Leiden tradition is characterized by a mix of idealism and realism. What Kapteyn has written about Van Asbeck, is equally true for Schermers: “[i]n het professoraat kon hij zijn gaven van hoofd en hart ten volle ontplooien. Als weinigen bezat hij het vermogen zijn studenten op te wekken tot het idealisme dat hemzelf bewoog, doch dat steeds ferm geënt bleef op de realiteit die hij in zijn rijke ervaring had leren kennen” (brief biography of Frederik Mari baron van Asbeck (1889-1968), Huygens Instituut).
6. H.G. Schermers, The Birth and Development of International Institutional Law, 1 *International Organizations Law Review* (2004), pp. 5-8.
7. Reproduced in *Leven in dienst van geregtigheid*, op. cit. note 5, pp. 14-15.
8. *Documents of the United Nations Conference on International Organization*, Vol. 1 (1945), p. 668.
9. Id., p. 675.
10. UN Doc. A/CONF.183/13 (Vol. II), p. 128.
11. Id., p. 127.
12. See *Deuxième Conférence Internationale de la Paix, Actes et Documents, Tomé I* (1907), p. 183.
13. In Renault’s words: “[l]a Conférence a changé les années en semaines, grâce au rapprochement qu’elle produit entre les hommes et les idées et au sentiment de justice qu’elle tend à faire prédominer sur les intérêts particuliers” (id., pp. 183-184). Van Eysinga mentioned Renault’s observation in his inaugural lecture at Leiden in 1912, and added: “[m]et andere woorden: zet eenige deskundigen van werkelijk goeden wille, desnoods van tegenstrijdige instructiën voorzien, bij elkaar aan het werk, en de kans is groot, dat zij toch iets tot stand zullen brengen daar, waar de briefwisseling der staatsregeringen zelf het hoogstens tot een perpetuum mobile zoude hebben gebracht; of algemeener gezegd: laten de staten een nog zo klein stuk van hunnen eigen wil overdragen op een nog zoo eenvoudig en tijdelijk georganiseerd nieuw lichaam, en juist in dat lichaam zal zich de nieuwe gemeenschap

- het voelbaarst manifesteren; en dit zal te sterker het geval zijn alnaarmate het nieuwe orgaan voor langer tijd ingesteld is en zijn bevoegdheden veelzijdiger zijn” (see W.J.M. van Eysinga, *Sparsa collecta* (1958), p. 42). See further P.J.G. Kapteyn, *L’Assemblée commune de la Communauté Européenne du charbon et de l’acier* (1962). At p. 242, Kapteyn refers to Renault’s observation, in an attempt to explain why the Assembly (the current European Parliament) had been able to consider national interests in the light of the common good.
14. J. Monnet, *Mémoires* (1976), p. 360. In the English edition, at pp. 304-305: “[n]othing is possible without men; nothing is lasting without institutions”.
 15. Id., p. 449. In the English edition, at p. 384: “they can accumulate and hand on the wisdom of succeeding generations”.
 16. Id.
 17. See footnote 5.
 18. See A. Tavadian, *The International Civil Service – Redefining Its Independence* (2024).
 19. For example, in the early years of the UN both by the US and by the Soviet Union. UN Secretary-General Dag Hammarskjöld has always strongly defended the independence of the UN Secretariat and its staff. See his lecture delivered at Oxford, 30 May 1961, as well as his introduction to the Annual Report of the Secretary-General on the work of the organization, UN Doc. A/4800/Add.1 (1961), in particular at 5-6.
 20. For example, *IMF Country Report 24/232* (July 2024).
 21. The analysis by the OPCW confirmed the earlier findings by German experts. See <https://www.opcw.org/media-centre/featured-topics/case-mr-alexei-navalny>.
 22. For example: the Charter of the Asian Productivity Organization (1960), Art. 23; the constituent instrument of the Economic Cooperation Organization (Treaty of Izmir (1996)), Art. IX.5; the 2019 Convention establishing the Square Kilometre Array Observatory (2019), Art. 9.4; and the Statute of the East Mediterranean Gas Forum (2020), Art. 20.
 23. J. Monnet, *Mémoires* (1976), p. 449 (in the English edition, at p. 384).
 24. Holmes was judge at the US Supreme Court from 1902 to 1932. See his book *The Common Law*, originally published in 1881. In the 2009 edition of this book, the quoted sentence is on p. 3 (the text continues as follows: “[t]he felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed”).
 25. See N. Blokker, Legal Facets of the Practice of International Organizations, 435 *RdC* (2024), in particular Chapters 1 and 2.
 26. Cf. M. Virally, La notion de fonction dans la théorie de l’organisation internationale, in: *Mélanges offerts à Charles Rousseau La communauté internationale* (1974), pp. 277-300, at p. 277: “[i]nstitution juridique, l’Organisation internationale est tout autant un phénomène social, inscrit dans une histoire qui lui est propre au sein de l’histoire générale des rapports internationaux”. This article is reproduced in M. Virally, *Le droit international en devenir Essais écrits au fil des ans* (1990), pp. 271-288.
 27. For example, the World Trade Organization (see https://www.wto.org/english/thewto_e/whatis_e/tif_e/org1_e.htm); the International Telecommunication Union (see <https://www.itu.int/itu-d/sites/priorities/enablers-of-the-itu-d-priorities/membership-driven/>), and the OECD (see Doc. C/MIN(2024)9, para. 25).
 28. See S. Moon et al., Will Ebola change the game? Ten essential reforms before the next pandemic – The Report of the Harvard/LSHTM Independent Panel on the Global Response to Ebola, *The Lancet* Vol. 386 (2015), Issue 10009, pp. 2204-2221.
 29. It has proven very difficult for the UN to deal with this effectively. Already 20 years ago a comprehensive UN report was prepared, *A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations*

peacekeeping operations (UN Doc. A/59/710), but practice since then has demonstrated how difficult it is to eradicate such severe misconduct (see e.g. UN Doc. A/78/774 and GA Res. 78/331).

30. See e.g. J.E. Alvarez, Quis Custodiet Ipsos Custodes?, in N. Bhuta et al. (eds.), *The Struggle for Human Rights: Essays in honour of Philip Alston* (2021), pp. 263- 279, at p. 263.
31. See e.g. UN Docs. A/54/549 (*The fall of Srebrenica*) and S/1999/1257 (*Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda*), and more recently the report by the Independent Review Group on the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality* (2024), prepared following allegations by the government of Israel that some UNRWA staff participated in the 7 October 2023 Hamas attacks against Israel.
32. Reproduced in UN Doc. A/66/10, at 52-172. See UN General Assembly Res. 66/100 (2011).
33. See in this context the Introduction to the *Annual Report of the Secretary-General on the Work of the Organization*, prepared by Dag Hammarskjöld, signed 17 August 1961 (one month before he died in a plane crash). Much of what is written in this Introduction still applies today. See e.g. at p. 4: “[a] failure to gain respect for decisions or actions of the Organization within the terms of the Charter is often called a failure for the Organization. It would seem more correct to regard it as a failure of the world community, through its Member nations and in particular those most directly concerned, to cooperate in order, step by step, to make the Charter a living reality in practical political action as it is already in law. Were such cooperation, for which the responsibility naturally rests with each single Member as well as with all Members collectively, not to come about, and were the respect for

the obligations flowing from Article 25 of the Charter, to be allowed to diminish, this would spell the end of the possibilities of the Organization to grow into what the Charter indicates as the clear intention of the founders, as also of all hopes to see the Organization grow into an increasingly effective instrument, with increasing respect for recommendations of the General Assembly as well”.

34. See <https://x.com/matteosalvinimi/status/1029429954331725829?s=19> for Salvini’s statement on Twitter (14 August 2018). For the reaction to this statement by the European Commission and by some Italian newspapers, see *Il Sole 24 Ore* (15 August 2018), available at https://www.ilsole24ore.com/art/perche-l-unione-europea-non-c-entra-nulla-la-tragedia-genova-AEIhnPbF?refresh_ce=1 and *AGI* (16 August 2018), available at https://www.agi.it/politica/news/2018-08-16/crollo_ponte_unione_europea-4272004/.
35. S. Imran & H. Javed, Covid-19 and populist leadership in US and Brazil: Impact on international cooperation and global solidarity, in 10 *Cogent Social Sciences* (2024), at <https://doi.org/10.1080/23311886.2024.2333117> (p. 9).
36. Speech during the General Debate, on 25 September 2018, available at <https://www.elysee.fr/en/emmanuel-macron/2018/09/26/seventy-third-united-nations-general-assembly-speech-by-president-of-the-republic-emmanuel-macron>.
37. Document ICC-ASP/19/16 (2020).
38. See N. Blokker, Withdrawing from International Organizations, in N. Blokker, D. Dam-de Jong, V. Prislan (eds.), *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development – Liber Amicorum Nico Schrijver* (2021), pp. 1-20.
39. See footnote 27.
40. In *Hommages Basdevant* (1960), p. 420: “[o]r les grandes théories juridiques sont non seulement intellectuellement légitimes, elles ont également pour résultat de rationaliser la pratique et de mettre un peu d’unité dans un domaine

qui n'a que trop tendance à éclater en une diversité, qu'en matière d'organisation internationale, les Gouvernements eux-mêmes finissent par réprouver”.

41. The 1975 Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character and the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations have not entered into force. In 1992, the ILC decided to discontinue its work on the topic 'Status, privileges and immunities of international organizations, their officials, experts, etc.'. See P.J.F. Bekker, The Work of the International Law Commission on 'Relations Between States and International Organizations' Discontinued: An Assessment, 6 *Leiden Journal of International Law* (1993), pp. 3-16; A.S. Muller, *International Organizations and their Host States – Aspects of their Legal Relationship* (1995), in particular at p. 285ff.; Ph. Webb, Should the 2004 UN State Immunity Convention Serve as a Model/ Starting Point for a Future UN Convention on the Immunity of International Organizations?, in N. Blokker & N. Schrijver, *Immunity of International Organizations* (2015), pp. 61-73, in particular at pp. 71-73.
42. An example is Art. 64 of the Articles on the Responsibility of International Organizations (“lex specialis”). See in general the *Second report on the question of treaties concluded between States and international organizations or between two or more international organizations*, prepared in 1972 by Reuter as Special Rapporteur of the ILC (UN Doc. A/CN.4/271, reproduced in *Yb. ILC* 1973, Vol. II, in particular p. 78, para. 17).
43. Cf. in this context the speech of Pope Francis at the European Parliament on 25 November 2014, available at <https://www.youtube.com/watch?v=cqP2DB2isZ0> (at 19.33 ff.).
44. In recent years the ILC has recognized the relevance of international organizations for topics it was dealing with,

but has struggled to give them a proper place in its work. See Blokker, op. cit. note 25, Chapter 5.

45. As is demonstrated, for example, in the 1996 Advisory Opinion of the ICJ requested by the WHO (*Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, ICJ Reports 1996, p. 66). Also, more specifically, in the field of international administrative law (see e.g. Decision No. 1 (*de Merode et al.*) of the World Bank Administrative Tribunal (1981); Decision No. 1 (*Lindsey*) of the Administrative Tribunal of the Asian Development Bank (1992); Judgment 2232 (*Bustani*) of the Administrative Tribunal of the International Labour Organization (2003)).
46. See further N. Blokker, On the Nature and Future of Partnerships in the Practice of International Organizations, 13 *IOLR* (2016), pp. 21-36.
47. In the original text: “[n]on c'è sovranità nella solitudine” (speech before the Italian Senate, see *Corriere della sera / Politico*, 17 February 2021).
48. See Global Commission on the Future of Work, *Work for a brighter future* (2019), p. 56.
49. See in this context Resolution ICC-ASP/23/Res.5, para. 8.
50. See H. Llewellyn, *An Institutional Perspective on the United Nations Criminal Tribunals* (2021). Llewellyn demonstrates that oversight mechanisms for UN criminal tribunals were mostly developed in practice, in an *ad hoc* way, after the creation of these tribunals. The failure to notice the need for an adequate governance mechanism is striking. Two other examples are the governance of the International Tribunal of the Law of the Sea (ITLOS) and the International Criminal Court (ICC). On the former, see N.M. Blokker, Governance of the International Tribunal of the Law of the Sea – The Role of the Meeting of States Parties to the Law of the Sea Convention, in A. del Vecchio and R. Virzo (eds.), *Interpretations of the United Nations Convention of the Law of the Sea by International Courts and Tribunals* (2019), pp. 82-91. On

the latter, see A. Bos, Assembly of States Parties, in A. Cassese, P. Gaeta, J.R.W.D. Jones (eds.), *The Rome Statute of the International Criminal Court: A Commentary* (2002), p. 300: “only at the very end of the discussions in the PrepCom was serious attention given to the establishment of an Assembly of States Parties”.

51. See further H.G. Schermers & N.M. Blokker, *International Institutional Law* (7th ed. 2025), Chapter 7 (in particular §946 and §1024ff.).
52. I.L. Claude, *Swords into Plowshares: The Problems and Progress of International Organization* (4th ed. 1971), p. 84).
53. P.E. Corbett, *Law and Society in the Relations of States* (1951), p. 12.
54. Report of the International Law Commission 2006 (UN Doc. A/61/10), pp. 404-405.
55. See my comments on d’Aspremont’s essay The Love for International Organizations (20 *IOLR* (2023), pp. 111-159), in 21 *IOLR* (2024), pp. 440-445, at p. 442.

PROFESSOR DR. NIELS BLOKKER



1977	Graduation Stedelijk Gymnasium Leiden	1998-2000	Member of the Advisory Committee on Public International Law
1979	Kandidaatexamen Nederlands Recht, Leiden University	2000-2007	Senior legal counsel, International law division, Ministry of Foreign Affairs
1984	Doctoraalexamen Staatskundige Studierichtingen, Leiden University	2000-2004	Member of the Committee on Accountability of International Organizations of the International Law Association
1984-1990	Lecturer in the Law of International Organizations, Leiden University	2004-present	Co-editor in chief, <i>International Organizations Law Review</i>
1989	PhD Degree Leiden University	2007-2013	Deputy legal adviser, International law division, Ministry of Foreign Affairs
1990-2003	Senior lecturer in the Law of International Organizations (from 2000 to 2003 in a 'o-aanstelling'), Leiden University	2003-2025	Professor of International Institutional Law (<i>Schermers Chair</i>), Leiden University (o.2 from 2003 to 2013, fulltime from 2013-2025).
1997-2002	Member of the Board of Editors, <i>Netherlands Yearbook of International Law</i>		
2002-2004	Co-General Editor, <i>Netherlands Yearbook of International Law</i>		

