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The Role of International Organizations in the Development and Advancement of International Law: A Case Study of UN and EU

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Abstract

By creating and upholding global values and standards, international organizations play a vital role in the development of international law. This research paper examines the role of the United Nations (UN) and EU, prominent international institutions, in establishing and enforcing international law. Specialized UN agencies such as the International Court of Justice (ICJ), the United Nations General Assembly (UNGA), and the International Law Commission (ILC) have played a significant role in the development, codification, and implementation of international law. The European Union operates on the principle of upholding and ensuring this right, and respect for international law is one of its main goals. In addition to the norms of international law that the European Court of Justice disagrees with, the Union guarantees these values. The development of the international legal order is influenced by its involvement in treaty-making, its impact on customary law, and its involvement in dispute resolution. In order to settle conflicts and expand its global role, the Union has strengthened and established an appropriate institutional and legal framework. The United Nations and European Union collaborate with other regional and international organisations, promote ongoing communication, identify emerging issues, and provide dispute resolution mechanisms. However, this research also acknowledges the UN's and EU's inherent flaws and challenges. It explores reform proposals to address these issues, strengthen the organization's authority, and more effectively achieve its primary objectives. By critically analyzing the UN's and EU's role and impact on international law, this article aims to shed insight into how international organizations function and how they influence international legal standards.

Keywords: International institutions, International courts, impacts, Unions.

Introduction

The advancement of international law in the global society is impacted by a variety of factors. Together with the growth of economic integration and legal globalization, the number, size, and variety of IOs have expanded dramatically. As a result, they now have a greater role and impact in the international community and international legal system than they did in the past. The activities of IOs, which encompass a wide range of aspects of global society, have some bearing on international law. The effects of international law on IOs become more noticeable as they expand. They haven't gone so far as to directly create customary international law, but IOs have changed the manner it has been established in the past through their declarations and resolutions. Universal human values are reflected in the charters and bylaws of many IOs, and many of their principles and provisions have gradually developed into generally recognized concepts and procedures. Numerous scholars in this field concur that IOs contributed positively to customary international law and that IO actions might provide proof of its existence.

Global organizations are crucial for addressing problems that cut across national borders, encouraging group solutions, and establishing global norms and standards. These organizations have autonomy from their member nations, are governed by the treaties that created them, and were formed by governments through multilateral treaties. They have legal personality in the jurisdictions where their headquarters are located, even though they are subject to domestic laws. The recognition by states of the importance of collaboration and mutual reliance in addressing global challenges is evident in the increasing formation of international organizations. Through the adoption of rules and regulations as well as the making of various choices, 250 to 350 international organizations exercise their public authority. International organizations can focus on global or regional issues and may consist of nations or entities that uphold comparable values, traditions, or goals. They might also belong to other international organizations.

This book offers a brief examination of the evolution of international organizations over time and their influence on the formulation and application of international law. The research explores the actions of private individuals, corporations, and non-governmental organizations (NGOs) within the framework of public international law, which regulates interactions between states. The primary topics of debate are the United Nations (UN) and its pivotal role in the international law system. The UN Security Council (UNSC), the International Court of Justice (ICJ), the International Law Commission (ILC), the UN General Assembly (UNGA), and other specialized UN bodies are evaluated for their contributions to the creation, codification, and application of international law, which are discussed critically in this article. The report looks at the difficulties these organizations encounter and makes recommendations for improving the UN's ability to enforce and promote international law while effectively resolving these issues. (Alvarez, 2006) However, most scholars have not explored in detail how IOs have influenced customary international law, especially the objections of whether IO activities have influenced the advancement of customary international law, which will be the main focus of this study. This paper uses literature analysis techniques to subjectively assess primary and representative IOs. This study will increase the visibility of IOs' influence by bringing attention to the positive role that IOs play in the advancement of international law.

Literature Review

Their functions in influencing international law have come under extensive examination by scholars, with the UN being the figure at the hub of the legal order of global affairs. The idea of

"international legal personality" is looked into, along with the agency that international institutions have to design international legal principles. He contends that organizations like the UN obtain their power from the legal frameworks created by their constitutive documents and the capacity to undertake binding legal acts. In the view of Klabbers, this "legal personality" empowers international organizations to establish legal norms that are binding on the international plane, affecting not only member states but also non-state actors. This theoretical framework is significant when analyzing the UN's wide range of legal contributions, from human rights law to international security (Klabbers, 2013).

His provision of one of the most comprehensive analyses here is particularly beneficial, given that the UN has been instrumental in the creation of international criminal law. As his writing demonstrates, the UN was instrumental in the formation of international criminal law with the establishment of the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). Bassiouni asserts that these tribunals, established under UN mandates, have established and codified legal precedents about genocide, war crimes, and crimes against humanity. His work shows how international organizations set widely recognized legal precedents in addition to serving as mediators between states. Global jurisprudence has been significantly impacted by this addition to the body of international criminal law, particularly in the establishment of the International Criminal Court (ICC) as a permanent court. (Bassiouni, 1996).

Further elaborating on the function of the UN in international legal evolution, criticises the enforcement powers of international institutions, with a specific focus on the UN's intrinsic limitations. Glanville posits that although the UN plays a crucial role in formulating international norms and legal instruments, its enforcement powers are frequently frustrated by political realities, especially the five permanent members of the UN Security Council's veto power. This critique highlights a pressing issue with the international legal system: although the UN can adopt binding resolutions, their application relies on powerful states' political will, which can veto enforcement measures. Glanville's work is raising awareness of the discrepancy between international institutions' legal outputs and their actual application. (Glanville, 2014)

In environmental law, Habib al-Moubayed provided an in-depth analysis of the international organizations' role in influencing global environmental policy. He considers the role of the UN, specifically through the United Nations Environment Programme (UNEP), in the creation of binding international legal regimes such as the United Nations Framework Convention on Climate Change (UNFCCC). Bodansky comments that by international agreements like the Paris Agreement, UNEP has affected the behavior of states and the formation of binding environmental norms. The effort highlights the significant role of international organizations in dealing with issues like climate change, which pose transnational concerns that necessitate collective legal efforts and extended states' cooperation. (Bodansky, 2010)

This study delves into the human rights aspects of international law based on the UN's role in human rights law development, especially through the adoption of the Universal Declaration of Human Rights (UDHR). Schabas contends that the UDHR, though not binding at its outset, set the stage for the subsequent international conventions and treaties. The impact of the declaration is reflected in the formation of such primary legal documents as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which were both impacted considerably by the principles expressed

in the UDHR. Schabas' study gives insight into the UN's pivotal role in creating a global human rights legal regime. (Schabas, 2012)

According to an important key view, the author considers the global governance arrangements formed by international institutions in his book. Ikenberry holds the UN, along with other analogous institutions, as the key institution that stabilizes the international order by fostering cooperation between states and supporting the creation of international legal norms. According to him, the post-war institutional order created by the UN supports creating a "liberal international order" that fosters peaceful cooperation and avoids war. Ikenberry's work enriches the understanding that international institutions not only serve as hubs of legal development but that they are strategic players that transform global politics. (Ikenberry, 2001).

The development of the influence of the UN in global legal structures is examined, which addresses the dynamic relationship between international organizations and international trade law. In his paper, Pauwelyn discusses the World Trade Organization (WTO) as a case study of how international organizations can shape the evolution of certain fields of law, specifically the regulation of international trade. Although his work centres on trade law, it also touches on general issues regarding the role of Global organizations in establishing legal norms across different fields. (Pauwelyn, 2014)

This study focuses on the function of the United Nations in crafting the international legal framework for peace and security, with a special emphasis on the responsibility of the UN towards ensuring global order. Ming underscores the UN's role in enacting legally binding resolutions, particularly on issues relating to conflict resolution, sanctions, and peacekeeping missions. Ming condemns the excessive dependence on the five permanent members of the Security Council's veto power, which can hinder effective action. He contends that although the UN is at the centre of formulating international security legislation, its power of enforcement is frequently weakened by political motives and the constraints of its institutional framework. This point of view is discussed in connection with the effectiveness of international organizations in enforcing international legal norms, particularly in the domain of global security. (Ming, 2015).

Research Methodology

This study's methodology is qualitative. In order to understand how international organizations affect the creation, application, and transgression of international law, it focused on secondary sources, including case studies, scholarly articles, international treaties, and legal documents. This analytical research examined the operations of global organizations like the United Nations and the European Union.

The Evolution of International Organizations: A Brief Overview

Countries and states are sovereign bodies, but under some critical circumstances, these sovereign bodies need some organizations that facilitate them and help them out. During the time of World War 1 and the Second World War, countries deeply realized the presence and importance of organizations that can solve many international issues and conflicts of many countries collectively. So gradually, organizations like the United Nations and European Union developed and enhanced their international law, which still holds much importance. Some important committees, organizations, treaties, and agreements are discussed below:

The World Anti-Slavery Convention was organized in 1840, and the International Committee of the Red Cross was founded in 1863. Outside of communications and transportation, international organizations saw tremendous expansion in a number of areas. For instance, the

International Office of Public Health was founded in 1903 to deal with health-related issues. The International Institute for Agriculture (1905), the International Sugar Union (1902), the International Copyright Union (1886), and the Metric Union (1875).

As evidenced by the increasing number of international organizations, Klabbers claims that public international law has gradually changed from a "law of co-existence" to a "law of collaboration." This implies that rather than only defining and enclosing their zones of influence, international institutions are changing into tools that promote collaboration between states. The well-known Swiss international lawyer Max Huber said in a 1910 article that states negotiated treaties mainly to advance their interests as well as shared or common ones.

However, international organizations started to expand dramatically following the First World War. The Treaty of Versailles, which put an official end to World War I, was signed on June 28, 1919. The first worldwide regulatory body with extensive powers was the League of Nations, which was founded on January 10, 1920, as a result of the Treaty of Versailles. Its main objective was to offer a forum for settling disputes between states. As seen by the fact that only 63 member states joined, the League of Nations did not get much traction despite its creation. The association was eventually formally dissolved after World War II began. (Armstrong, 2011)

The Growth and Influence of International Organizations

Historically, the main goal of international law has been to regulate the interactions between states. International law is "the set of customary and conventional rules which are deemed legally enforceable by civilized States in their dealings with each other," according to Oppenheim, who is credited as the creator of contemporary international law. "International offices" are set up to carry out treaties that create international unions, he added. Because international organizations are "derived organisms" that get their existence and authority from the governments that founded them, states have precedence over them. Klabbers accurately noted that "only states can go to war." Treaties can only be concluded by states. Territorial waterways can only be declared by states. (Abbott & Snidal, 1998)

Indeed, others contend that international organizations were not created to influence the world community. International legal personality was not conferred to these organizations when they were first founded because it was not thought to be necessary or significant. "nor with third nations, nor with other international organizations, and not with the citizens of their member states either," was the only direct interaction that international organizations were supposed to have with their member states. International organizations did not have international legal personality before the ICJ's 1949 intervention. The stance has completely changed within ten years of the 1949 ICJ advisory opinion. For instance, international organizations' charters now include provisions granting legal personality or a measure of it, while some regional instruments include general terms acknowledging international organizations' legal personality. (Ikenberry, 2001).

According to Alvares, the development and influence of international organizations on international law and policymaking have, for example, made it easier for states to create, promote, and implement treaties and conventions. In the process of creating international norms and laws, they play two roles: they provide other players with the required power structures and participate as unique decision-making agents. As objects of international law, general legal principles, customary international law, and Jus cogens norms govern international organizations. It will become clear as we proceed through this section that the initial actors in

international lawmaking, the origins of international duties, have been significantly influenced by international organizations, particularly the UN.

International organizations have had an important impact on the advancement of international law and have been instrumental in the establishment of a global constitutional order. International organizations "represent new laws at their birth, because they are themselves a child of law," according to Henkin's assertion. (Blum, 2005)

Introduction and characteristics Of Intergovernmental and Nongovernmental Organizations.

International organizations, sometimes referred to as international institutions, were founded by three or more nations or other subjects of international law as permanent bodies with particular rules and regulations based on formal legal agreements, such as treaties, that they have reached to accomplish shared political and economic goals. IOs can be divided into either nongovernmental organizations or intergovernmental organizations based on the themes they cover and the goal of its founding. The majority of the most significant and powerful IOs in the world were founded to promote political collaboration, coordinate the economy, and preserving regional or global peace. Different kinds of IOs have committed to increasing their size, enhancing their internal structures, and extending their influence in the twenty-first century. IOs have been regarded to as lawmakers, and the advancement of public international law has been increasingly impacted by their statutes and legislation. According to experts, the main legal characteristics of IOs are that they are established in compliance with international law, that they are established by state consent, and that they contain at least one body that is independent of the member parties and has the power to act correctly. These attributes can be derived from the concept of IOs. (Chiu, 1965)

The Impact of Intergovernmental Organizations (IGOS) and International Law

A standard of behavior that is recognized by the majority of international subjects through common practice and has recognized legal implications is known as international custom. The International Law Commission has backed the notion that both state practice and opinion juris have a role in the development of customary international law. According to the international community, states can create customary international law through three primary means: military rivalry, the ascent of the powerful, and technical facilitation. Nonetheless, it has been acknowledged that IOs are essential in defining what makes up customary international law. Using the European Union and the United Nations as examples, the author will analyse how IGOs impact customary international law. (Chesterman, 2008)

The United Nations (UN)

The UN General Assembly's Function in Upholding Customary International Law

Customary international law is formed and identified in part by the decisions that nations pass at conferences and IOs. This is accomplished by resolutions adopted by the UN General Assembly. Resolutions of the UN General Assembly can have normative validity and serve as proof of current or prospective legislation even though they are not legislative in character. Resolutions passed by the General Assembly might therefore be interpreted as proof of both recent and established principles. First, when disputes emerge over established customary rules, state behavior can be validated using resolutions from the UN General Assembly, which are significant public records for evaluating state activity and creating customary international law. The UN's yearly resolutions containing human rights standards serve as a bridge to the signing of multilateral human rights treaties. These resolutions aim to establish human rights standards

through a number of different means. Notably, in more extraordinary circumstances, resolutions that have been adopted with unanimous or almost unanimous support and that show the proponents' clear intention to establish an international law rule have the power to establish extensive customary international law. In the case of Western Sahara, the UN General Assembly has confirmed the validity of the fight for liberation from foreign occupation in at least four resolutions, which collectively have established a custom, according to Ammoun, the vice-president of the International Court of Justice. Furthermore, Bordin contended in his theory of rapid international law that a new law of customary international law may swiftly emerge in those states if recognition as law emerges in all or some UN member states. (Friedmann, 1970)

The UN General Assembly's Contribution to the Formation of International Law

Resolutions establish a framework for states to adopt a common position, which typically motivates governments to act. Higgins asserts that when global collective action is performed in big quantities, frequently, and with consent, it finally acquires legal status. Additionally, he claims that voting and voicing national views in IOs are legally significant as evidence of customary law. Additionally, Higgins argues that the UN General Assembly, Security Council, and Secretariat play a major role in portraying a clear emphasis on state practice. An example of this is the Stockholm Declaration, which lays out concepts that are considered legally obligatory by states and have been widely adopted in state practice, allowing for their integration into the framework of customary international law. A resolution can be used to finalize the rule, and a resolution that declares or claims to proclaim a rule simply requires a little quantity of facts from actual practice to support it. (Simmons, 2009)

EU (European Union)

The Function of the EU in the Development of Customary International Law

Additionally, a few EU initiatives demonstrate how the IOs may affect customary international law. First, the EU is required by the EU Treaty to establish and enforce international law. For instance, the development of EU external relations rules and the part played by EU practice in international law have been explored by both Hoffmeister and Cremona in respect to international environmental law. Thus, it is evident that the EU has worked in a variety of fields to impact international law and align its own goals and objectives with the evolution of international law. (Bretherton & Vogler, 2006)

Nongovernmental Organizations' (NGOs') Influence on International Law

NGOs have been promoted and given theoretical justification for their participation in international governance, international lawmaking, and its implementation due to the emergence of international social legislation, the development of civil society, and the recent change in the global governance model. The expertise of NGOs has become to be crucial to the effective operation of international law, and their standing as a powerful alternative to states and IGOs in tackling global issues has increased. (Schermers & Blokker, 2011)

Significant Contribution to International Justice

NGOs also actively participate in the international judicial system. NGOs may take part in international proceedings as litigants and legal advisors when international judicial organizations are overburdened with cases and lack specialized defense lawyers. For instance, NGOs may act as legal advice or take part in litigation in the African Court of Human and Peoples' Rights in the Americas and the European Court of Human Rights. NGOs have been involved in taking disputes to the International Court of Justice in the Nuclear Weapons case and have been vocal advocates

of one of the parties in the Danube Hydroelectricity dispute. Additionally, NGOs are able to join certain professional societies. Some cases that were first heard by the International Court of Justice have been shifted to regional or specialized conflict resolution organizations due to the complexity and diversity of global issues. The European Court of Human Rights clarified the requirements and procedures for NGOs to interact with the Court after preliminary discussions over their participation. The European Court of Human Rights has received information and views from 37 pertinent NGOs in 26 cases in the ten years after its rules were changed.

In the 1998 final WTO ruling in the US Import Prohibition on Certain Shrimp and Shrimp Products dispute, it was established by case law that panels might independently seek or accept materials and reports from NGOs engaged in the case. The creation of pertinent substantive rules to acknowledge NGOs' participation rights. (Bull, 1982)

The Role of Monitoring in the Application of International Law

In some circumstances, NGOs can also monitor and enhance the application of international law. They monitor how well states carry out their obligations under international treaties and how closely they conform to international law. For example, Amnesty International and Greenpeace often work to expose and denounce violations of the international treaties they have signed and use a range of tactics to compel countries or multinational corporations to uphold their international obligations. This type of monitoring is enforced by states or IOs, which is likely detrimental to international cooperation and goodwill among states. (Nye, 2005)

However, by emphasizing the unique advantages of their involvement in the implementation of specific international treaties, NGOs can circumvent this problem through lobbying, public pressure, and moral sanctions. NGOs have assisted the UN and its specialized agencies in developing and improving procedures and guidelines for dealing with violations of human rights. Through media coverage, they increase public acknowledgement of state violations of human rights and spur international public opinion to denounce and monitor them, putting external pressure on governments to carry the core tenets of international human rights law. NGOs even monitor human rights groups in specific human rights situations by providing information and advice on how to handle problems. NGOs' involvement as a major external force and the use of their unique influence improves the instruments for implementing international law. (Victory, 2001)

Creating Self-Reliant Guidelines to Promote the International Legal Order

In other areas where national and IO engagement is smaller, specialized NGOs develop autonomous norms and gradually refine them into autonomous normative frameworks. To encourage standardization and associated activities, the International Organization for Standardization, for instance, has created hundreds of national reference environmental standards for soil, water, and air. The impact of NGOs on the legal system is even more noticeable in the realm of international sports. Numerous nations recognize the comprehensive and self-contained legal order established and administered in the sport sector, and one with a significant degree of jurisdiction. According to its regulations, the International Olympic Committee created an international sports tribunal in 1984 specifically to resolve issues pertaining to sports.

This tribunal punishes athletes who break the rules and settles associated issues without the participation or legal safeguards of national courts. In areas like international sport and standardization, NGOs have been at the forefront of creating and promoting norms. States commonly adhere to these autonomous normative frameworks, and some have even been

recognized or integrated into national or international law by national or international institutions. As a result, NGOs have discovered a means to independently create and constructively advance a worldwide legal system in addition to collaborating with national governments and IGOs. (Manners, 2006)

The Functions of the UN General Assembly in the Advancement of Customary International Law

Women's rights, the ban on torture, everyone's right to self-determination, and the rights and obligations of countries that acquire assets owned by foreigners are just a few of the many topics covered by the international legal norms and principles established by UNGA resolutions. Resolutions, therefore, address a broad range of new and sensitive subjects when official sources like treaties and customary international law provide little guidance. Therefore, defining international customary law may be a major function of the UNGA. UNGA resolutions "give evidence of existing or emerging new legislation and may occasionally have normative repercussions," according to Alvarez, despite not being legislative. When disputes arise about conventional rules, they are essential in "forming customary international law and assessing state conduct." For instance, state measures may be approved based on UNGA resolutions. They also provide evidence of long-standing and new traditions. UNGA resolutions have the power to increase state support for a new tradition. Additionally, if a resolution satisfies specific requirements, is approved by the majority of states, and has normative components, it may eventually become customary. The framework of international human rights standards has served as one illustration of this. The UNGA has ratified a large number of international human rights accords and agreements over its existence (Cremona, 2004)

The UNGA's resolutions also seek to promote agreement among governments by urging them to take action, adopt a unified stance, or use their global influence. As was already indicated, the UDHR and the 1972 Stockholm Declaration are two instances of international norms and standards that are regarded as legally binding by states and have been widely adopted in state practice. This makes it possible to include them "within the framework of customary international law."

UNGA resolutions are argued to be too "unreliable" to be considered authoritative, nevertheless. It seems to be a political organization that benefits from candid conversations about political matters. UNGA resolutions are also not legally binding, as was previously stated. It is proposed that many resolutions would never pass if member states were aware that their votes would have legal power behind them. According to Kerwin, nations' actions typically decide the principles of customary international law. Therefore, if a resolution is adopted by the majority of member states, the UNGA may have an impact on customs. (Gibney, 2016)

Conclusion

International organizations are still very important. An atmosphere where international law can have a positive impact has been produced by the quick growth of international organizations during the past 30 years. Organizations such as the United Nations have had a significant impact on national laws about sustainable development, environmental preservation, and human rights. States' views have shifted from protectionist to liberal and free trade systems thanks to institutions like the European Union, United Nations, International Monetary Fund, and World Trade Organization. However, a greater role for developing nations in these organizations is

required, as the absence of developing nations' voices in many multilateral organizations is currently the reason behind the rise of certain regional organizations.

International organizations are essential in today's world for fostering cooperation, maintaining peace, and shaping international law. The EU, UN and IMF come from agreements and treaties made between sovereign states. These organizations have legal standing thanks to international law, which encompasses both conventional and modern sources like treaties, standards, and decisions from institutions like the UN.

In conclusion, international organizations play a critical role in addressing global issues, encouraging collaboration, and defending the fundamentals of international law—all of which contribute to the development of a more peaceful and harmonious world society.

Recommendations

We have closely examined how international organizations have changed, functioned, and served to the formation of international law. The United Nations and the European Union are two of the most significant and powerful institutions. Under various conditions, these organizations have provided services to the nations. However, there are still some noteworthy problems and obstacles that need to be resolved in spite of all of the accomplishments and victories. There are some suggestions to deal with the difficulties because contemporary problems require contemporary answers.

To strengthen collaboration between UN and Regional bodies

Every institution, organization needs collaboration and teamwork for the effectiveness of their work and enhancing policies, techniques for development. So the United Nations needs to enhance collaboration with regional bodies if it is to play its role in the development and implementation of international laws. For example, for forming policies related to Global warming and climate change, International Organizations must have talks and collaboration with regional bodies.(Manners, 2006)

Enhancement in the Implementation of International Laws.

Laws are only fruitful and have advantages if they are implemented well, but if laws are only formed and not implemented, then organizations and platforms hold no importance. Laws are made to be implemented, so law-making and law implementation must be the primary goals of international organizations.

Widening the UN and EU's Global Legal Influence

Both organizations must have a global legal influence so that they can serve the global and regional bodies. Improving their ability to implement international laws could majorly improve their effectiveness in many areas, including environmental protection, human rights, prevention of conflicts and wars and human rights.

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