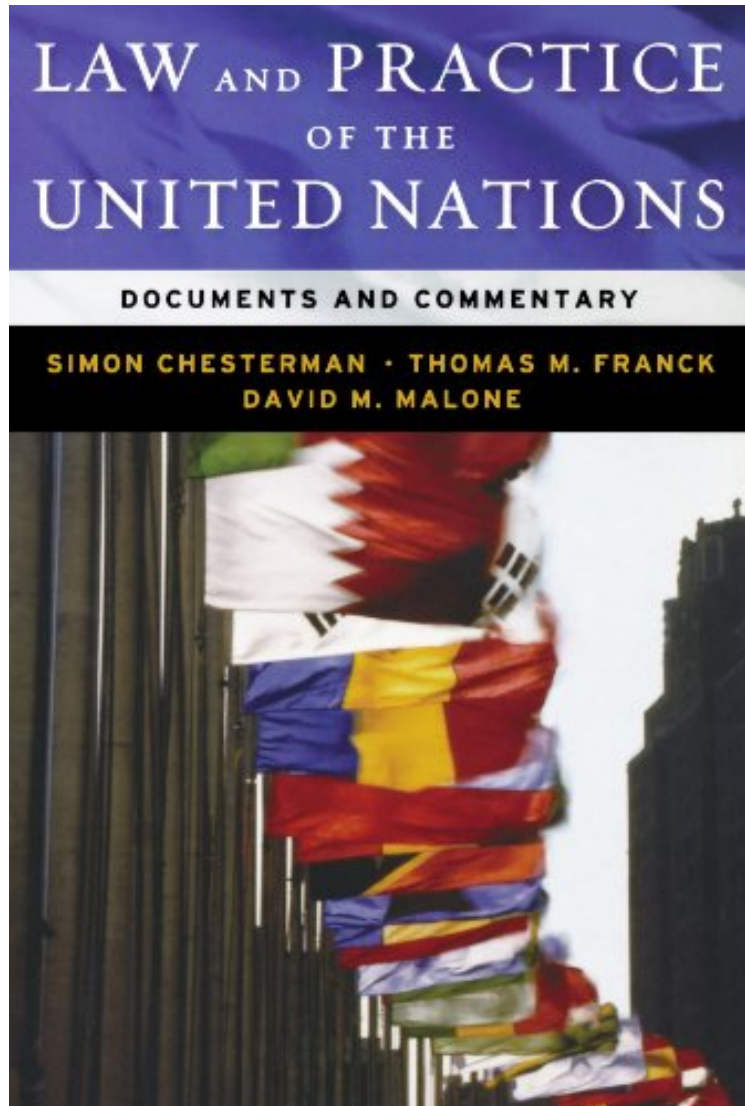


# Law and Practice of the United Nations: Documents and Commentary

*The Late Thomas Franck, Simon Chesterman, David Malone*

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Law Practice of the United Nations: Documents and Commentary combines primary materials with expert commentary, demonstrating the interaction between law and practice in the UN organization, as well as the possibilities and limitations of multilateral institutions in general. Each chapter begins with a short introductory essay by the authors that describes how the documents that follow illustrate a set of legal, institutional, and political issues relevant to the practice of diplomacy and the development of public international law through the United Nations. The authors help students form a realistic idea of the work of international diplomacy, as the negotiation and interpretation of such texts is an important part of what actually takes place at the United Nations and other international organizations. A wide variety of documents are presented, each of which must be read differently: treaties and resolutions based on political compromises, judicial opinions that are based on legal reasoning, policy documents intended to justify specific actions, and advocacy intended to pursue a national or other interest. Students will develop the ability to read these documents critically, parsing not only the meaning but the political and bureaucratic interests behind them. Law Practice of the United Nations is ideal for courses on the United Nations or International Organizations, taught in both law and international relations programs.

"This book is overdue and immensely valuable. The United Nations used to merit a couple of chapters in an often dry-as-dust casebook on international organizations generally, chapters devoted to the law of the Charter but never the political practice that illuminates it and makes it both trying and occasionally triumphant. Here, at last, is a volume entirely devoted to the United Nations for scholars of both international law and international relations, in an accessible format with challenging issues at every turn."-Anne-Marie Slaughter, Dean of the Woodrow Wilson School of Public and International Affairs, Princeton University

"International lawyers everywhere should rejoice that Thomas Franck, along with colleagues Simon Chesterman and David Malone, have at last made widely available the primary documents that have long formed the backbone of Franck's renowned 'UN Law' course. Their casebook - which examines through a legal lens the relevance, capacity, practice, and accountability of the UN - stresses the interaction between law and politics without confusing the two. From its opening introductory section discussing, among other things, why the UN Charter ought to be regarded as a 'constitution', to its closing chapter devoted to the prospects for UN reform, this is a book that makes immediate and concrete what it means to have an international rule of law."-Jose E. Alvarez, Hamilton Fish Professor of International Law Diplomacy, Columbia Law School

"Law and Practice of the United Nations is part casebook, part textbook and, throughout, a profound set of reflections on the past, present and future of the UN as a 'constitutional' framework for global governance. It is designed for students, but there is no specialist on the UN who would not learn from this impressive volume."-Michael W. Doyle, Harold Brown Professor of International Affairs, Law and Political Science, Columbia University

"These three highly respected authors have created a volume from which any serious scholar can gain tremendous insight. ... First, I believe that the inclusion of a broad range of original documentation makes this a much more useful book than has been published anywhere else in recent years. Second, the authors provide in their commentary very rich explanations of the practical contexts within which these documents have arisen; these explanations provide deeper understandings of the legal and political considerations standing behind the documents. Third, the authors have addressed important topics of very recent vintage, allowing instructors and students to make meaningful evaluations of contemporary public events. These authors have generated such a breath of fresh air that I must admit that I very much look forward to using the text."-Edwin Smith, Leon Benwell Professor of Law, International Relations and Political Science, University of Southern California School of Law

"The book's central strength is that it situates its legal analysis in the context of policy and practice. The selection of cases and documents are excellent - effectively illustrating the impact of law on practice and, more generally, the interaction between law and politics in international affairs. The overall scope and content are ideal for both law and non-law students (at the graduate level)." -Ian Johnstone, Associate Professor of International Law, The Fletcher School, Tufts University

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Administration, and State-Building (OUP, 2004), and *Just War or Just Peace? Humanitarian Intervention and International Law* (OUP, 2001), which was awarded the American Society of International Law Certificate of Merit. The Late Thomas M. Franck was the Murry and Ida Becker Emeritus Professor of Law at New York University School of Law. The author of more than twenty books, Dr. Franck is a two-time Guggenheim Fellowship winner, and also received the Christopher Medal for Resignation in Protest. He has acted as legal advisor or counsel to many foreign governments, including Tanganyika, Kenya, Zanzibar, Mauritius, Solomon Islands, El Salvador, Bosnia and Herzegovina, and Chad. Among other positions, he was Director of Research at the United Nations Institute for Training and Research (UNITAR) from 1979 to 1982. David M. Malone is Canada's High Commissioner for India and Ambassador to Bhutan and Nepal, and former Canadian Ambassador to the United Nations. He has taught at the NYU School of Law and at Sciences Po in Paris. His most recent book is *The International Struggle over Iraq: Politics in the UN Security Council, 1980-2005* (OUP).