

***Oppenheim's International Law.***  
***A New Volume on the Law of the United Nations***

**Rosalyn Higgins**

**2007 Balzan Prize for International Law since 1945**

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**Affiliated Institution:** The British Academy

**Period:** 2007-2016

Dame Rosalyn Higgins, DBE, QC, is a former President of the International Court of Justice in The Hague, Fellow of the British Academy and Fellow of the American Academy of Arts and Sciences. Her Balzan research project focused on a comprehensive study of all legal issues relating to the United Nations. No such work had existed until this project was concluded with the final publication of a new Oppenheim's International Law volume, *Oppenheim on the Law of the United Nations*, an authoritative and comprehensive study of the United Nations' legal practice that will be of great assistance to missions to the United Nations, governments and academics. Directed by Dame Rosalyn, a group of young scholars (Dapo Akande, Sandesh Sivakumaran, James G. Sloan, Philippa Webb, and Ralph Wilde) carried out the research work necessary to the realization of the *Oppenheim*. The researchers are all academics teaching full-time in British universities.

The Balzan Oppenheim Project team had its first meeting in The Hague, The Netherlands, when it made extensive revisions to the original Outline of Contents for Oppenheim on International Organizations. A broad assignment of topic areas was made, and methodological issues and the approach to drafting in the 'Oppenheim style' were discussed. A second team meeting took place in November 2008 in The Hague, during which preliminary research results on peacekeeping and human rights bodies were discussed. The meeting also considered outlines for research on UN immunities and the legal personality of the UN at the domestic and international levels.

A third team meeting was held in November 2009 in The Hague (when Rosalyn Higgins had retired from the International Court of Justice). First drafts on the principal UN organs, the subsidiary organs, human rights, international criminal tribunals, financing and the role of the UN Secretariat were reviewed. The team had a fourth meeting in London in March 2010. At this meeting the first drafts on UN immunities and legal personality were discussed in detail. A fifth meeting was held in December 2010 in The Hague to consider first drafts on a range of topics and to review second drafts on peacekeeping, human rights, tribunals, principal and subsidiary UN organs, financing, the UN Secretariat, immunities and legal personality. A sixth meeting was convened in London in May 2011 to discuss a first draft on powers and a revised draft on the principal organs. The seventh meeting took place in London in March 2012 to examine first drafts on voting, the UNHCR, and disaster relief as well as to consider revised drafts on tribunals, subsidiary organs, financing, the UN Secretariat, peaceful settlement of disputes, the International Criminal Court, powers, and personality.

The eighth meeting was held in November 2013 in London to examine first drafts on the International Court of Justice (in part), Responsibility, Membership (in part), and Geneva-Vienna-New York relations. Substantive revisions were made to existing drafts on the UN High Commissioner for Refugees, Disaster Relief, Voting, Immunities, Hybrid Tribunals, Peacekeeping, Principal Organs, Subsidiary Bodies, the Security Council, Legal Personality, Powers, International Criminal Court, and the Peaceful Settlement of Disputes. The ninth meeting was held in February 2015 in London. The team considered new drafts on the International Court of Justice (various aspects), Membership, Promoting International Law, the International Tribunal for the Law of the Sea, the UN Compensation Commission, and Sanctions. The tenth meeting was held in November 2015 in London. The team examined drafts on: the International Court of Justice (various aspects), Membership, the Trusteeship Council, Specialised Agencies, Electoral Assistance, and Democratic Governance. The final topics for drafting were allocated to team members.

As for the project itself, the research resulted in a 1,500-page book, and generated some important, related publications for the young academics taking part, listed below. Its main goal, *Oppenheim on the Law of the United Nations*, is a 1,500-page work published in two volumes. An authoritative, comprehensive study, it is directed to the legal realities of the United Nations, not just the text of its charter. It is entirely new, but prepared in the way that has become so familiar over succeeding editions of

the fundamental treaties on International law by L.F.L. Oppenheim. After its appearance in the fall of 2017, the book was launched at the Foreign Office in London, the International Court of Justice in the Hague, and the United Nations Bookshop in New York. In May 2018, two round-table discussions were held at ISPI (Istituto per gli Studi di Politica Internazionale) in Milan and at USI (Università della Svizzera italiana) in Lugano. Dam Rosalyn Higgins and researchers Philippa Webb, Dapo Akande and Sandesh Sivukumaran participated. In 2019, the publication was awarded the American Society of International Law Certificate of Merit for high technical craftsmanship to practicing lawyers and scholars.

**Publications:**

- Akande, Dapo. "International Organizations." In *International Law*, edited by Malcom Evans. Oxford: Oxford University Press, 2014.
- Higgins, Rosalyn. "The United Nations at 70 Years: The Impact upon International Law. The Foreign & Commonwealth Office Annual Lecture." *International and Comparative Law Quarterly* (2016).
- Sivakumaran, Sandesh and David Harris. *Cases and Materials on International Law*. 8<sup>th</sup> ed. London: Sweet and Maxwell, 2015.
- Sloan, James. "The Evolution of the Use of Force in UN Peacekeeping." *Journal of Strategic Studies* (2014). 37(5): 674-702.
- Webb, Philippa. "Should the 2004 UN Convention on State Immunity be a model/ starting point for a convention on the immunities of international organizations?" *International Organizations Law Review* (2014).
- Ralph Wilde. "Human Rights Beyond Borders at the World Court: The Significance of the International Court of Justice's Jurisprudence on the Extraterritorial Application of International Human Rights Law Treaties." *Chinese Journal of International Law* (2013). 12(4): 639-677.
- Oppenheim's International Law. A New Volume on the Law of the United Nations*. Oxford: Oxford University Press, 2017.