

OPEN PEER REVIEW

Legal Dimensions of States' Withdrawal from International Organizations with Emphasis on the European Union

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1. Round 1

1.1. Reviewer 1

Reviewer:

The introduction states, "The nineteenth century has been described as the 'Age of Preparation for International Organizations,' a period from 1815 to 1914." This statement lacks a supporting reference or a critical discussion on how these preparatory efforts shaped the League of Nations or later organizations. Consider adding a citation or analysis.

The discussion on withdrawal procedures does not reference key legal cases or advisory opinions, such as the International Court of Justice (ICJ) advisory opinion on Namibia (1971). Incorporating jurisprudence would strengthen the legal argumentation.

In discussing Brexit, the article states, "Brexit, a term combining 'Britain' and 'exit,' refers to the referendum held on June 23, 2016." However, the legal process of Brexit involved multiple extensions and court rulings (e.g., Miller case in the UK Supreme Court). Adding a brief mention of the judicial aspects would improve the discussion.

The discussion on estoppel states, "The rule essentially states that no one can contradict themselves to the detriment of another party." While this is a correct summary, it would be useful to provide an example of how estoppel has been applied in international law, such as the Temple of Preah Vihear case (ICJ, 1962).

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The section "Definition of States' Withdrawal from International Organizations" states, "The right to withdraw is explicitly mentioned in the charters of most international organizations." However, the discussion does not differentiate between organizations where withdrawal is explicitly allowed (e.g., EU under Article 50) and those where it is not (e.g., UN Charter). Clarifying this would improve legal accuracy.

The article extensively discusses state withdrawal from international organizations but does not distinguish between bilateral agreements (such as trade agreements) and multilateral institutional withdrawals (such as Brexit). Consider briefly addressing how these differ in terms of legal obligations.

The article states, "The United Nations Charter does not contain any explicit provisions regarding the prohibition, allowance, or regulation of withdrawal." While factually correct, this overlooks the argument that the UN's perpetual nature implies withdrawal is impermissible. A discussion of Indonesia's withdrawal and re-entry in 1965 would add depth.

The discussion states, "Policy considerations supporting the view that withdrawal is permissible even in the absence of an explicit provision are based on concepts of sovereignty." However, modern international law increasingly emphasizes functional necessity over absolute sovereignty. A discussion of sovereignty vs. supranationalism (especially in EU law) would be beneficial.

The section on "Secondary Responsibility of Member States" discusses derivative liability but does not engage with the International Law Commission's (ILC) Draft Articles on Responsibility of International Organizations. Integrating these would enhance the legal precision.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.