

FOCUS WEEK WORKSHOP

The Law of International Organizations: Typology, statutes and rules, the law of international civil service and related institutions (Ombudsman, Mediation services, Boards and Tribunals).

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This 12-hour intensive course explores the basic rules of the Law of International Organizations. Students will first get an overview of the typology of International Organizations (IO) and the rules governing them. They will then explore the law of international civil service, including the immunity of IOs from national law, their corresponding obligation to implement an internal justice system, and the way in which these systems resolve labour and administrative disputes through independent boards and tribunals. In a dynamic and interactive environment, students will get an opportunity to reflect on the role of lawyers assisting a party to mediation and trial according to the applicable international legal norms and ethical guidelines.

The course will provide a comprehensive legal framework to understand International Labour and Administrative law. It will cover conflict resolution within IOs, discussing more specifically mediation and internal justice systems.

Through exercises/role-plays and discussions with experts, students will have the opportunity to learn and practice the basic skills required for effective dispute resolution in the field of International Civil Service.

Classes: The consecutive 4-day course would last 12 hours, from Monday 18 October 2021 to Thursday 21 February 2021.

Readings: Suggested readings will be available online.

Assessment method: Role play in negotiation and mediation. Essay of 5 pages. Pass/Fail evaluation.

Languages: English and French. Papers and simulations can be presented in French or in English by students.

Typology of International Organizations and their Legal Status

- The UN family
- The European Union
- Inter-American organizations
- Other families
- Legal order
- Legal status and immunity
- Powers and accountability
- Pre-negotiation process: Planning and fact-finding
- Role-play exercise

International Civil Servants

- Appointment
- Geographic distribution
- Conditions of employment
- Independence: Privileges and immunity
- Legal protection
- National law v. International administrative law
- Interplay between statutes and rules adopted by IOs and the general principles of law applicable across organizations
- Discussion with an expert in the field

Ombudsman/Mediation in International Organizations

- Mediation and Ombudsman services
- Preparation of negotiation and mediation sessions
- Options and creativity
- Discussion with an Ombudsman from the UN
- Discussion with Ombudsman from OIAC

Organizing a Mediation Session: Basic Rules

- Preparation of a mediation session as a negotiator and as a mediator
- Strategy
- Opening of a mediation session: Statements
- Communication
- Difficult conversations
- Anchoring
- Joint sessions and individual meetings
- Role-play exercises
- Discussion with an experienced international mediator: UN Special mediation Unit

Examples of Boards and Tribunals

- The United Nations system of formal Justice: UNDT and UNAT
 - The World Bank system of formal justice: Boards and WBAT
 - The International Monetary Fund system of justice: Arbitration and IMFAT
 - The International Labour Organization system of justice (ILAOT)
 - The Administrative Tribunal of the Organization for Economic Co-operation and Development system of justice (OECDAT)
 - Systems of justice in hybrid International Organizations (Global Fund, GAVI, etc.)
 - Critical analysis of the differences between public and hybrid organizations
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