

ARMENIA

We share analysis concerning the settlement of disputes of a private character to which an international organization is a party. We consider that the strengthening of such settlement merits attention.

On the one hand, the immunity from jurisdiction of States is required to ensure the independence of international organizations. On the other hand, this immunity deprives third persons from the access to justice. In this situation, when one excludes another, and the waiver of immunity is not always possible, the alternative and efficient remedies for third parties are welcomed.

In this regard, measures described in paragraphs 22(a) (Establish standing claims commissions as envisaged in the model SOFA) and 22(b) (Waiving immunity of the Organization in selected cases) of the analysis paper can be taken to discharge concomitant obligations of an international organization.

Concerning the existing experience in Armenia, with regard to the international organizations (for example, WFP, UNDP, UNICEF, etc.), that have offices in Armenia and carry out different operations, the following is applied:

“The Government of Armenia shall, in particular, be responsible for dealing with all claims arising from or directly attributable to the operations under the present Agreement that may be brought by third parties against [NAME OF THE ORGANISATION], its officials, experts on mission and persons performing services on behalf of mentioned organization and shall, in respect of such claims, indemnify and hold them harmless, except where the Parties agree that the particular claim or liability will cause gross negligence or willful misconduct”.

The cases of application of such provisions in practice are unknown.