

GERMANY

As the ECtHR has recognised the attribution of privileges and immunities to international organisations is an essential means of ensuring the proper functioning of such organisations free from unilateral interference by individual governments.

Lacunae in legal remedies should be addressed and the adequacy of existing remedies should be regularly assessed with a view to the jurisprudence of international courts.

Germany is however convinced that restricting immunity is the wrong way to achieve this goal. Therefore, we generally welcome the approach of the Netherlands to improve alternative remedies instead. We share the perception that strengthening the settlement of disputes of a private character merits attention. Germany deems the proposed measures as a good starting point for a discussion on how to strengthen the settlement of disputes arising from UN peace operations. However, increased accountability will probably entail additional expenses for the UN, and hence a possible increase of the UN budget. Furthermore, increased accountability must not jeopardize the functioning of one of the most central instruments of the UN, i.e. the UN peacekeeping missions. Therefore, any adjustment needs to find the right balance that allows for an improvement of internal remedies without endangering the proper working of UN peace keeping missions.