

## GREECE

- **Do you share our analysis concerning the current state of the settlement of disputes of a private character to which an international organization is a party?**

We consider that it would be useful to stress that the scope of the immunity of international organizations differs from state immunity in the sense that, whereas the latter, having evolved as a matter of customary law, has been restricted to *jure imperii* acts, the immunity of international organizations is treaty-based and therefore its extent is determined by the relevant treaty and may be absolute in character as the case may be. Granting absolute immunity to international organizations may be necessary in order to ensure their independence and the proper functioning, but it may at the same time lead to shortcomings in the legal protection of individuals who have suffered harm from the unlawful conduct of an organization.

- **What is your experience with the settlement of disputes of a private character to which an international organization is a party in your legal system?**
- **In particular, are there examples in your legal system of perceived shortcomings in the settlement of disputes of private character to which an international organization is a party leading claimants to turn to the member States?**

It has not been possible to find relevant case-law in the Greek legal system.

- **Do you consider that the strengthening of the settlement of disputes of a private character to which an international organization is a party merits attention?**

In view of the proliferation of international organizations and the multiplication of their activities, both operational and normative, there is an increased risk of inflicting harm on private persons as a result of such activities. We, therefore, consider that the strengthening of the settlement of disputes of a private character to which an international organization is a party merits attention to ensure justice for those persons and preserve the consistency of the organization’s words and works. This would also be in the interest of member States, should the individuals concerned decide to turn against them in case of failure to obtain redress from the organization itself. However, as mentioned in the document prepared by the Dutch colleagues, the analysis of appropriate dispute settlement mechanisms should be based on a case-by-case approach, taking into account all relevant factors (specific features of the organization concerned, source of the dispute etc.).

- **Specifically in respect of settlement of private claims in UN peace operations, how do you see the merits of the possible measures described above?**

All measures identified by the Dutch delegation in order to strengthen the settlement of disputes of a private character arising from UN peace operations are, in our view, of relevance within the abovementioned case-by-case approach. In particular, Greece welcomes the proposal of exploring the possibility to establish an Ombusperson who could investigate complaints from individuals arising from the conduct of a peace operation and making recommendations concerning the handling of such complaints. Finally, as regards the waiving of the immunity of the Organization, we would like to point out that any decision in this sensitive issue should be based on a broad consensus among all member States of the UN, including those which are directly involved in such operations.