

## Lack of Governance over Intergovernmental Organisations

Intergovernmental organisations<sup>1</sup>, usually referred to as international organisations, are created by sovereign states. Their legal basis is a treaty between the Member States. Examples include the United Nations, the Council of Europe and the World Trade Organisation. At present about 250 of such organisations exist.

In order to avoid undue interference by any of the Member States, in particular of the host country, international organisations are routinely granted inviolability of their premises and immunity from jurisdiction by national courts.

International organisations act very much like a “state within a state”. They may have their own financial regulations, their own labour law (often not made public) and their own social security system. Unlike states, international organisations know no true separation of powers. The Head (Director-General or President) formally represents the executive. In practice, however, he also functions as legislator since changes in employment law proposed by him are usually accepted by the Governing Body. Within the organisation the Director-General or President acts as head of the police (Internal Audit or the Investigation Unit), as prosecutor (initiating disciplinary proceedings) and finally as judge in the sense that he decides on relief granted to or punishment imposed upon staff.

The internal checks & balances in international organisations are purely based on respect. Internal bodies (staff committees, disciplinary committees, appeals committees) are all advisory bodies. The full decision-making power remains with the Head of the Organisation.

Decisions concerning staff can only be challenged at the Administrative Tribunal responsible for the Organisation after exhaustion of internal remedies. Appeals have no suspensive effect. The duration of the overall procedure can be problematic<sup>2</sup>. The Tribunals base their judgments on the actual law in force in the Organisation. They exercise little normative control on the legislation itself<sup>3</sup>. The Tribunals have no means to enforce implementation of their judgments. At least in the case of the ILO-AT, responsible for some 60 international organisations, the independence of the judges can be questioned<sup>4</sup>.

External control over international organisations is exercised by a governing body that typically meets several times a year. The information that is provided to this body is largely controlled by the Head of the International Organisation. The resources available to the members of the delegation that make up

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<sup>1</sup> [http://en.wikipedia.org/wiki/Intergovernmental\\_organization](http://en.wikipedia.org/wiki/Intergovernmental_organization)

<sup>2</sup> Unless existing backlogs are dealt with delays for some organisations, e.g. the EPO, are expected to exceed 10 years.

<sup>3</sup> <http://www.caio-ch.org/RuleofLaw.html>

<sup>4</sup> The judges are nominated by the governing body of ILO (a defendant organisation) on the basis of 3 year renewable contracts. The nomination is prestigious and comes with a twice yearly all expenses paid trip to Geneva.

the governing body do not necessarily allow for an in-depth and independent examination of the activities of the organization. Normally, the public is denied access to the meetings of the governing bodies and to the majority of the documents discussed there.

The governance of international organisations has been subject to criticism<sup>5</sup>. The organisations have, however, thus far resisted efforts to improved transparency and accountability both towards their own staff and towards the public.

The Central SUEPO Committee

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<sup>5</sup> <http://elgarblog.wordpress.com/2012/08/10/international-justice-progress-or-mirage-author-article-by-matthew-parish/#more-598>

[https://www.e-elgar.co.uk/bookentry\\_main.lasso?breadcrumblink=&breadcrumb=&sub\\_values=&site\\_Bus\\_Man=&site\\_dev=&site\\_eco=&site\\_env\\_eco=&site\\_inn\\_tech=&site\\_int\\_pol=&site\\_law=&site\\_pub\\_soc=](https://www.e-elgar.co.uk/bookentry_main.lasso?breadcrumblink=&breadcrumb=&sub_values=&site_Bus_Man=&site_dev=&site_eco=&site_env_eco=&site_inn_tech=&site_int_pol=&site_law=&site_pub_soc=)

<http://www.amazon.com/Accountability-Investigation-International-Organizations-Specials/dp/9004147934>