

CENTRE FOR INTERNATIONAL LAW

Seminar

CIL

27 October 2011, Thursday, 4.00PM – 5.30PM

Seminar Room 5-4, NUS Bukit Timah Campus, Block B, Level 5

The Role of National Courts in Securing the Accountability of International Organizations



SPEAKER

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August Reinisch is professor of international and European law at the University of Vienna and professorial lecturer at the Bologna Center/SAIS of Johns Hopkins University. He currently serves as arbitrator on the *In Rem* Restitution Panel according to the Austrian General Settlement Fund Law 2001 on a *pro bono* basis and as arbitrator in various investment arbitrations. From 2004 to 2006 and as of 2010 he was/is Dean for International Relations of the Law School of the University of Vienna.

His professional experience includes expert adviser in Austrian and foreign court litigation as well as international arbitration; he was a Member of the ILA Committee on International Law on Foreign Investment, and he is a member of the ILA Study Groups on Accountability of International Organisations, State Insolvency, and the Role of Soft-Law Instruments in International Investment Law. He is president of the Austrian Branch of the ILA, Executive Board member of the European Society of International Law and of the German Society of International Law, as well as member of ASIL, ACUNS and other professional associations in the field of international law.

He has published widely in international law with a recent focus on international investment law, the law of international organizations, international responsibility, human rights and non-state actors.

August Reinisch holds Master's degrees in philosophy (1990) and in law (1988) as well as a doctorate in law (1991) from the University of Vienna and an LL.M. (1989) from NYU Law School. He is admitted to the Bar of New York and Connecticut (since 1990).

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INTRODUCTION

The accountability of international organizations, and in particular the traditional public international law core aspect of their responsibility, is mainly relevant on the international level. Sometimes it may be put into effect by arbitration or other forms of international dispute settlement. In practice, however, the invocation of the international responsibility of international organization poses major problems because international organizations rarely consent to dispute settlement in advance.

This fact may have contributed to increasing attempts by various claimants to raise different types of complaints before domestic courts. In the last couple of years national *fora* are playing an increasingly important role in securing the accountability of international organizations. This is a fascinating phenomenon, since the far-reaching immunity from legal process they usually enjoy would appear to preclude domestic courts from entertaining law-suits against international organizations.

Reinforced by the landmark case of *Waite and Kennedy* before the ECtHR, a number of national courts have made such jurisdictional immunity contingent upon the availability of adequate alternative remedies and started to deny immunity where litigants had either no recourse at all or only substantially deficient protection available.

This tendency was reinforced by the *Kadi* jurisprudence of the European courts in Luxembourg which in effect reclaimed a place for national courts to assess the legality of acts of international organizations. The presentation will critically assess the role of national courts in the quest for more effectively securing the accountability of international organizations.

FREE ADMISSION Please register by emailing Ms Geraldine Ng at cilnwfq@nus.edu.sg

ABOUT THE CENTRE FOR INTERNATIONAL LAW (CIL)

The Centre for International Law (CIL) is based at the Bukit Timah campus of the National University of Singapore. CIL's mission is to enable Singapore and the Asia-Pacific region to play a more significant role in the promotion and development of international law and policy. The Centre's aim is to become the region's intellectual hub and thought leader for research on and teaching of international law and policy. The Director of CIL is Associate Professor Robert C Beckman and the Deputy Director is Dr Navin Raj. For more information, please visit the CIL website at <http://www.cil.nus.edu.sg> or email: cil.info@nus.edu.sg