

SUEPO



# Legal Security in International Organisations

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# Problems with Legal Security



Perception of Injustice

Immunity of Administration/s

Limited Legal Redress

Cases with No Redress

Internal Regulations Not Sufficient

Power Imbalance



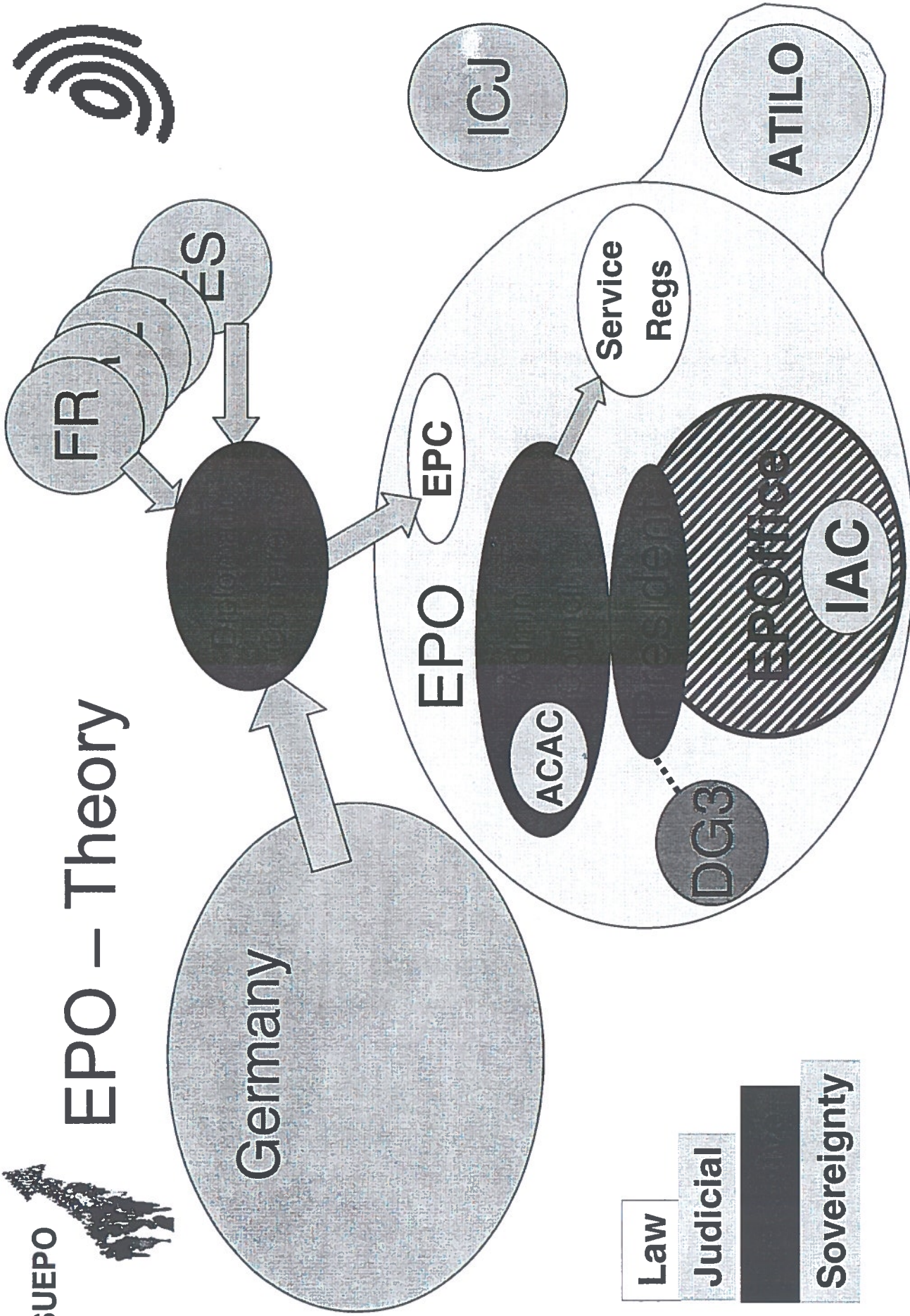
# The Legal State and Human Rights



- What is a Legal State?
  - Rule of law
- Why do we need one?
  - Control of Power
- What role do Human Rights Play?
  - Represent Fundamental Values/Standards

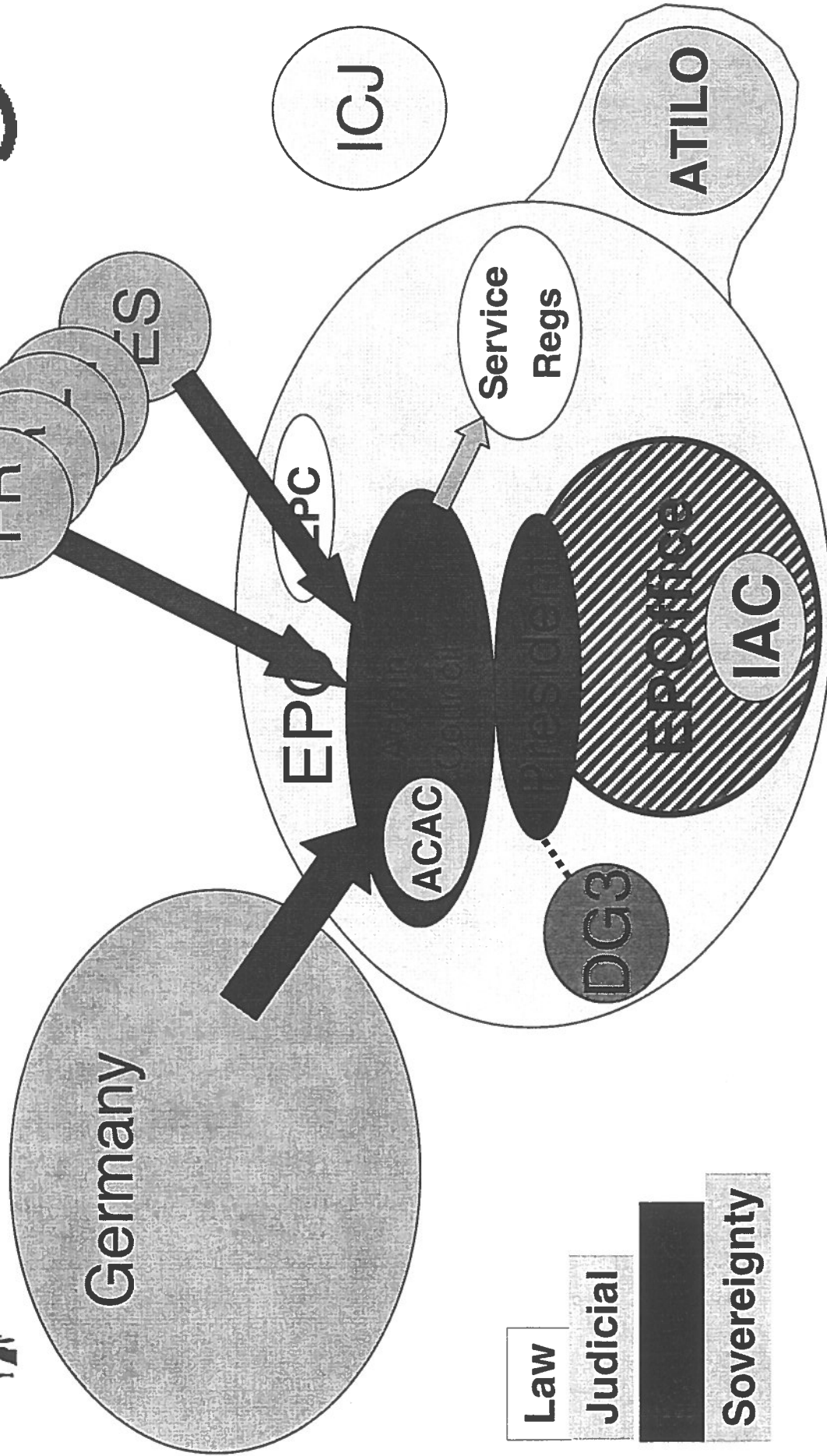


# EPO – Theory



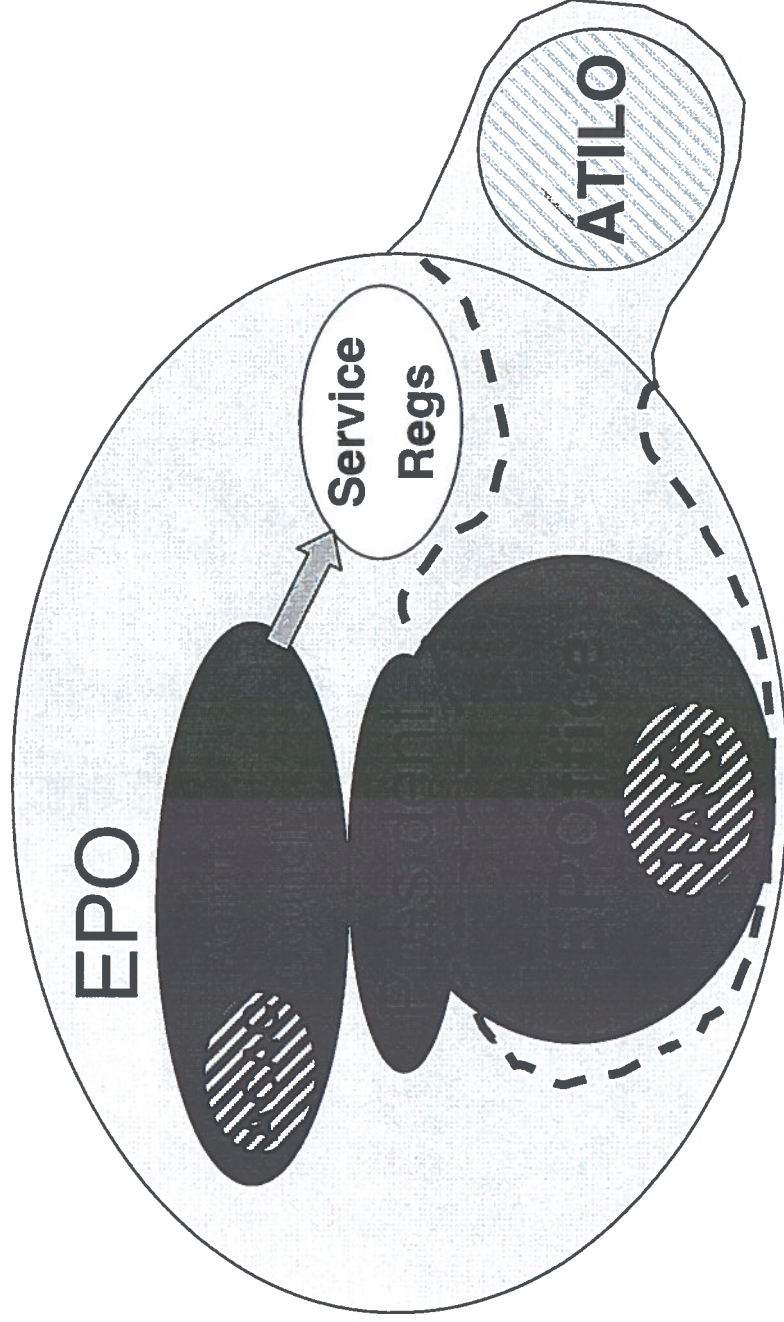


# EPO – Theory





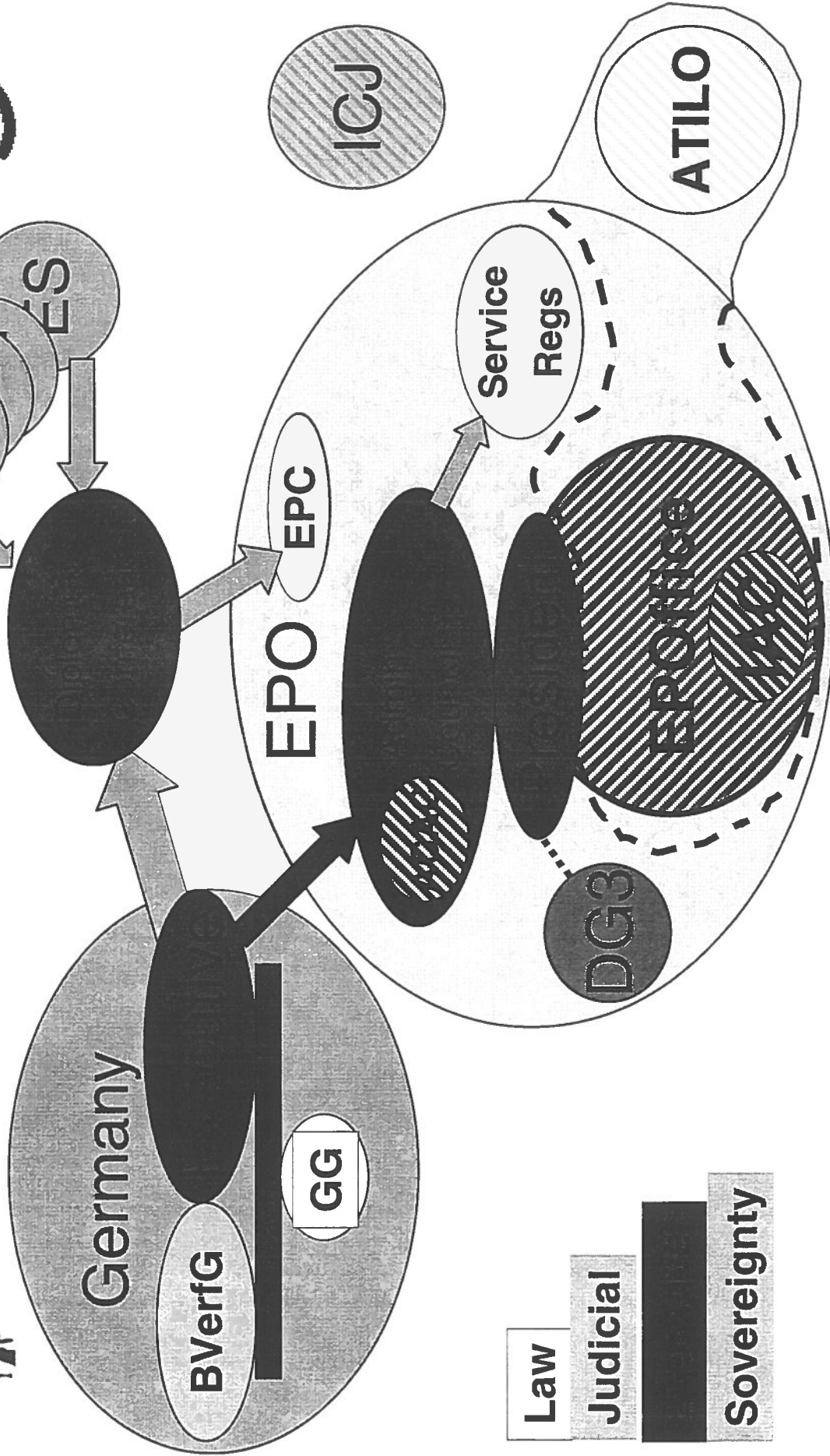
# EPO – Practice



- Law
- Judicial
- Sovereignty



# EPO – German Law





SUEPO

# BVerfG – Admissibility



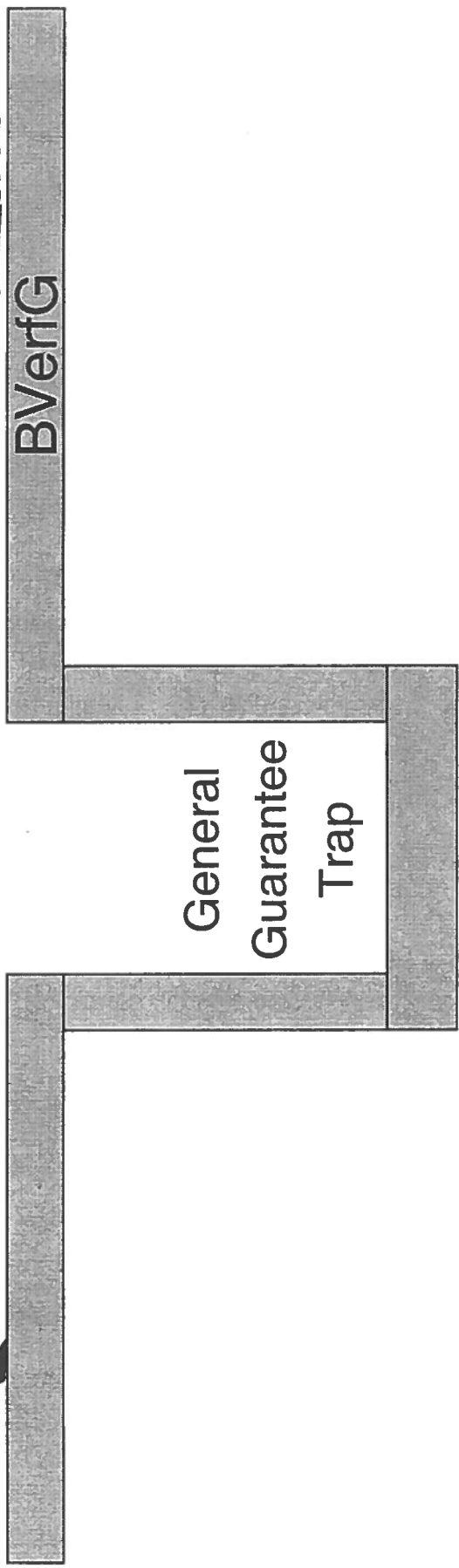
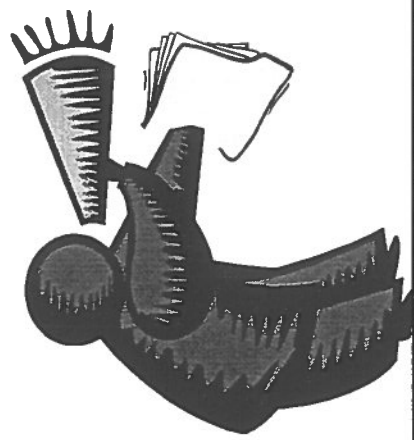
## Legal Basis

- B Verf G Decisions (re Art 24 GG)
  - Maastricht
  - EPO 04.04.2001
- Must Show That BASIC rights are not Generally Guaranteed





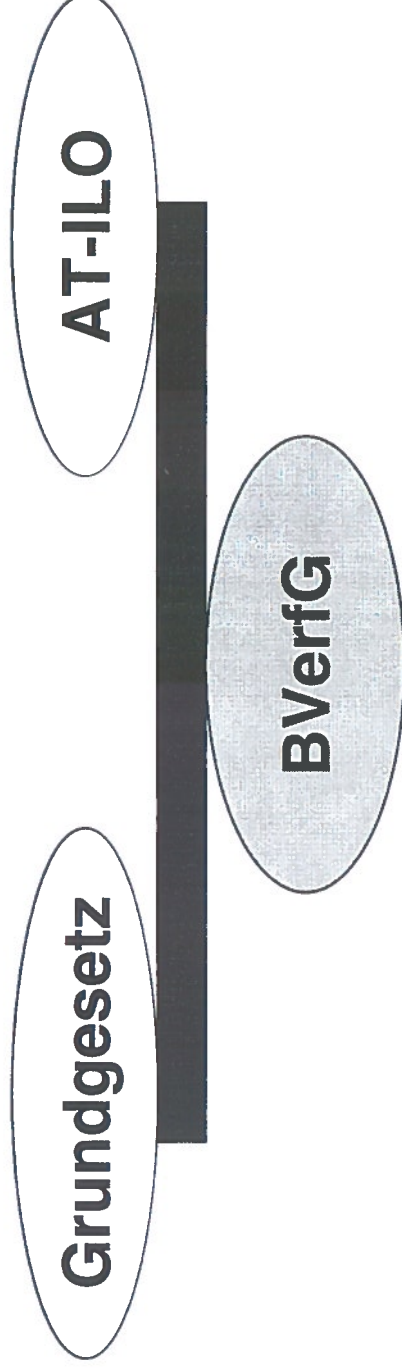
# BVerfG Admissibility 2



# German Law v ATILO



## General Guarantee





# ATILO Study (SUEPO/SUILO)



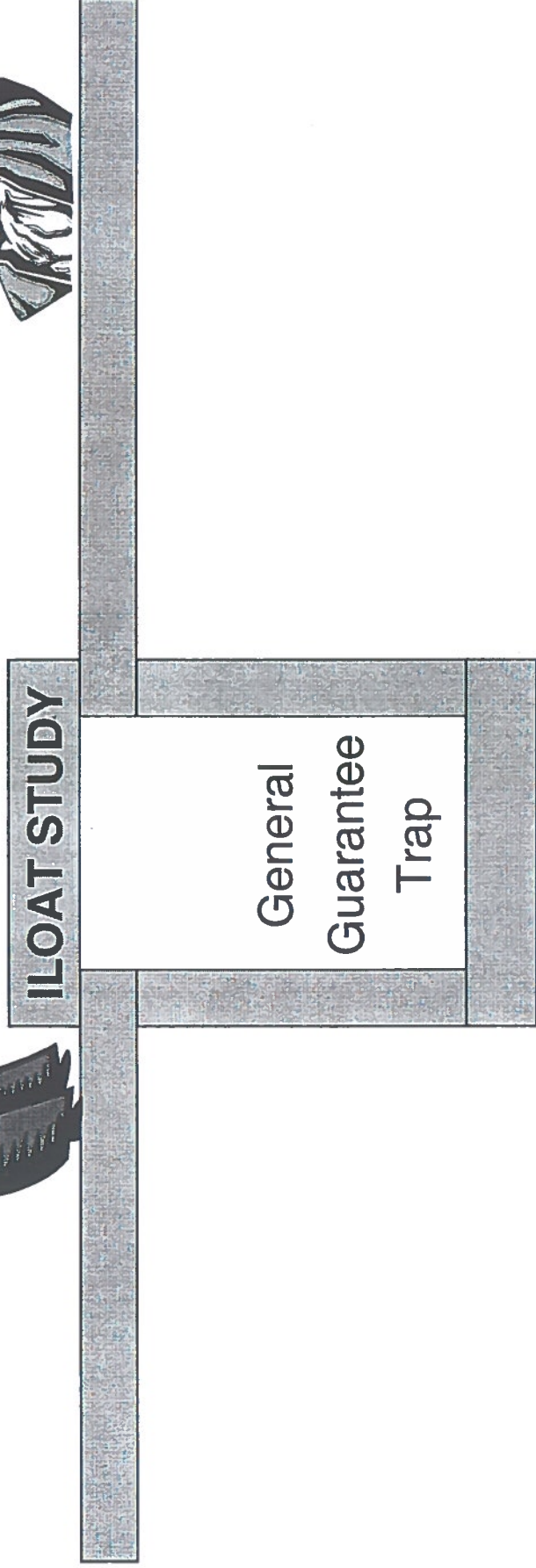
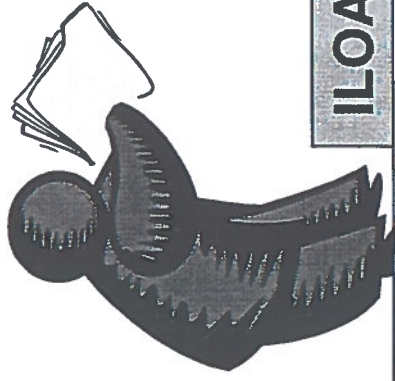
- Examination of the relevant LAW
- Examination of ATILO practice
- Systematic Examination of case Law
  - Mainly (EPO)
- Comparison ATILO with DE Min Standard
- Preliminary Examination of other member states
  - including EU and ECHR



# BVerfG Admissibility 3



## Current Status





## Article 6.1 ECHR

„...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. ...“

No Direct route – IO’s have not signed the ECHR

Link is complex but politically influential

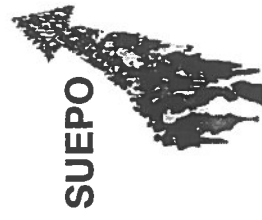
Should be investigated (SUEPO has Started)



# Summary



- There are serious problems.
- Germany (at least) is acting unconstitutionally.
- ECHR is applicable
  - Not against the organisation
  - Against the member states
- We are investigating further
- Detailed Discussion – ILOAT Reform meeting



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