



**UNIVERSITÉ
DE GENÈVE**

FACULTÉ DE DROIT



INSTITUTE FOR INTERNATIONAL LAW AND JUSTICE
NEW YORK UNIVERSITY SCHOOL OF LAW



ISTITUTO DI RICERCHE
SULLA PUBBLICA AMMINISTRAZIONE

PRACTICAL LEGAL PROBLEMS OF INTERNATIONAL ORGANIZATIONS

A Global Administrative Law Perspective on Public/Private
Partnerships, Accountability, and Human Rights

GENEVA, March 20-21, 2009
Faculty of Law – University of Geneva (Room 1170)
40, Boulevard du Pont-d'Arve 1211 Genève 4

AGENDA

Friday, March 20th

Opening Session

9 – 9.10 a.m.

Panel One

Public/Private Partnerships Involving IOs

9.10 – 10.50 a.m.

Panel Two

Legal Process, Participation, and Mandate Issues in IO Activities

11.15 a.m. – 1 p.m.

Panel Three

Accountability and Immunity in IOs

2 – 3.50 p.m.

Panel Four

International Organizations Lawyers Round Table

4.15 – 6.15 p.m.

Saturday, March 21st

Panel Five

Human Rights and Global Administrative Law in the Headquarters and Field Operations of IOs

9.30 a.m. – 1 p.m.

PRACTICAL LEGAL PROBLEMS OF INTERNATIONAL ORGANIZATIONS
A Global Administrative Law Perspective on
Public/Private Partnerships, Accountability, and Human Rights

GENEVA, March 20-21, 2009

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Opening Session
9 – 9.10 a.m.

Christian BOVET (Professor and Dean, Faculty of Law, University of Geneva)

Panel One

Public/Private Partnerships Involving IOs

9.10 – 10.50 a.m.

Chair: Sabino CASSESE (Judge of the Italian Constitutional Court)

Papers and Case Studies

- Gian Luca BURCI (WHO), *Public/private partnership in the public health sector*
- Lorenzo CASINI (NYU Law School/University of Rome-La Sapienza), *Hybrid public-private bodies: The World Anti-Doping Agency (WADA)*
- Mona KHALIL (IAEA), *The IAEA's legal framework for public and private partnerships*
- Franz Xaver PERREZ (Bern University), *Public private partnerships: a tool to evade or to live-up to commitment?*
- Yves RENOUF (WTO), *When legal certainty matters less than a deal: Procurement in International Organizations*

Commentators: Ruth KHALASTCHI (GAVI Alliance), Richard B. STEWART (NYU Law School)

Coffee Break (10.50 – 11.15 a.m.)

Panel Two

Legal Process, Participation, and Mandate Issues in IO Activities

11.15 a.m. – 1 p.m.

Chair: Anne TREBILCOCK (University of Paris X-Nanterre)

Papers and Case Studies:

- Rutsel S.J. MARTHA (IFAD), *Mandate issues in the activities of the International Fund for Agricultural Development (IFAD)*
- Joost PAUWELYN (Graduate Institute), *The formation process of WTO (soft) norms*
- Wolfram TONHAUSER (IAEA), *IAEA Technical standards setting*
- Simonetta ZARRILLI (UNCTAD), *Making certification work for sustainable development: The case of Biofuels*

Commentators: Jan KLABBERS (University of Helsinki), Gabrielle MARCEAU (WTO/University of Geneva), Jochen VON BERNSTORFF (MPIL Heidelberg)

Lunch Buffet (1 – 2 p.m.) served on the 3rd floor of the Faculty Building

Panel Three

Accountability and Immunity in IOs

2 – 3.50 p.m.

Chair: Richard B. STEWART (NYU Law School)

Papers and Case Studies:

- Davinia ABDUL AZIZ (NYU Law School), *Privileges and immunities of global public-private partnerships: a case study of the Global Fund to Fight AIDS, Tuberculosis and Malaria*
- Edouard FROMAGEAU (University of Geneva), *Assistance in administrative matters between International Organizations and States: Towards a clearer legal framework*
- Drazen PETROVIĆ (ILO), *Privileges and immunities of UN Specialized Agencies in field activity*

- Paul-Henry RAVIER (French “Cour des Comptes”; Former WTO DDG), *The evaluation of technical assistance to developing countries under the aegis of IOs: the case of WTO*
- Anne TREBILCOCK (University of Paris X-Nanterre), *Challenges posed by the UN Convention on Corruption for international organizations*
- Volker TÜRK and Elizabeth EYSTER (UNHCR), *Strengthening UNHCR’s System of accountability*

Commentators: Vera GOWLLAND-DEBBAS (Graduate Institute), Edward KWAKWA (WIPO)

Coffee Break (3.50 – 4.15 p.m.)

Panel Four

International Organizations Lawyers Round Table

4.15 – 6.15 p.m.

Moderators:

Laurence BOISSON DE CHAZOURNES (University of Geneva), Benedict KINGSBURY (NYU Law School)

Panelists:

Georges ABI-SAAB (Graduate Institute), Gian Luca BURCI (WHO), Edward KWAKWA (WIPO), Rutsel S.J. MARTHA (IFAD), Nicolas MICHEL (University of Geneva/Graduate Institute), Tim NIELANDER (GAVI Alliance), Drazen PETROVIĆ (ILO), Yves RENOUF (WTO), Bernard Eelco SZABO (The Global Fund)

Topics:

- the right to participation and its pathologies;
- balancing between transparency, openness, and effectiveness;
- the mechanisms for coordination and cooperation between IOs in legal matters;
- the cases in which IOs act beyond their mandate;
- the different problems raised by regulation and adjudication carried out by IOs;
- matters relating to the liability and credibility of IOs and their field offices, and particularly the liability issues arising from production of non-treaty normative standards, norms and decisions, certifications, guidelines and recommendations.

Saturday, March 21st

Coffee available from 9 a.m.

Panel Five

Human Rights and Global Administrative Law in the Headquarters and Field Operations of IOs

9.30 a.m. – 1 p.m. (Coffee Break from 10.45 to 11.15 a.m.)

Chair: Simon CHESTERMAN (NYU Law School)

Papers and Case Studies:

- Bernd BURWITZ (OSCE) and Francesco MOSCHETTA (UN), *The case of Kosovo*
- Richard CHAMBERS (IFES) and Anne VAN AAKEN (University of St. Gallen), *Accountability of International Election Observers*
- Mark CUTTS (OCHA), *Overview of recent efforts to strengthen accountability in international responses to humanitarian crises*
- Ulrich GARMS (OHCHR), *Strengthening the administration of justice as part of a UN peace-keeping operation? An experience from Southern Sudan*
- Alexander MARSCHIK (Austrian Ministry for European and International Affairs), *Arms control in the field: practical problems of international and regional efforts*
- Ramesh RAJASINGHAM (OCHA), *Humanitarian protection field operation in the current context*
- Frederick RAWSKI (OHCHR), *Engaging with illegal armed groups: A human rights field perspective from Nepal*

Commentators: Geneviève BASTID BURDEAU (University of Paris I), Andrew CLAPHAM (Graduate Institute), Ryan GOODMAN (Harvard University), Mona RISHMAWI (OHCHR)