

Judicial doctrine of quid pro quo principle about immunities of jurisdictions of international organizations in France and Italy

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Abstract

This paper addresses aspects of a new doctrine within the field of jurisdictional immunities of international organizations, which differs from other regimes in international law, such as the immunities of States. Although the majority of theories in this matter are the absolute, the relative, and the functional, a new doctrine is currently making its way, known by some authors and courts as quid pro quo. This doctrine aims to face the limitations of the existing doctrines to plausibly resolve certain types of cases —private lawsuits against international organizations— in which fundamental and human rights require to be weighed against the foundations of immunities. After synthetically explaining the theory's doctrinal bases, this paper seeks to expose the main judicial decisions that have dealt with those cases in France and Italy to obtain some useful conclusions for this legal field. © 2022, Universidad del Rosario. All rights reserved.

Author keywords

Conflict resolution; International organizations; Jurisdictional immunities