

An Assessment of Jurisdictional Immunity before Courts for Violation of Employment Rights by International Organizations in Sri Lanka

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International Organizations engage in promotion of civil, political, economic, social, and cultural rights of the people in the host countries, and they enjoy jurisdictional immunity before the domestic courts. The problem in the research is while the Organizations promote these rights of the people, for what reason they claim jurisdictional immunity in the domestic courts for violation of employment rights of the workers in the Organizations. The main objective of the research is to assess whether jurisdictional immunity before domestic courts should be given to the Organizations for violations of employment rights. The research is a qualitative research based on the analysis of legal materials. State immunity or sovereign immunity is granted to the states based on the Latin maxim of *par in parem non habet imperium* viz., one state cannot exercise its authority over the other state. However, immunity is granted to the International Organizations based on the theory of functional necessity. Although functional necessity of the Organizations requires jurisdictional immunity before the domestic courts, it does not justify immunity for violation of employment rights. In Sri Lanka, jurisdictional immunity of an International Organization before domestic courts is governed by the Agreement between the Organization and Sri Lanka and an Order made by the Minister in terms of Section 4(1) of the Diplomatic Privileges Act, No.9 of 1996. The combined effect of the provisions of the Convention on the Privileges and Immunities of Specialised Agencies (1947), Agreement between an International Organization and Sri Lanka, Constitution of Sri Lanka and the Diplomatic Privileges Act is that Sri Lanka could exempt jurisdictional immunity for violation of employment rights by the Organizations. It is also suggested that international legal regime should develop to exempt jurisdictional immunity in domestic courts for violation of employment rights by International Organizations.

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