

*Translated from Arabic*

With regard to question 1, disputes involving international organizations that have been brought before the Jordanian judiciary are mainly of a private law character, pertaining, in particular, to contractual disputes and claims for compensation for acts committed by an international organization, or by one of its members. From the information available in Court Systems Management Program (*Mizan*), it is clear to see that the types of cases to which international organizations are parties are related to compensation for material and moral damage, financial claims, rent, estimation of adequate wages, restraining orders and contracts involving building contractors, as well as labour disputes between these organizations and their employees. Those are the most common disputes that are brought before the courts.

With regard to question 2, resorting to the judiciary is the most common method of resolving such disputes. It should be noted, however, that international organizations frequently stipulate in their contracts that disputes are to be resolved through arbitration or mediation.

Under Jordanian law, mediation is an alternative method for resolving disputes. The three types of mediation stipulated in Jordanian mediation law are judicial, contractual and private. In addition, there is a special law for arbitration that addresses all procedures related to arbitration and the mechanism for ratifying or appealing against an arbitration award. There is nothing to prevent disputes involving international organizations from being referred to mediation. Based on the information available in Court Systems Management Program (*Mizan*), no cases in which international organizations were a party have been referred to the Judicial Mediation Department.

With regard to question 3, there is a benefit to resorting to alternative means of dispute resolution that are based on the consent of the parties and are referred to a neutral party. The benefit is that such means make it possible to take the time that it would take to consider such cases and use it to adjudicate other cases. Under Jordanian law, those alternative means are mediation and arbitration. In addition, such means make it possible to avoid entering into a legal dilemma, namely, the enforcement of judgments issued against international organizations that enjoy jurisdictional immunity, because mediated settlements often include an agreement regarding the manner and mechanism of implementation.

Choosing an appropriate dispute resolution method depends on a number of factors, including the nature of the dispute, the desired outcome, the legal context and the negotiating capacity of the parties concerned. It should be noted that, in some cases, the parties may opt for a range of different methods, such as negotiation followed by arbitration if a negotiated solution is not reached.

With regard to question 4, arbitration and judicial mediation may be more suitable for settling disputes between international organizations and private parties when the parties reach an impasse and need the assistance of a neutral third party in order to take a final decision.

Recourse to regional agencies or arrangements is useful in disputes between States and international organizations, in particular when a regional perspective is needed and the dispute is related to regional interests.

Ultimately, the most effective method for resolving a dispute will depend on the specific circumstances of the dispute and the parties involved in each dispute.

With regard to question 5, developments in jurisprudence indicate that, in view of the provisions of international conventions relating to judicial immunity, as well as the jurisprudence of the Court of Cassation (full court), it is not possible to refuse to consider a lawsuit filed against a foreign party that enjoys judicial immunity and order the immediate dismissal thereof. The matter depends on whether immunity is invoked or waived. It is therefore not related to public order. If a party accepts a lawsuit without invoking its judicial immunity, this action will be considered a waiver of such immunity and the court will continue to hear the case until it is decided. The Jordanian Court of Cassation, in its decision No. 1651/2021 (full court), held that the State does not enjoy absolute judicial immunity. In the past, foreign entities enjoyed absolute judicial immunity before the national judiciary, regardless of whether the dispute was related to its activity as a sovereign international person or the dispute was of a private nature, as in the case of its commercial activity. The judiciary has evolved in most States, and the State no longer enjoys such immunity in disputes relating to its private activities. The criterion that must be applied when determining whether a foreign State enjoys judicial immunity is to distinguish between its actions as an international person engaging sovereign acts, on the one hand, and conduct in which it engages that is not related to its official or diplomatic acts, on the other.

A foreign entity does not enjoy judicial immunity when it engages in a private activity or in contractual actions as a private person, regardless of whether or not such actions are of a commercial nature. Judicial immunity is not absolute; it is limited by the nature of the conduct of the foreign entity. This represents a development in jurisprudence. In addition, there is nothing that prevents international organizations from being parties to the mediation process or resorting to arbitration in private and contractual disputes in which they are a private person.

There have been no significant changes or developments in the types of disputes brought before the Jordanian judiciary involving international organizations. There is, however, a growing trend towards the use of such alternative dispute resolution methods as arbitration and mediation.

It should be noted that the use of alternative dispute resolution methods is not necessarily a substitute for the national judiciary, but, rather, a complementary approach to dispute resolution. Indeed, Jordan recognizes the importance of alternative dispute resolution and has enacted laws and regulations to promote and support the use of such alternative solutions as arbitration and mediation.

With regard to question 6, several suggestions can be made with regard to improving methods of dispute resolutions, including:

- Alternative dispute resolution methods: Alternative dispute resolution methods, such as mediation and arbitration, can help the parties to a dispute reach a mutually acceptable solution without the need for formal judicial proceedings. These methods are often less expensive and faster than traditional court proceedings, and they allow the parties to have more control over the outcome of their dispute.
- Online dispute resolution: This a growing field in which technology is used to help parties resolve disputes online. It can be faster, more efficient and less expensive than traditional dispute resolution methods.
- Early conflict resolution: Early conflict resolution involves addressing conflicts as soon as they arise, rather than waiting for the disagreement between the parties to the conflict to escalate. This approach can help prevent conflicts from becoming more complex and difficult to resolve with the passage of time.

In general, there are many different methods of dispute resolution that can be used, depending on the nature of the dispute and the preferences of the parties involved.

With regard to questions 7 and 8, it is acceptable, in accordance with the jurisprudence referenced above and without breaching the State's treaty obligations, to file a lawsuit as a means of settling a dispute with an international organization that arises when it engages in a private activity or as a result of contractual actions that it carries out as a private person, as well as in relation to commercial or contractual activity, or to compensation for damage resulting from an action performed by it or by one of its representatives that is not related to its actions as a person under general international law. Resorting to alternative dispute resolution methods is permissible in all such disputes. The only exceptions are matters that, under the law, cannot be referred to mediation or arbitration, including criminal matters, as well as any other matters that cannot be referred to mediation or arbitration under the law, as stipulated in article 10 (d) of the Arbitration Act (No. 31 of 2001), which provides as follows: The provisions of any other law notwithstanding, and without prejudice to the legal status quo prior to the entry into force of this amended Act, any prior agreement regarding arbitration shall be null and void in the following cases: (1) consumer contracts drawn out on preprinted forms and (2) employment contracts.

With regard to question 9, a very common stipulation is the "arbitration clause", which provides that disputes shall be settled through binding arbitration, instead of in the courts. This clause usually sets out the process of selecting an arbitrator or panel of arbitrators, as well as the rules that will govern the arbitration proceedings.

Another common stipulation is the "mediation clause". This clause provides that disputes shall be settled through mediation, which is a process whereby a neutral third party (mediator) helps the parties reach a mutually acceptable solution.

In addition, some contracts and agreements include clauses providing for negotiation and conciliation as the first step in dispute resolution. These clauses require the parties to engage in good-faith negotiations or conciliation efforts before resorting to more formal dispute resolution processes, such as arbitration or litigation.

With regard to question 10, please see our reply to question 1.

With regard to question 11, the parties to a dispute are the ones who take the decision to authorize third party methods of dispute resolution or to waive immunity in cases where disputes have already arisen.

If a dispute arises and the parties have not reached an agreement in advance with regard to dispute resolution, they can choose to negotiate a resolution to the dispute themselves or seek the assistance of a mediator (third party). If those options fail to produce a result, the parties may resort to arbitration or the judiciary as a means of resolving the dispute.

In some cases, the agreement or contract may stipulate dispute settlement mechanisms, such as arbitration or resort to the judiciary. If that is the case, the parties will be obliged to use these mechanisms in the set out in the relevant agreement or contract.

As for waiving of immunity, this is a legal question that depends on the specific circumstances of the case and the parties involved. In general, however, States and international organizations may enjoy immunity from legal process in certain circumstances, but such immunity can be waived in some cases. Nonetheless, the decision to waive immunity is usually taken on a case-by-case basis and is subject to a variety of legal and political considerations.

As mentioned earlier, in some types of disputes, such as labour disputes, international organizations and bodies may not enjoy diplomatic immunity before the Jordanian courts.

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