

The Arbitration Procedure to Resolve Disputes

A new Option for Embassies and their Locally Recruited Staff: The Arbitration Procedure to Resolve Disputes

Some thoughts in favour of a new EPSU initiative

Discussion paper - October 2012

Through the recent scandals, a very old problem gets into the public focus again: the situation embassy and household staff find themselves, working and living right in the middle of the EU Member States often without any effective legal protection. The kick-off meeting's focus could be on how to fill the legal vacuum the individuals find themselves. Not all options one would think of are available. A public action of NGOs and Unions is a first step that could be envisaged. The added value of this action is that it may produce immediate effects by naming and shaming countries which tolerate unacceptable behaviour of diplomats. The drawback of this kind of action is that embassies may just wait for public interest in the issue to fade away and return to old practice. Any action in the media may help in the short term, but may fail to produce a sustainable improvement.

In contrast, tackling the legal problem that has persisted for many decades (more than a century) and that makes the situation so untenable may be a slow process. This initiative presupposes the support of at least some governments of States who want to keep to rule-of-law principles and values. Strong (silent) resistance is to be expected from a number of States, but introducing new procedures with the support of a few states only can have added value and launch a slow but irreversible process.

A first desirable result of the EPSU / NGO initiative, starting with the kick-off meeting, should be to achieve a shared analysis and conclusion on how to fill the identified legal gap, checking the arbitration concept's advantages and drawbacks against other concepts.

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