



International Administrative Justice

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A. Introduction

1 International administrative justice concerns the legal infrastructure put in place for international civil servants (→ *Civil Service, International*) to resolve their employment-related disputes that may arise against their employer, a public international organization ('IO'), from time to time. This entry aims to unravel the complexities of the procedural side of international administrative justice. It begins by clarifying the access to justice-based rationale for providing international administrative justice at the institutional level (*Section B*). A brief comment on the nature of the regime in general (*Section C*) precedes the discussion of its procedural aspects (*Section D*). Finally, the key challenges faced in the sphere of international administrative justice are outlined (*Section E*).

B. The Access to Justice Rationale for Providing International Administrative Justice

2 National courts are effectively out of reach for IO personnel due to the jurisdictional immunities that IOs tend to enjoy before domestic courts with a view to securing their independent functioning (→ *International Organizations or Institutions, Immunities before National Courts*). Consequently, the presence of an internal justice system within an IO capable of effectively delivering international administrative justice constitutes a precondition for ensuring access to justice for the personnel of IOs. The obligation on IOs to provide international administrative justice to international civil servants is ultimately a complement to the former's jurisdictional immunities (Gulati (2022) 23).

3 The rationale for the provision of international administrative justice at the institutional or international level is indeed founded on access to justice considerations that drove the creation of the League of Nations Administrative Tribunal roughly 100 years ago (→ *Administrative Tribunal: League of Nations*). Crucially, the → *International Court of Justice (ICJ)* observed in its advisory opinion of 1954:

It was inevitable that there would be disputes between the Organization and staff members as to their rights and duties. The Charter contains no provision which authorizes any of the principal organs of the United Nations to adjudicate upon these disputes, and Article 105 secures for the United Nations jurisdictional immunities in national courts. It would, in the opinion of the Court, hardly be consistent with the expressed aim of the Charter to promote freedom and justice for individuals and with the constant preoccupation of the United Nations Organization to promote this aim that it should afford no judicial or arbitral remedy to its own staff for the settlement of any disputes which may arise between it and them (*Effect of Awards of Compensation Made by the United Nations Administrative Tribunal (Advisory Opinion) (1954) ('Effect of Awards of Compensation')* 57).

4 Nowadays, the need to provide international administrative justice is best explained by the requirements of international human rights law. In particular, international administrative justice operationalizes the right to a fair trial for IO personnel in relation to their employment-related claims (Gulati (2022) 24–34). The right to a fair trial is of a procedural nature, and it is contained in virtually all global and regional human rights treaties, as well as constituting a norm of → *customary international law* (Clooney and Webb (2021) 13–25). *Article 14(1) International Covenant on Civil and Political Rights (1966) ('ICCPR')* states:

All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law ... any judgement rendered ... shall be made public

5 There is some debate about whether fair trial provisions contained in international human rights treaties can directly apply to IOs that are not party to them. For at least three reasons, though, it may be said that the delivery of international administrative justice should be consistent with fair trial guarantees. First, the principle of the → *good administration of justice* requires that the delivery of international administrative justice be consistent with the constellation of core fair trial guarantees (*Judgments of the Administrative Tribunal of the International Labour Organisation upon Complaints Made against the United Nations Educational Scientific and Cultural Organization (Advisory Opinion) (1956) 86*). If such guarantees are breached, that is if there exists a 'fundamental error of

procedure', a 'failure of justice' will be the result (*Application for Review of Judgment No 158 of the United Nations Administrative Tribunal (Advisory Opinion)* (1973) para 92; see further [Section D.2](#) below).

6 Second, in addition to the principle of the 'good administration of justice' developed by the ICJ at the level of general public international law, fair trial-based reasoning has also been endorsed by human rights courts and mechanisms to require IOs to provide international administrative justice. For example, the → *European Court of Human Rights (ECtHR)* has said:

The Court is of the opinion that where States establish international organisations in order to pursue or strengthen their cooperation in certain fields of activities, and where they attribute to these organisations certain competences and accord them immunities, there may be implications as to the protection of fundamental rights. It would be incompatible with the purpose and object of the Convention, however, if the Contracting States were thereby absolved from their responsibility under the Convention in relation to the field of activity covered by such attribution. It should be recalled that the Convention is intended to guarantee not theoretical or illusory rights, but rights that are practical and effective. This is particularly true for the right of access to the courts in view of the prominent place held in a democratic society by the right to a fair trial (*Waite and Kennedy v Germany (Merits)* (1999) para 67).

7 The ECtHR went on to say that '[f]or the Court, a material factor in determining whether granting [an IO] immunity from ... jurisdiction is permissible under the Convention is whether the applicants had available to them reasonable alternative means to protect effectively their rights under the Convention' (*Waite and Kennedy v Germany* (1999) para 68). This jurisprudence has recently been endorsed by the UN → *Human Rights Committee* ('HRC'), the treaty body that monitors the implementation of the [ICCPR](#), which currently has 174 state parties.

8 In an equally important decision in 2024 that globalized the *Waite and Kennedy* jurisprudence, the HRC stated that 'it is incumbent on international organizations...to provide for reasonable alternative means of dispute resolution such as in labour disputes between the international organization and its staff' (*MLD v Philippines (2024)* para 9.7; *Burchardt (2024)*). The HRC further commented that an IO has 'discretion as to the reasonable alternative means of dispute resolution, taking into account the principles of objectivity, necessity and impartiality, and not amounting to arbitrariness or denial of justice' (*MLD v Philippines (2024)* para 9.7). As to what precisely constitutes 'reasonable alternative means' in this respect is a question that remains somewhat contested (see [Section D.2](#) below).

9 Finally, the possibility of national courts piercing IO immunities where an organization fails to provide access to justice to its employees based on fair-trial provisions contained in domestic constitutions cannot be excluded either (e.g., *Washington Julio Efraín Cabrera v Comisión Técnica Mixta de Salto Grande (Judgment)* (1983), discussed in *Vinuesa (2013)* 21–22). Overall, an international administrative procedural right to a fair trial now exists (*Gulati (2018)* 220). The real question is not whether international administrative justice should be provided by IOs, which it must be, but how specifically such justice is to be rendered. Virtually all IOs provide for some type of internal justice system within their own legal orders, and many similarities are evident. The debate often centres around its quality. Both these issues are discussed in turn below.

C. International Administrative Justice: Unity within Diversity?

10 Hundreds of IOs exist today, and it is well accepted that as → *subjects of international law*, each IO possesses prescriptive jurisdiction over its employment affairs (*Jenks (1962)* 36–7). IOs can enact their own employment law-related regime, which is distinct from national law. Technically speaking, the employment law regime of each IO is thus different (*Beigbeder (2007)* para 28). For example, the employment law of → *World Bank Group* institutions differs from that of the UN. That being said, there is significant unity evident, so much so that a somewhat harmonized body of what is commonly referred to as international administrative law ('IAL'; → *Global Administrative Law*), also called the law of the international civil service, now exists (*Amerasinghe (1994)*; *Ullrich (2009)* 31). Some commentators have preferred the use of the term international civil service law over IAL as they argue that the latter lacks specificity (*Ago (2020)* 97).

11 Regardless of what it may be called, substantively speaking, IAL is multilayered, with distinct sources interacting to create a relatively complex legal regime (*Amerasinghe (1994)* vol I, 9). The World Bank Administrative Tribunal

(‘WBAT’) (→ *Administrative Tribunal: World Bank*) has said that the legal relationship between an IO and its staff members is not only contained in the contract of employment, but also other enactments of the organization, including its constituent instruments, staff regulations and staff rules (*de Merode and ors v World Bank (Decision) (1981) paras 18–22*). The practice of the organization may also provide a source of the relevant law, in so far as it is ‘limited to that of which there is evidence that it is followed by the organization in the conviction that it reflects a legal obligation, as was recognized by the International Court of Justice in its Advisory Opinion on Judgments of the Administrative Tribunal of the ILO (ICJ Reports 1956, p. 91)’ (ibid. para 23).

12 The conditions of employment also incorporate certain → *general principles of law* as developed by various international administrative tribunals (‘IATs’) (→ *Administrative Boards, Commissions and Tribunals in International Organizations*). As has been concluded:

[t]he Tribunal does not overlook the fact that each international organization has its own constituent instrument; its own membership; its own institutional structure; its own functions; its own measure of legal personality; its own personnel policy; and that the difference between one organization and another are so obvious that the notion of a common law of international organization must be subject to numerous and sometimes significant qualifications. But the fact that these differences exist does not exclude the possibility that similar conditions may affect the solution of comparable problems. While the various international administrative tribunals do not consider themselves bound by each other’s decisions and have worked out a sometimes divergent jurisprudence adapted to each organization, it is equally true that on certain points the solutions reached are not significantly different. It even happens that the judgments of one tribunal may refer to the jurisprudence of another. Some of these judgments even go so far as to speak of general principles of international civil service law or of a body of rules applicable to the international civil service. Whether these similar features amount to a true corpus juris is not a matter on which it is necessary for the Tribunal to express a view. The Tribunal is free to take note of solutions worked out in sufficiently comparable conditions by other administrative tribunals, particularly those of the United Nations family. In this way the Tribunal may take account both of the diversity of international organizations and the special character of the Bank without neglecting the tendency towards a certain *rapprochement* (*de Merode and ors v World Bank (1981) para 28*).

13 IATs have developed and nuanced general principles of IAL in the preceding decades. These general principles can often assume a quasi-constitutional status, for they may override the written rules. A range of such general principles now exists. A recent commentary observes,

Such general principles may usefully be divided into two distinct categories. On the one hand, one finds the type of general principles used by international courts and tribunals more generally, such as the principles of good faith, non-discrimination, equality of treatment, res judicata, legality, the good administration of justice, acquiescence, non liquet, non-retroactivity, and estoppel, as well as certain procedural due process guarantees (e.g., right to a hearing, right to be represented), principles of interpretation (e.g., in light of the object and purpose, consistent with intentions of the drafters), and principles such as restitution in integrum (duty to mitigate damages) and unjust enrichment. On the other hand, there exist a rather large body of principles that are employed specifically (albeit not exclusively) in international administrative law. These include the principle of acquired rights, legitimate expectation, equal pay for equal work, duty of care, the right to information from the administration, and the independence of the organization and its staff from Member States... (*Garrido Muñoz and others (2025) 59 et seq.*; Ullrich (2009) 81; *Re Ayoub et al v International Labour Organization (Judgment) (1987) consideration 16*).

14 Several commonalities exist in respect of IAL across IOs due to cross-fertilisation of jurisprudence (*Powers (2018) 77*). Based on a detailed empirical analysis, it has been observed that

[f]ifty years after Akehurst declared that “[i]nternational administrative tribunals behave as if the internal laws of different organizations formed part of a single system of law,” it can now be seen, on the basis of the review of the jurisprudence of all IATs, just how insightful his statement has proven to be. Cross-fertilization has become a common practice in almost all IATs. Gone are the days when IATs felt the need

to justify such practice. Indeed...they now cite each other consistently and unapologetically, often referring to the jurisprudence of their sister tribunals even when there is a case on point in their own jurisprudence' (Morgan-Foster (2024) 413).

This does not mean that differences in approach to both substantive and procedural norms do not arise occasionally.

15 For example, until recently,

[t]here has been a general consensus that the acquired rights doctrine protects a staff member's essential terms of employment both retrospectively and prospectively. However, in its recent jurisprudence...the UNAT has rendered the acquired rights doctrine with little work to do by reducing it to the principle of non-retroactivity. As a result, the consensus as to the doctrine's core meaning is now undermined (Gulati (2021) 109; Bravo, 'Highlights of the Doctrine of Acquired Rights' (2024) 1–14).

On procedural issues, some differences of approach are also evident, i.e., on the divergent standards of proof currently applied by IATs in misconduct cases (Peay (2024) 87; Bradley, (2024) 109). It is perhaps unrealistic to expect that complete harmony in the employment law of IOs can be achieved any time soon, assuming this is considered desirable in the first place. Be that as it may, on balance, international administrative justice demonstrates more unity than it does diversity. This observation is further bolstered by the commonalities in the key procedures of international administrative justice.

D. Key Procedures of International Administrative Justice

16 The discussion in this section highlights the considerable similarities in the procedural side of international administrative justice, even if the regime across IOs is fragmented. Broadly, the delivery of international administrative justice requires an appreciation of two main things. First, the forum where international administrative justice may be sought (1). And second, the quality of justice rendered, i.e., the procedural standards that accompany the delivery of justice (2).

1. Matters of Forum and the Competence of IATs

17 International administrative justice is delivered via both informal and formal means. Informal means of resolving disputes between IOs and their personnel include mediation through ombudsman processes or, for that matter, any other non-binding method of dispute resolution may be adopted (UN, 'Ombudsman and Mediation Services: Our Services'). Increasingly, non-litigious means of resolving disputes are encouraged as they save costs and time, reduce pressure on the formal justice machinery, and can significantly reduce anxiety for a claimant. In this respect, international administrative justice is similar to developments in other spheres of dispute resolution, where informal modes are highly encouraged due to their advantages (→ Alternative Dispute Resolution). Informal modes of dispute resolution complement the formal justice machinery rather than serve as a substitute.

18 Where informal means are not accessed or they do not succeed in resolving a dispute, an aggrieved person may resort to the formal justice machinery within prescribed time-limits. Such time-limits aim to enhance certainty in the litigation process and are strictly enforced unless, amongst other things, exceptional circumstances warrant the grant of an extension (Agape Lim and Elias (2024) 253). Formal means of dispute resolution generally involve two stages. Usually, a claimant must first seek review at the management level. For example, at the UN, a Management Evaluation Unit conducts such a review (UN, 'The Management Evaluation'). In other IOs, this role may be performed by the human resources department of the organization. This step gives the administration an opportunity to address the dispute without resorting to judicial or quasi-judicial processes. In virtually all international administrative regimes, subject to a limited number of exceptions, exhausting such internal remedies is necessary before a judicial or → quasi-judicial body may be approached (Art VII(1) Statute of the Administrative Tribunal of the International Labour Organization ('ILOAT Statute'); Arts 2(1) and (5), 3(1) and 8(1)(c) Statute of the United Nations Dispute Tribunal ('UNDT Statute'); and Art II(2)(i) Statute of the World Bank Administrative Tribunal ('WBAT Statute')). In other words, this is an aspect of receivability or admissibility of a claim that pre-conditions the exercise of an IAT's jurisdiction (Agape Lim and Elias (2024) 252).

19 If the aggrieved individual is dissatisfied with the outcome of the management review, they may approach an IAT or another quasi-judicial mechanism created by an IO. IATs sit at the top of the international administrative justice machinery. They constitute judicial mechanisms that must operate independently of the executive and policy-making organs of IOs, empowered to render decisions that are final and binding (*Effect of Awards of Compensation* (1954) 57; *Judgments of the Administrative Tribunal of the International Labour Organisation upon Complaints Made against the United Nations Educational Scientific and Cultural Organization* (1956) 65). One of the most remarkable developments in the sphere of international administrative justice has been the proliferation of IATs (a), albeit their competence is delimited by the type of cases over which jurisdiction may be exercised (b), who may access the tribunal (c), and the relief that may be granted (d).

(a) The Proliferation of IATs

20 Thanks to the creation of IATs, the international administrative justice legal infrastructure is no doubt sophisticated, with this regime elevating the status of the individual in international law, for it gives a category of persons direct access to international judicial mechanisms. Arguably, the most remarkable development has been the proliferation of IATs in recent decades, with some estimates putting the number at over 30 (*Garrido Muñoz and others* (2025) 3; *De Cooker* (2022) 234–35). Three IATs are most prominent, providing a good representative sample.

21 The Administrative Tribunal of the International Labour Organization (1946) ('ILOAT') (→ *Administrative Tribunal: International Labour Organization (ILO)*) based in Geneva is the successor to the Administrative Tribunal of the League of Nations (1927). The ILOAT is thus the oldest IAT in operation. The United Nations Dispute Tribunal ('UNDT') (with registries in New York, Geneva, and Nairobi) and the United Nations Appeals Tribunal ('UNAT') (with its registry in New York) were established in 2009, replacing the muchcriticised → *United Nations internal justice system* in place prior to that time (*Report of the Redesign Panel on the United Nations System of Administration of Justice* (2006) ('Redesign Panel') para 9). It should nevertheless be observed that the old UN Administrative Tribunal (→ *Administrative Tribunal: United Nations (UN)*) (now replaced by the UNDT and UNAT), which was established in 1949, played a foundational role in the field (*UNGA Res 351 (IV)AB* (1949)). Another prominent IAT is the World Bank Administrative Tribunal ('WBAT'), which was established in 1980 (*Art I WBAT Statute*) with a view to ensuring access to justice for the staff of certain World Bank institutions (*Amerasinghe* (2005) 319).

22 A noteworthy aspect of IATs concerns their reach in terms of the organizations that join their jurisdictional scheme. In particular, some tribunals are open to multiple IOs, while others are institution-specific. Comparing the three representative IATs presently selected, in the field of their subject-matter competence, the ILOAT and UN tribunals are open to personnel of multiple organizations, whereas the WBAT exercises jurisdiction over claims involving certain World Bank institutions only. The ILOAT exercises jurisdiction over the ILO or any other IO subscribing to its jurisdiction (*Arts II(1) and (5) ILOAT Statute*). The latter category includes, among others, the → *World Health Organization (WHO)*, → *International Telecommunication Union (ITU)*, → *United Nations Educational, Scientific and Cultural Organization (UNESCO)*, → *Food and Agriculture Organization of the United Nations (FAO)*, → *World Trade Organization (WTO)*, → *International Atomic Energy Agency (IAEA)*, → *World Intellectual Property Organization (WIPO)*, → *International Organization for Migration (IOM)*, and the → *International Criminal Court (ICC)* (currently, the ILOAT exercises jurisdiction over a total of 59 IOs (ILO, 'ILO Administrative Tribunal')).

23 The UNDT and UNAT form the core of the judicial protection created within the UN's internal justice system. The UNDT constitutes the first instance of the 'two-tier formal system of administration of justice' at the United Nations (*Art 1 UNDT Statute*), exercising jurisdiction over claims against the UN, including its separately administered Funds and Programmes (UN, 'System of Administration of Justice: Who Can Use the System'). The UNAT hears and determines appeals from judgments rendered by the UNDT, appeals from the Dispute Tribunal of the → *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)* (the first instance judicial body at UNRWA) (*Statute and Rules of Procedure of the UNRWA Dispute Tribunal* (2018)), appeals from decisions of the United Nations Joint Staff Pension Board, and claims against organizations who have accepted UNAT's jurisdiction, such as the → *International Civil Aviation Organization (ICAO)*, → *International Fund for*

Agricultural Development (IFAD), → International Maritime Organization (IMO), and the → Universal Postal Union (UPU) (Art 2(10) Statute of the United Nations Appeals Tribunal ('UNAT Statute')).

24 In contrast, the WBAT exercises jurisdiction in claims brought by personnel of three World Bank institutions. These are the → International Bank for Reconstruction and Development (IBRD), the → International Development Association (IDA), and the → International Finance Corporation (IFC) (Art I(1) WBAT Statute). Other international financial institutions and multilateral development banks have followed this lead and established their own administrative tribunals. These include the → Administrative Tribunal: Inter-American Development Bank (1981), → Administrative Tribunal: Bank for International Settlements (BIS) (1987), → Administrative Tribunal: Asian Development Bank (1991), → Administrative Tribunal: International Monetary Fund (IMF) (1994), → Administrative Tribunal: African Development Bank (1997), → Administrative Tribunal: European Bank for Reconstruction and Development (2007), and Islamic Development Bank Administrative Tribunal (2022) (Garrido Muñoz and others (2025) 14–15).

25 Many other IOs have also chosen to create their own Administrative Tribunals. These include the → Administrative Tribunal: Organization of American States (OAS) (1971), → Administrative Tribunal: Organisation for Economic Co-operation and Development (OECD) (1992), → Administrative Tribunal: Council of Europe (1994), Commonwealth Secretariat Arbitral Tribunal (1995), → Administrative Tribunal: North Atlantic Treaty Organization (NATO) (2013), and the OPEC Fund Administrative Tribunal (2022). Occasionally, a relatively small IAT may also open its doors to others. For example, the → Hague Conference on Private International Law and the Central Commission for the Navigation of the Rhine (→ Rhine River) have joined the jurisdiction of the Administrative Tribunal of the Council of Europe instead of creating their own IAT, or subscribing to the ILOAT or UN regimes (COE, 'Bodies and Organisations Subject to the Jurisdiction of the Tribunal'). Finally, many courts of regional integration also have jurisdiction to determine international civil service cases pertaining to their respective IOs (Muñoz and others (2025) 14–15).

(b) The Types of Cases International Administrative Tribunals Can Adjudicate

26 At their essence, IATs are employment tribunals set up to resolve international civil service disputes that arise between IOs and their personnel. The types of cases an IAT can decide, in other words, their subject-matter competence or jurisdiction *ratione materiae*, are provided in an IAT's founding statute and tend to use similar language. For example, Article II(1) ILOAT Statute states the 'Tribunal shall be competent to hear complaints alleging nonobservance, in substance or in form, of the terms of appointment of officials of the International Labour Office, and of such provisions of the Staff Regulations as are applicable to the case'. Article 2(1)(a) UNDT Statute provides that the UNDT possesses competence to adjudicate claims filed by a staff member 'To appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment'. Again, using very similar wording, Article II(1) WBAT Statute states that the 'Tribunal shall hear and pass judgment upon any application by which a member of the staff of the Bank Group alleges nonobservance of the contract of employment or terms of appointment of such staff member'.

27 It is apparent that the subject-matter jurisdiction of IATs is limited to employment-related cases. These claims can be diverse and typically include disputes over termination of employment, non-selection, non-renewal, salary and benefits, alleged harassment, and disciplinary cases arising from staff misconduct. Exceptionally, the ILOAT Statute also empowers it to adjudicate 'disputes arising out of contracts to which the ... Organization is a party and which provide for the competence of the Tribunal in any case of dispute with regard to their execution' (Art II(4) ILOAT Statute). In principle, the ILOAT can thus act as a choice of forum to adjudicate claims concerning the enforcement of contractual disputes in a non-employment context. In practice, such jurisdiction does not seem to be exercised. Suggestions to expand the subject-matter jurisdiction of IATs beyond international civil service disputes have not yet found favour.

(c) Who May Approach an International Administrative Tribunal?

28 Determining the class of persons who may approach an IAT requires a consideration of the scope of the latter's personal jurisdiction or jurisdiction *ratione personae* in general, and issues around the former's standing to raise a claim. In this respect, international administrative justice is somewhat unique. The language used in the statutes of IATs, as well as their jurisprudence, raises certain distinctive issues that significantly affect the class of individuals

who may seek international administrative justice. More specifically, those matters are impacted by the so-called distinction made between staff and non-staff personnel and the requirement that, by and large, only decisions classified as ‘administrative decisions’ may be impugned before the justice system, a requirement that impacts standing to bring a claim. Both issues are briefly explained below.

29 First, as to an IAT’s personal jurisdiction in general, it is important to appreciate the distinction between staff and non-staff personnel. The range of persons providing services to IOs has traditionally consisted of individuals on permanent or fixed-term contracts of employment. These are staff personnel and may be referred to as ‘officials’, ‘staff members’, ‘members of staff’, or simply as ‘employees’ (see [para 26](#) above). However, a significant proportion of individuals providing services to IOs now consists of consultants and contractors. These individuals are often known as non-staff personnel. IATs are usually open to the former, with the position of non-staff personnel being extremely precarious.

30 In particular, the ILOAT is open to current or former ‘officials’ of the organizations over which that tribunal exercises jurisdiction. ‘Officials’ are persons who possess a contract of employment with the relevant employer organization. Presently, the ILOAT is open to more than 58,000 international civil servants (ILO, ‘ILO Administrative Tribunal’). Notably, non-staff personnel do not fall in this category unless they are deemed equivalent to that of an ‘official’ in light of the real nature of the relationship (*Ms PR v World Intellectual Property Organization* (Judgment) (2011) [consideration 7](#); *Re Chadsey v World Postal Union* (Judgment) (1968)). Thus, the ILOAT has shown a willingness to hear cases from non-staff personnel, provided the respondent organization has not offered an alternative mechanism to resolve their claims, such as an arbitral procedure (*Mr J-D M v ILO* (Judgment) (2010) [considerations 5–6](#)).

31 On the other hand, by design, access to the UNDT/UNAT is restricted to only current or former ‘staff members’ of the organizations over which the tribunal exercises jurisdiction (*UN Secretary-General, ‘Administration of Justice at the United Nations’* (2010) [para 179](#)). While the UN includes arbitration clauses with non-staff personnel, the position of such individuals remains precarious, given that arbitration in its current form does not provide an affordable or effective means to realize justice ([Gulati \(2022\)](#) section 3.2.1.3). It has been argued that

Although arbitration seems to be a form of alternative dispute settlement not very frequently resorted to in cases of disputes involving international organisations, it remains an important alternative, in particular, for private litigants to ensure that their right of access to justice is guarded. This requires more than the mere availability of arbitration in the first place. It also implies that arbitration must be an affordable method of dispute settlement, ensuring basic fair trial demands. Further, transparency and the effective enforcement of outcomes will enhance the rule of law-conformity of arbitration as an option for settling disputes to which international organisations are parties ([Reinisch \(2023\)](#) 561).

32 If access to justice for so-called non-staff personnel is to be secured, either arbitration processes must provide fair-trial-compliant justice ([R Gulati and T John \(2020\)](#) 141–57), or an even neater solution could be to grant such persons access to the formal justice machinery of an IO in full. A limited number of IATs already do so ([Agape Lim and Elias \(2024\)](#) 252). An explicit example is provided by [Article II\(1\) Statute of the Inter-American Development Bank Administrative Tribunal](#), which states that the

Tribunal shall hear and pass judgment upon any application by which an Employee of the Bank or of the Corporation alleges non-observance of his or her contract of employment or terms and conditions of appointment ... ‘Employee’, for the purposes of this Statute, mean any current or former person appointed by the Bank or of the Corporation in accordance with its employment practices to render services as an employee, and who receives regular remuneration from the Bank or the Corporation (including consultants)

33 The aforementioned provision could provide inspiration to other IOs who wish to ensure that justice to staff and non-staff personnel is delivered on an equal basis. Moving on to the second issue, as was intimated, another important procedural aspect of international administrative justice relates to the requirement that only ‘administrative

decisions' impacting a staff member's employment-related rights may be impugned before the justice machinery (see para 26 above). The old UN Administrative Tribunal stated:

[A]n 'administrative decision' is a unilateral decision taken by the administration in a precise individual case (individual administrative act), which produces direct legal consequences to the legal order. Thus, the administrative decision is distinguished from other administrative acts, such as those having regulatory power (which are usually referred to as rules or regulations), as well as from those not having direct legal consequences. Administrative decisions are therefore characterized by the fact that they are taken by the Administration, they are unilateral and of individual application, and they carry direct legal consequences ... (*Andronov v Secretary-General of the United Nations* (Judgment) (2003) 10).

34 Accordingly, in the leading IATs, assuming that an individual is within the scope of an IAT's personal jurisdiction, they can only impugn a decision of the organization that, amongst other things, produces a direct legal consequence for their employment rights. Very few tribunals appear to permit challenges to regulatory decisions of an IO (*Art II Statute of the Administrative Tribunal of the IMF*; *Agape Lim and Elias* (2024) 252).

35 Given that the regime on standing in international administrative dispute resolution tends to be construed narrowly, it should come as no surprise that class actions are not a feature of international administrative justice. However, 'there is nothing that prevents multiple staff members from each filing an application based on the same cause of action, especially where an organization's policy decision has an impact on a large group of staff' (*Agape Lim and Elias* (2024) 255). Moreover, IATs such as the WBAT are empowered to hear representative actions; however, it does not appear that this procedure has been implemented by the WBAT to date (*ibid.* 256). The rights of staff associations or staff unions are also limited. While staff associations can file friend-of-the-court briefs in some systems, they do not tend to possess standing before IATs in their own right (*ibid.* 258). Access to justice for IO personnel could be enhanced by strengthening the rights of staff associations (*Bravo, 'Legal Standing Before (International) Administrative Tribunals'* (2024) 37–52).

(d) Remedies

36 Ultimately, a key function of any justice mechanism is whether it can deliver a fair and just outcome, with the right to an effective remedy a key human right (*Art 2 ICCPR*). In this respect, international administrative justice can have some unique characteristics. Broadly, claimants before an IAT or another quasi-judicial mechanism usually request the tribunal to set aside the impugned administrative decision, alleging a breach of their employment rights, and seek damages for the harm suffered. Should they succeed in their claims, IATs are empowered to grant rescission, specific performance, or compensation.

37 For example, *Article VIII ILOAT Statute* provides that

the Tribunal, if satisfied that the complaint was well founded, shall order the rescinding of the decision impugned or the performance of the obligation relied upon. If such rescinding of a decision or execution of an obligation is not possible or advisable, the Tribunal shall award the complainant compensation for the injury caused to her or him.

The *WBAT Statute* uses similar language; however, it expressly allows the organization to choose compensation over rescission or specific performance if it can convince the tribunal that this would be the reasonable course of action. *Article XII(1) of the WBAT Statute* states:

If the Tribunal finds that the application is well-founded, it shall order the rescission of the decision contested or the specific performance of the obligation invoked unless the Tribunal finds that the Respondent institution has reasonably determined that such rescission or specific performance would not be practicable or in the institution's interest. In that event, the Tribunal shall, instead, order such institution to pay restitution in the amount that is reasonably necessary to compensate the applicant for the actual damages suffered.

38 *Article 10 UNDT Statute* is the most detailed in terms of prescribing the powers of the tribunal regarding remedies. Notable features include the express power to grant interim measures

to provide temporary relief to either party, where the contested administrative decision appears *prima facie* to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage. This temporary relief may include an order to suspend the implementation of the contested administrative decision, except in cases of appointment, promotion or termination (Art 10(2) UNDT Statute).

The UNDT has the power to remand a case to the decision-maker to correct any procedural breaches (Art 10(4) UNDT Statute). As with other regimes, punitive or exemplary damages cannot be awarded, and compensation is focused on actual harm. However, unlike the ILOAT and WBAT Statutes, a cap on the amount of compensation that may be granted in lieu of rescission or specific performance exists in most instances, and the organization is empowered to choose the remedies to be implemented in certain types of cases. Article 10(5) UNDT Statute states:

As part of its judgement, the Dispute Tribunal may only order one or both of the following: (a) Rescission of the contested administrative decision or specific performance, provided that, where the contested administrative decision concerns appointment, promotion or termination, the Dispute Tribunal shall also set an amount of compensation that the respondent may elect to pay as an alternative to the rescission of the contested administrative decision or specific performance ordered, subject to subparagraph (b) of the present paragraph; (b) Compensation for harm, supported by evidence, which shall normally not exceed the equivalent of two years' net base salary of the applicant. The Dispute Tribunal may, however, in exceptional cases order the payment of a higher compensation for harm, supported by evidence, and shall provide the reasons for that decision.

39 The UNDT has criticized the UN's approach of regularly choosing to pay compensation instead of restoring a staff member's employment following a successful claim. The UNDT has observed:

[T]he reality is that in cases where the Tribunal found that a staff member had been wrongly separated, through no fault of his/her own but rather as a result of managerial error, the decision was systematically taken to pay compensation, instead of considering the reintegration of the staff member... There may, thus, be cases in which the career of staff members, who dedicated their entire professional life to the Organization and its mission, is completely ruined by an act carried out by the Respondent and found to be unlawful (*Nakhlawi v Secretary-General of the United Nations* (2016) paras 104–5).

40 This is why the UN's own Internal Justice Council ('IJC') said concerning the two-year cap on compensation applicable at the UN tribunals '[d]epending on the circumstances involved in specific cases, including the difficulty of finding comparable alternative employment ... the Dispute Tribunal should consider whether justice requires an award of compensation in excess of the two years of net base salary which is provided for in normal situations' (UN Internal Justice Council, 'Administration of Justice at the United Nations: Report of the Internal Justice Council' (2020) paras 63–64).

41 It may be questioned whether IATs in general, and the UN tribunals in particular, are appropriately empowered to grant a truly effective remedy. Finally, another unique aspect of the UNDT's competence specifically relates to its ability to 'refer appropriate cases to the Secretary-General of the United Nations or the executive heads of separately administered United Nations funds and programmes for possible action to enforce accountability' (Art 10(8) UNDT Statute). However, the UN often fails to follow up on referrals for accountability by the UNDT where the tribunal has found that officials may have engaged in serious wrongdoing, including corruption and sexual assault (Gulati (2022) section 3.2.1.3).

2. The Quality of Justice Rendered

42 The presence of a dispute resolution forum is only a starting point. Core procedural guarantees derived from the right to a fair trial also form a feature of the international rule of law in general, and international administrative justice in particular (ILC, 'Second Report on the Settlement of Disputes to Which International Organizations Are Parties by August Reinisch, Special Rapporteur' (2024) 78; ILC, 'Third Report on the Settlement of Disputes to Which International Organizations Are Parties by August Reinisch, Special Rapporteur' (2025) 90; Gulati (2022) 39–69). With virtually all IOs establishing internal justice systems for their employees, the focus should be on the

quality of justice delivery. The fundamental question is the extent to which internal justice systems comply with fair-trial standards. The ICJ has relevantly stated that:

[C]ertain elements of the right to a fair hearing are well recognized and provide criteria helpful in identifying fundamental errors in procedure which have occasioned a failure of justice: for instance, the right to an independent and impartial tribunal established by law; the right to have the case heard and determined within a reasonable time; the right to a reasonable opportunity to present the case to the tribunal and to comment upon the opponent's case; the right to equality in the proceedings vis-à-vis the opponent; and the right to a reasoned decision (*Advisory Opinion in the Application for Review of Judgment No 158 of the United Nations Administrative Tribunal* (1973) para 92).

43 Many of the aforementioned guarantees are generally expressly enshrined in an IAT's statute. Brief remarks on issues of judicial independence (a), as well as on other fair trial guarantees (b), are currently warranted.

(a) Judicial Independence at IATs

44 Most constituent instruments of an IAT contain provisions seeking to promote judicial independence and impartiality (→ *Independence: International Adjudication*; → *Impartiality: International Adjudication*). Amongst other things, these relate to securing decisional independence (e.g., → *competence-competence*) (Art II(7) ILOAT Statute; Art 2(6) UNDT Statute; Art III WBAT Statute), as well as granting the tribunal the power to organise its own work, including the ability to enact rules of procedure (Art X ILOAT Statute; Art 7 UNDT Statute; Art VII WBAT Statute).

45 Moreover, as outlined below, it is now explicitly required that judges be independent and impartial, with security of tenure in place at many IATs. Only persons of high moral character, having qualifications needed for appointment to a high judicial office, are qualified for judicial appointment, and diversity is mandated. Article III ILOAT Statute provides in part:

The Tribunal shall consist of seven judges who shall all be of different nationalities. The judges shall be persons of high moral character, impartiality and integrity and must have been appointed to, or possess the qualifications required for appointment to, the highest judicial office of their countries. They must have an excellent knowledge of at least one of the working languages of the Tribunal and should also have at least a basic written and oral comprehension of the other working language. Due regard shall be given to geographical distribution and gender balance in the composition of the Tribunal. At all times the Tribunal's composition shall permit the Tribunal to render judgments in both working languages ... (also see Art IV(1) WBAT Statute; Art 4(3) UNDT Statute; and Art 3(3) UNAT Statute).

46 Notably, to enhance judicial independence, in 2021, the ILOAT Statute was amended to enshrine a five-year term of appointment (renewable once) for ILOAT judges instead of the previously applicable three-year terms with limitless possibility of renewal (Article III ILOAT Statute; Gulati (2022) section 3.2.2.1). A similar amendment had already been made regarding the term of the judges of the WBAT in 2001 (Article IV(3) WBAT Statute). It is well accepted that a non-renewable, relatively lengthy single-term appointment enhances judicial independence. Three-year renewable terms are thus contrary to the core principles of judicial independence. While the updated ILOAT and WBAT regimes are no doubt an improvement on what preceded them, the UN tribunals arguably provide for a superior system in this respect.

47 The UNDT consists of three full-time and six part-time judges who are appointed for one non-renewable term of seven years, and the UNDT must act independently (Art 4 UNDT Statute). The UNDT's decisions are binding but subject to appeal (Art 11(3) UNDT Statute). The UNAT consists of seven judges appointed for one non-renewable term of seven years (Art 3 UNAT Statute). The UNAT must act independently (Arts 3(8) and (9) UNAT Statute), and its decisions are final and binding (Art 10 UNAT Statute). In terms of qualifications, the UNDT and UNAT Statutes are much more specific. Amongst other things, an individual must possess at least 10 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions, to be eligible for appointment as an UNDT judge (Art 4(3) UNDT Statute), and 15 years of such experience is a requirement to be an UNAT judge (Art 3(3) UNAT Statute).

48 While much progress has been made to advance the access of international civil servants to independent justice, much more needs to be done. Significant issues include the method of judicial appointment, with the executive arm of IOs having too much influence on the process in some systems; very short renewable judicial terms, which are still prevalent in several regimes; and serious concerns around the operational independence of IATs, which continue to prevail more generally (*MLD v Philippines* (2024) para 2.2; *Gulati* (2022) section 3.5).

(b) Other Procedural Requirements

49 As is apparent, core fair trial guarantees found in international human rights law now constitute an aspect of international administrative procedural law. These include the right to a reasoned judgment, the right to justice without undue delay, the right to counsel, the right to an oral hearing, and, arguably, the right to appeal. Many of those rights are enshrined in IAT statutes, but they are not always practically realized.

50 First, most IATs are required to provide reasoned judgments in writing (Art VI(2) ILOAT Statute; Art 11(1) UNDT Statute; Art 10(3) UNAT Statute; and Art XI(2) WBAT Statute). The ILOAT has rendered over 4,000 decisions thus far, and all decisions are published and searchable through its TRIBLEX database (ILO, 'TRIBLEX'). All decisions of the UN tribunals as well as the WBAT are published on their databases (UN, 'UN Dispute Tribunal Judgments and Orders'; UN, 'UN Appeals Tribunal Judgments and Orders'; World Bank, 'Judgments & Orders').

51 Second, significant delays in the administration of justice at the leading IATs have unfortunately been a feature of the regime, with cases taking years to be resolved (*Gulati* (2022) section 3.5). Various efforts have been made to address this issue. For example, the ILOAT has adopted a procedure to summarily dismiss cases that clearly lack merit or are clearly outside its competence (Rule 7 Rules of the Administrative Tribunal of the International Labour Organization ('ILOAT Rules of Procedure')). A procedure to fast-track certain cases has also been adopted. Article 7A ILOAT's Rules of Procedure states:

If the dispute regards only a question (or questions) of law, identified by agreement of both parties, and the main facts are uncontested, the parties may agree, at any time prior to the assignment of the complaint to a Tribunal session, to apply to the President of the Tribunal for a fast-track procedure ... All pleadings shall be brief and shall focus on the agreed contested question(s) of law and on the consequent remedies, and include the succinct statement of the reason(s) supporting the opinion(s) advanced.

52 The UNDT has also taken steps to deal with delays in the administration of justice. The Code of Conduct for the Judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal provides strict timeframes within which judgments must be issued. Claims ought to be disposed of efficiently and promptly, with section 7(b) of that code stating:

Judges must give judgement or rulings in a case promptly. Judgements should be given no later than three months from the end of the hearing or the close of pleadings or, in the case of the United Nations Appeals Tribunal, from the end of the session in which the matter is decided, unless there are exceptional circumstances ...

53 Whether or not efforts to deliver justice at the leading IATs without undue delay succeed remains to be seen. Third, the right to counsel, inexorably linked to the equality of arms, is crucial to ensuring a fair trial. Overall, legal representation for staff members at IATs is allowed, but not required, including at the ILOAT, UNDT, and the WBAT (*Agape Lim and Elias* (2024) 258). Despite what the rules say, in practice, securing affordable legal representation for staff members has been a real issue. To deal with this concern, the UN internal justice system had created the Office of Staff Legal Assistance ('OSLA') when reforming its internal justice system roughly 15 years ago. The UNDT said regarding OSLA's role:

The right to representation, guaranteed by the Universal Declaration of Human Rights and enshrined in the principle of equality of arms, is an essential element of the new system of administration of justice, and the role of the Office of Staff Legal Assistance should continue to be that of assisting staff members not only in processing claims, but in representing applicants before the Tribunals (UN Internal Justice Council, 'Administration of Justice at the United Nations; Report of the Internal Justice Council' (2017) para 68).

54 OSLA remains seriously understaffed and underfunded. This naturally adversely impacts staff members' ability to secure affordable legal representation (UN Internal Justice Council, 'Administration of Justice at the United Nations: Report of the Internal Justice Council' (2020) para 53). Any lessons drawn from the UN system apply equally to all international administrative justice regimes that may confront similar issues. The factual inequalities between IOs and their employees are likely to be significant. Bearing this in mind, the importance of the right to counsel to practically realize justice must not be underestimated.

55 The status of the aforementioned fair-trial guarantees as an aspect of international administrative procedural law is uncontentious, and discussion tends to revolve around their practical realization. However, the provision of certain other guarantees, routinely considered important features of the right to a fair trial at the national level, is subject to some contest in the sphere of international administrative justice. This leads to the fourth and fifth components of fair-trial rights presently identified, i.e., the right to an oral hearing and the right to an appeal. Concerning the former, noting that written submissions are central to the international administrative justice process, the statutes of IATs, rules of procedure, or the applicable practice directions tend to refer to oral hearings as well, usually granting an IAT discretion as to whether they will be held or not (Agape Lim and Elias (2024) 259–60).

56 Despite the presence of provisions on oral hearings in the applicable procedural framework, the record on whether they are actually provided or not is mixed. By and large, oral hearings are not a feature of international administrative justice, with none held at the ILOAT since 1989 (Agape Lim and Elias (2024) 259). One of the exceptions is provided by the practice of the Inter-American Development Bank Administrative Tribunal, where oral hearings are held regularly. Pointing to the value of oral hearings, it has been observed in this context:

One of the characteristics peculiar to the IDB procedures is that oral proceedings (witness testimony or oral argument hearings) are normally conducted in each case. This is not the practice at some other administrative tribunals, where oral proceedings are not permitted, not requested, or not held at all. While holding a hearing has an impact on the length and cost of the proceedings before the Tribunal, it also provides the complainants their 'day in court,' their only chance to interact with the Tribunal when their case is being considered. This is the rationale for the practice of holding hearings before the IDB Tribunal. In fact, the IDB Tribunal has held hearings for oral arguments in more than 90% of the cases that reached a final decision. By way of comparison, the IMF Tribunal held oral hearings in about 5% of its cases, the World Bank Tribunal in about 3% of its cases, and the OAS Tribunal in about 58% of cases. Hearings are rare before the ILOAT and the UNDT (Canè (2024) 15–36).

57 Tribunals with heavy caseloads may seek to justify the lack of oral hearings based on resourcing issues. With the advent of technology, means to overcome such difficulties do, however, exist. Finally, an equally contested right in the international administrative regime relates to the right to appeal. As stated, through the UNDT and the UNAT, the UN tribunals provide a two-tier judicial mechanism that implements the right to appeal (Report of the Redesign Panel (2006) para 9). On the other hand, the ILOAT and WBAT do not provide for an appellate-level tribunal, albeit a narrow opportunity to seek review of judgments exists where a fact that would have been likely to decisively alter the original decision is discovered (Art XIII(1) WBAT Statute; Article VI(1) ILOAT Statute).

58 In regimes where there is only one layer of judicial review, before a claim can be brought at an IAT, usually, an individual must first approach a non-judicial peer-review mechanism. This is a rule of admissibility (e.g., Art VII(1) ILOAT Statute and Art II(2)(i) WBAT Statute). These peer-review bodies do not constitute fully-fledged judicial mechanisms as their decisions are not binding, even if the organization would tend to adopt them (Fauth (2017)). As a result, international administrative justice regimes fall into two categories. First, where two layers of judicial protection are provided, and appeal rights are implemented. In addition to the UN system (including the one applicable to the UNRWA), six other such regimes have been identified.

59 These are the international administrative justice systems applicable at the European Union, where decisions of the General Court of the European Union can be appealed to the Court of Justice of the European Union, judgments of the Organization of American States Administrative Tribunal are subject to appeal to a review panel of that judicial body, at the Organisation internationale de la *→ Francophonie*, decisions of the Tribunal de première instance de l'Organisation internationale de la Francophonie may be appealed to the Tribunal d'appel de

l'Organisation internationale de la Francophonie, and first-instance decisions of the Commonwealth Secretariat Arbitral Tribunal are subject to appeal to a panel of five judges of that tribunal who are different from the original three-judge panel. At the → *African Union (AU)*, the decisions of the African Union Administrative Tribunal may be appealed to the African Court of Justice and Human Rights, and decisions of the Caribbean Community Administrative Tribunal are subject to appeal at the → *Caribbean Court of Justice (CCJ)* (Garrido Muñoz and others (2025) 28). The second type of international administrative justice regime provides access to only one layer of judicial review. Most IOs, including but not limited to those subscribing to the ILOAT, have adopted this system so far.

E. Key Challenges

60 Due to the work of IATs, much has been achieved in ensuring access to justice for the employees of IOs. The international administrative justice machinery that has evolved over the past few decades is a notable example of the enhanced status of the individual in the international legal order. International administrative justice does not exist in isolation from other branches of international law. It has been impacted by developments in international human rights law, especially in procedural terms. The right to a fair trial has significantly impacted the procedural standards of international administrative justice (→ *Fair Trial, Right to, International Protection*). This is a welcome development, but it also creates future challenges.

61 First, for all those individuals who have access to an IAT, access to judicial protection is usually provided. Here, issues of concern often relate to the quality of justice rendered. However, the position of so-called non-staff personnel, i.e., consultants and contractors, is seriously precarious. Usually, consultants are not granted access to IATs, and the chosen form of dispute resolution is international arbitration, which, among other things, can be excessively costly and lacks transparency. With IOs relying increasingly on consultants to perform roles traditionally undertaken by their staff, ensuring access to justice for such persons remains a significant challenge for international administrative justice.

62 Second, the role of national courts in delivering international administrative justice needs further clarification. In cases where a national court pierces an IO's immunity to ensure access to justice, the standards adopted by national courts are unclear. → *Private international law* techniques could be used to ensure access to justice for the claimant but, at the same time, preserve the functional independence of an IO. Where a national court takes jurisdiction over an IO if the latter has failed to provide a reasonable means of dispute resolution to its personnel, then, in the normal course of things, the former should apply IAL to resolve the substantive aspects of the dispute. This could help ensure a claimant's access to a dispute resolution forum without compromising the prescriptive authority of an IO (Gulati (2022) 239–42).

63 Finally, while international administrative justice has been equated with international civil service disputes, the term may eventually be broadened. Whereas IOs mostly used to exercise administrative power over their employees, they are increasingly exercising such power over a range of individuals and private actors in non-employment contexts as well. This includes UN Security Council sanctions regimes, refugee status determinations by the Office of the United Nations High Commissioner for Refugees (→ *Refugees, United Nations High Commissioner for (UNHCR)*, → *Interpol* Red Notices, sanctions imposed by multilateral development banks for corrupt conduct, etc. (Gulati (2022) 36–37). As the spheres of administrative activity engaged in by IOs expand and more accountability mechanisms are created, the scope of what constitutes international administrative justice may expand in the future.

Cited Bibliography

CW Jenks, *The Proper Law of International Organisations* (Stevens & Sons Ltd 1962).

CF Amerasinghe, *The Law of the International Civil Service: As Applied by International Administrative Tribunals* vols I and II (OUP 1994).

CF Amerasinghe, *Principles of the Institutional Law of International Organizations* (2nd edn, CUP 2005).

Y Beigbeder, 'Civil Service, International' (last updated January 2007) in A Peters (ed), *The Max Planck Encyclopedia of Public International Law* (OUP 2008–) <<https://opil.oup.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e601>> (accessed 16 April 2026).

RE Vinuesa, 'Argentina' in A Reinisch (ed), *The Privileges and Immunities of International Organizations in Domestic Courts* (OUP 2013) 17–30.

L Fauth, 'Due Process and Equality of Arms in the Internal Appeal: New Developments from Judgments 3586 and 368' in D Petrovic (ed), *90 Years of Contribution of the Administrative Tribunal of the International Labour Organization to the Creation of International Civil Service Law* (International Labour Organization 2017) 183–91.

R Gulati, 'An International Administrative Procedural Law of Fair Trial: Reality or Rhetoric?' (2017) 21 Max Planck Yearbook of United Nations Law 210–70.

J Powers, 'The Evolving Jurisprudence of the International Administrative Tribunals: Convergence or Divergence' (2018) 1 AIIB Yearbook of International Law 69–78.

G Ullrich, *The Law of the International Civil Service: Institutional Law and Practice in International Organisations* (Duncker & Humblot 2018).

S Ago, 'What is "International Administrative Law"? The Adequacy of this Term in Various Judgments of International Administrative Tribunals' (2020) 3 AIIB Yearbook of International Law 88–102.

R Gulati and T John, 'Arbitrating Employment Disputes Involving International Organizations' (2020) 3 AIIB Yearbook of International Law 141–57.

A Clooney and P Webb, *The Right to a Fair Trial in International Law* (OUP 2021).

R Gulati, 'Acquired Rights in International Administrative Law' (2021) 24(1) Max Planck Yearbook of United Nations Law 82–109.

C De Cooker, 'Proliferation of International Administrative Tribunals' (2022) 12(2) Asian Journal of International Law 232–47.

R Gulati, *Access to Justice and International Organisations: Coordinating Jurisdiction between the National and Institutional Legal Orders* (CUP 2022).

A Reinisch, 'Arbitrating Disputes with International Organisations and Some Access to Justice Issues' (2023) 34(3) King's Law Journal 546–61.

T Agape Lim and O Elias, 'International Administrative Tribunals' in J Gomula and S Wittich (eds), *Research Handbook on International Procedural Law* (Edward Elgar 2024) 249–73.

K Bradley, 'Reasonable Doubt About Proof Beyond Reasonable Doubt in International Administrative Law' in T Bravo and K Bradley (eds), *Judicial Review in International Administrative Law* (Springer 2024) 109–33.

T Bravo, 'Highlights of the Doctrine of Acquired Rights and the Jurisprudence of International Administrative Tribunals' in T Bravo and K Bradley (eds), *Judicial Review in International Administrative Law* (Springer 2024) 1–14.

T Bravo, 'Legal Standing Before (International) Administrative Tribunals and the Role of Staff Associations' in T Bravo and K Bradley (eds), *Judicial Review in International Administrative Law* (Springer 2024) 37–52.

D Burchardt, 'Human Rights Committee Globalises Waite and Kennedy – But Fails to Protect Judicial Independence Effectively' (22 October 2024) EJIL: Talk! <<https://www.ejiltalk.org/human-rights-committee->

[globalises-waite-and-kennedy-but-fails-to-protect-judicial-independence-effectively/>](#) (accessed 16 April 2026).

G Canè, 'Institutional Setting of Administrative Tribunals: The Case of the Inter-American Development Bank Administrative Tribunal (IDBAT), with References to Its Peers' in T Bravo and K Bradley (eds), *Judicial Review in International Administrative Law* (Springer 2024) 15–36.

T Michael Peay, 'Divergent Standards of Proof Currently Applied by International Administrative Tribunals in Serious Misconduct Cases: An Evolving Snapshot' in T Bravo and K Bradley (eds), *Judicial Review in International Administrative Law* (Springer 2024) 87–107.

J Morgan-Foster, 'International Administrative Tribunals and Cross-Fertilization: Evidence of a Nascent Common Jurisprudence?' (2024) 24(2) *Chicago Journal of International Law* 339–415.

A Garrido Muñoz and others, *The Law and Practice of International Administrative Tribunals* (CUP 2025).

Further Bibliography

C DeCooker (ed), *International Administration: Law and Management Practices in International Organisations* vols 1–2 (Martinus Nijhoff 1990–2005).

C DeCooker (ed), *Accountability, Investigation and Due Process in International Organizations* (Martinus Nijhoff 2005).

A Riddell, 'Administrative Boards, Commissions and Tribunals in International Organizations' (last updated December 2010) in A Peters (ed), *The Max Planck Encyclopedia of Public International Law* (OUP 2008–) <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e3>> (accessed 16 April 2026).

F Seyersted, *Common Law of International Organizations* (Martinus Nijhoff 2008).

R Gulati, 'The Internal Dispute Resolution Mechanism of the United Nations' (2011) 15 *Max Planck Yearbook of United Nations Law* 489–538.

O Elias (ed), *The Development and Effectiveness of International Administrative Law: On the Occasion of the Thirtieth Anniversary of the World Bank Administrative Tribunal* (Martinus Nijhoff 2012).

CF Amerasinghe, 'International Administrative Tribunals' in CPR Romano, KJ Alter, and Y Shany (eds), *The Oxford Handbook of International Adjudication* (OUP 2014) 316–36.

A Talvik (ed), *Best Practices in Resolving Employment Disputes in International Organizations* (International Labour Organization 2015).

D Petrovic (ed), *90 Years of Contribution of the Administrative Tribunal of the International Labour Organization to the Creation of International Civil Service Law* (International Labour Organization 2017).

P Schmitt, *Access to Justice and International Organizations: The Case of Individual Victims of Human Rights Violations* (Edward Elgar 2017).

P Quayle (ed), 'The Role of International Administrative Law at International Organizations: AIIB Yearbook of International Law' (2020) 3 *AIIB Yearbook of International Law* 1–334.

R Gulati and P Webb, 'The Legal Accountability of Transnational Institutions: Past, Present and Future' (2023) 34(3) *King's Law Journal* 411–24.

Cited Documents

Code of Conduct for the Judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal (9 December 2011) <[https://www.un.org/en/internaljustice/pdfs/Code_judges_\(EN\).pdf](https://www.un.org/en/internaljustice/pdfs/Code_judges_(EN).pdf)> (accessed 16 April 2026).

COE, 'Bodies and Organisations Subject to the Jurisdiction of the Tribunal' <<https://www.coe.int/en/web/tribunal/bodies-and-organisations-subject-to-the-jurisdiction-of-the-tribunal>> (accessed 20 May 2026).

ILC, 'Second Report on the Settlement of Disputes to Which International Organizations Are Parties by August Reinisch, Special Rapporteur' (1 March 2024) UN Doc A/CN.4/766.

ILC, 'Third Report on the Settlement of Disputes to Which International Organizations Are Parties by August Reinisch, Special Rapporteur' (30 January 2025) UN Doc A/CN.4/782.

ILO, 'ILO Administrative Tribunal' <<https://www.ilo.org/ilo-administrative-tribunal>> (accessed 20 May 2026).

ILO, 'TRIBLEX' <https://www.ilo.org/dyn/triblex/triblexmain.advancedSearch?p_lang=en> (accessed 20 May 2026).

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

Report of the Redesign Panel on the United Nations System of Administration of Justice (28 July 2006) UN Doc A/61/205.

Rules of the Administrative Tribunal of the International Labour Organization (adopted 24 November 1993, last amended 9 May 2023) <<https://www.ilo.org/resource/rules-administrative-tribunal-international-labour-organization>> (accessed 16 April 2026).

Statute and Rules of Procedure of the UNRWA Dispute Tribunal (1 January 2018) <https://www.unrwa.org/sites/default/files/statute_of_the_unrwa_dispute_tribunal_rules_of_procedure_staff_regulations_11.1_-_11.5.pdf> (accessed 16 April 2026).

Statute of the Administrative Tribunal of the International Labour Organization (adopted and entered into force 29 June 1946, last amended 18 June 2021) <<https://www.ilo.org/resource/statute-administrative-tribunal-international-labour-organization>> (accessed 16 April 2026).

Statute of the Administrative Tribunal of the IMF (14 July 2020) <<https://www.imf.org/en/about/imfat-index/imfat-statute>> (accessed 16 April 2026).

Statute of the Inter-American Development Bank Administrative Tribunal (27 February 2013) <<https://www.iadb.org/en/who-we-are/transparency/administrative-tribunal/statute-administrative-tribunal>> (accessed 16 April 2026).

Statute of the United Nations Appeals Tribunal (adopted 24 December 2008, amended 24 December 2011, 18 December 2014, 14 December 2015 and 23 December 2016) <<https://www.un.org/en/internaljustice/unat/unat-statute.shtml>> (accessed 16 April 2026).

Statute of the United Nations Dispute Tribunal (22 December 2023) <https://www.un.org/en/internaljustice/pdfs/UNDT_Statute.pdf> (accessed 16 April 2026).

Statute of the World Bank Administrative Tribunal (April 2020) <<https://tribunal.worldbank.org/sites/default/files/documents/WBAT-Statute-Rules.pdf>> (accessed 16 April 2026).

UN, 'The Management Evaluation' <<https://www.un.org/en/internaljustice/undt/the-management-evaluation.shtml>> (accessed 20 May 2026).

UN, 'Ombudsman and Mediation Services: Our Services' <<https://www.un.org/ombudsman/our-services>> (accessed 20 May 2026).

UN, 'System of Administration of Justice: Who Can Use the System' <<https://www.un.org/internaljustice/oaj/en/overview/who-can-use-the-system>> (accessed 20 May 2026).

UN, 'UN Appeals Tribunal Judgments and Orders' <<https://www.un.org/internaljustice/oaj/en/unat/judgments-orders>> (accessed 20 May 2026).

UN, 'UN Dispute Tribunal Judgments and Orders' <<https://www.un.org/en/internaljustice/undt/judgments-orders.shtml>> (accessed 20 May 2026).

UN Internal Justice Council, 'Administration of Justice at the United Nations; Report of the Internal Justice Council' (24 July 2017) UN Doc A/72/210.

UN Internal Justice Council, 'Administration of Justice at the United Nations: Report of the Internal Justice Council' (10 July 2020) UN Doc A/75/154.

UN Secretary-General, 'Administration of Justice at the United Nations' (16 September 2010) UN Doc A/65/373.

UNGA, 'Resolution 351 (IV)A-B: Establishment of a United Nations Administrative Tribunal' (9 December 1949) UN Doc A/RES/351(IV)[A].

World Bank, 'Judgments & Orders' <<https://tribunal.worldbank.org/index.php/judgments-orders?page=35>> (accessed 20 May 2026).

Cited Cases

Andronov v Secretary-General of the United Nations Judgment No 1157 (UN Administrative Tribunal) (20 November 2003) UN Doc AT/DEC/1157.

Application for Review of Judgment No 158 of the United Nations Administrative Tribunal (Advisory Opinion) (12 July 1973) [1973] ICJ Rep 166.

de Merode and ors v World Bank Decision No 1 (5 June 1981) 1 WBAT Rep 734 (1981).

Effect of Awards of Compensation Made by the United Nations Administrative Tribunal (Advisory Opinion) (13 July 1954) [1954] ICJ Rep 47.

Judgments of the Administrative Tribunal of the International Labour Organisation upon Complaints Made against the United Nations Educational Scientific and Cultural Organization (Advisory Opinion) (23 October 1956) [1956] ICJ Rep 77.

MLD v Philippines Communication No 3581/2019 (HRC) (18 September 2024) UN Doc CCPR/C/141/D/3581/2019.

Mr J-D M v ILO Judgment No 2888 (ILOAT) (3 February 2010) <https://wwwex.ilo.org/dyn/triblex/triblexmain.fullText?p_lang=en&p_judgment_no=2888&p_language_code=EN> (accessed 16 April 2026).

Ms PR v World Intellectual Property Organization Judgment No 3090 (ILOAT) (10 November 2011) <https://wwwex.ilo.org/dyn/triblex/triblexmain.fullText?p_lang=en&p_judgment_no=3090&p_language_code=EN> (accessed 16 April 2026).

Nakhlawi v Secretary-General of the United Nations Judgment No UNDT/2016/204 (UN Dispute Tribunal) (11 November 2016) <<https://www.un.org/en/internaljustice/files/undt/judgments/undt-2016-204.pdf>> (accessed 16 April 2026).

Re Ayoub et al v International Labour Organization Judgment No 832 (ILOAT) (5 June 1987) <https://wwwex.ilo.org/dyn/triblex/triblexmain.fullText?p_lang=en&p_judgment_no=832&p_language_code=EN> (accessed 16 April 2026).

Re Chadsey v World Postal Union Judgment No 122 (ILOAT) (15 October 1968) <https://wwwex.ilo.org/dyn/triblex/triblexmain.fullText?p_lang=en&p_judgment_no=122&p_language_code=EN> (accessed 16 April 2026).

Waite and Kennedy v Germany App No 26083/94 (Merits) (18 February 1999) <<https://hudoc.echr.coe.int/?i=001-58912>> (accessed 16 April 2026).

Washington Julio Efraín Cabrera v Comisión Técnica Mixta de Salto Grande (Judgment) (Corte Suprema de Justicia de la Nación (Argentina)) (5 December 1983) CSJN Fallos 305:2150.

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