I have been invited to entertain the topic “The effectiveness of international administrative law as a body of law”. This title makes a number of thought-provoking assumptions: that there is such a thing as international administrative law, that there is a common corpus juris for all, or almost all, organizations and that there is a mechanism to assess its effectiveness.

Let me assure you: I will not analyze each and every word in the title as given to me, but a few remarks may be opportune and I will try and concentrate on the trends that can be witnessed over the last decades, with a particular emphasis on the last three decades, although not everything has started with the creation of the World Bank Administrative Tribunal.

The first, uncertain, international administration steps were made some two centuries ago with the creation of the General Administration for access to navigation on the Rhine. Several other examples can be given of international secretariats that were set up in the second half of the 19th century, but the real proliferation of universal and regional international administrations, as we know hundreds of them today, started in the previous century. A genuine debate on the international civil service, and in particular on its independence, took place when the League of Nations was set up.

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1 E.g. International Telegraph Union in 1865, Universal Postal Union in 1974, International Union for the Protection of Intellectual Property in 1883, etc.

Following this and especially during the last decades substantial progress has been made in structuring our sub-society of international administration. Since the 1960s numerous books have been published on the law of international institutions and that of the international civil service. They all recognize the differences that do exist between the organizations in terms of objectives, purpose, size, and rules, but also emphasize the fact that the organizations have much in common in terms of institutional law. Internal laws are very similar in most situations in most organizations, and so are the problems that they are facing. This communality is only increasing as will be shown later, to the extent that today easy reference is made by many to international administrative law, and to international administrative law as a corpus juris.

Let us first look at the more general characteristics of international administrative law. International organizations are set up by states through treaties, that is to say that the organizations and their internal law find their basis in public international law. The treaties setting up the organizations, in fact, give powers to the organizations to set up their internal law, part of it decided by the member states represented on the board, part of it enacted by the heads of the organizations through the powers given to them by the member states. The current set-up provides that this internal law of the organization is essentially independent from national laws and jurisdictions. This is safeguarded, or supposed to be safeguarded – I can come back on this later – by a system of immunities, which is essential to guarantee the organization's complete independence and the equal treatment of its staff wherever they come from and wherever they work.

What then is international administrative law? It is, first of all, more than often different from the classic labor law that is known in national systems and I trust that Professor Roy Lewis will go into more detail on this. Most organizations have often voluminous (e-)handbooks, containing rules, instructions and procedures covering not only employment conditions or behavioral guidelines proper, but also sets of detailed rules in matters like procurement, lending, finances, etc. Parts of these manuals are essential elements of the professional obligations of the staff and therefore constitute part and parcel of their employment conditions. Other parts in these manuals are, of course, mere policy statements.³ Secondly, the employment conditions in the international civil service also cover matters that in national systems generally do not form part of

³ Cf. de Merode, WBAT Decision No.1 [1981], para. 22.