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Towards a universal law governing the international civil service: a coalescence of international administrative law amid a proliferation of tribunals

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TOWARDS A UNIVERSAL LAW GOVERNING THE INTERNATIONAL CIVIL SERVICE

A COALESCENCE OF INTERNATIONAL ADMINISTRATIVE LAW
AMID A PROLIFERATION OF TRIBUNALS

Jason Morgan-Foster

Towards a universal law governing the international civil service

A coalescence of international administrative law
amid a proliferation of tribunals

Proefschrift

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The following dissertation is submitted in accordance with the rules for a doctorate based on articles at Leiden University.¹ In particular, chapters 2, 3 and 5 of this dissertation are based on chapters 2, 3 and 9, respectively, in *The Law and Practice of International Administrative Tribunals* (Cambridge University Press, 2025).² Chapter 4 was originally published as ‘International Administrative Tribunals and Cross-Fertilization: Evidence of a Nascent Common Jurisprudence?’ in the *Chicago Journal of International Law* (2024).³ The chapters and article have been combined into a single coherent manuscript, which in certain cases has required their modification, and an overall introduction and conclusion have been added.

¹ Guide to obtaining a doctorate on the basis of articles; October 2019, available at <https://www.staff.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/meijers-instituut/guidelines-obtaining-doctorate-on-basis-of-articles-eng-jan-2020.pdf> (accessed 3 November 2024).

² A. Garrido Muñoz, J. Morgan-Foster, D. Peat and A-M Thévenot-Werner, *The Law and Practice of International Administrative Tribunals* (2025, Cambridge University Press). Although the work was co-authored, each author drafted and remained responsible for individual chapters; the author was individually responsible for the three chapters reproduced as part of this dissertation.

³ J. Morgan-Foster, ‘International Administrative Tribunals and Cross-Fertilization: Evidence of a Nascent Common Jurisprudence?’, (2024) 24(2) *Chicago Journal of International Law* 339.

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Jason Morgan-Foster
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TABLE OF ABBREVIATIONS

ACHR	American Convention on Human Rights
AfCHPR	African Charter on Human and Peoples' Rights
AfDB	African Development Bank
AfDBAT	African Development Bank Administrative Tribunal
ADB	Asian Development Bank
ADBAT	Asian Development Bank Administrative Tribunal
AfDBAT	African Development Bank Administrative Tribunal
Art.	Article
ATBIS	Administrative Tribunal of the Bank for International Settlements
ATCE	Council of Europe Administrative Tribunal
AU	African Union
AUAT	African Union Administrative Tribunal
BIS	Bank for International Settlements
CARICOM	Caribbean Community and Common Market
CARICOMAT	Administrative Tribunal of the Caribbean Community and Common Market
CCJ	Caribbean Court of Justice
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Convention on the Convention of all forms of Racial Discrimination
CESG	Secretary-General of the Council of Europe
CGUNRWA	Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees
CJEU	Court of Justice of the European Union
CoE	Council of Europe
CSAT	Commonwealth Secretariat Arbitral Tribunal
EBRD	European Bank for Reconstruction and Development
EBRDAT	European Bank for Reconstruction and Development Administrative Tribunal
ECB	European Central Bank
ECE	Economic Commission for Europe
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECMWF	European Centre for Medium-Range Weather Forecasts
ECtHR	European Court of Human Rights
EMBL	European Molecular Biology Laboratory
EPO	European Patent Office
ESA	European Space Agency
ESAAT	European Space Agency Administrative Tribunal
ESCB	European Schools Complaints Board
ESM	European Stability Mechanism
ESMAT	Administrative Tribunal of the European Stability Mechanism
ESO	European Southern Observatory
EU	European Union
EUCST	European Union Civil Service Tribunal

EUMETSAT	European Organisation for the Exploitation of Meteorological Satellites
FAO	Food and Agriculture Organization of the United Nations
GCEDB	Governor of the Council of Europe Development Bank
GCESDF	Governor of the Council of Europe Social Development Fund
GCEU	General Court of the European Union
Global Fund	Global Fund to Fight AIDS, Tuberculosis and Malaria
Global Mechanism	Global Mechanism of the United Nations Convention to Combat Desertification
IACtHR	Inter-American Court of Human Rights
IAEA	International Atomic Energy Agency
IAT	International Administrative Tribunal
IDB	Inter-American Development Bank
IDBAT	Inter-American Development Bank Administrative Tribunal
IBRD or WB	International Bank for Reconstruction and Development (World Bank)
ICAO	International Civil Aviation Organization
ICC	International Criminal Court
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICSC	International Civil Service Commission
ICTY	International Criminal Tribunal for the former Yugoslavia
IFAD	International Fund for Agricultural Development
IFO	International Financial Corporation
IFRC	International Federation of the red Cross
IAICA	Inter-American Institute for Cooperation on Agriculture
ILC	International Law Commission
ILO	International Labour Organization
ILOAT	Administrative Tribunal of the International Labour Organization
IMF	International Monetary Fund
IMFAT	International Monetary Fund Administrative Tribunal
IMO	International Maritime Organization
IO	International Organization
ISA	International Seabed Authority
ITLOS	International Tribunal for the Law of the Sea
ITU	International Telecommunication Union
JIU	Joint Inspection Unit of the United Nations
LoN	League of Nations
LoNAT	League of Nations Administrative Tribunal
MERCOSUR	Southern Common Market (<i>Mercado Común del Sur</i>)
MERCOSUR TAL	Administrative Tribunal of the Southern Common Market
NATO	North Atlantic Treaty Organization
NATOAT	North Atlantic Treaty Organization Administrative Tribunal
OAS	Organization of American States
OASAT	Organization of American States Administrative Tribunal
OECD	Organisation for Economic Co-Operation and Development
OECDAT	Organisation for Economic Co-Operation and Development Administrative Tribunal
OIF	Organisation internationale de la francophonie
OIOS	United Nations Office of Internal Oversight Services

OLA	Office of Legal Affairs (United Nations)
OPCW	Organization for the Prohibition of Chemical Weapons
OPEC	Organization of the Petroleum Exporting Countries
PAHO	Pan American Health Organization
PCA	Permanent Court of Arbitration
SG	Secretary-General
SGOAS	Secretary-General of the Organization of American States
TAOIF	Tribunal d'appel de l'organisation internationale de la francophonie
TPIOIF	Tribunal de première instance de l'organisation internationale de la francophonie
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAdT	United Nations Administrative Tribunal
UNAT	United Nations Appeals Tribunal
UNCC	United Nations Compensation Commission
UNCITRAL	United Nations Commission on International Trade Law
UNCLOS	United Nations Convention on the law of the Sea
UNDT	United Nations Dispute Tribunal
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNIDROIT	International Institute for the Unification of Private Law
UNJSPB	United Nations Joint Staff Pension Board
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNRWADT	Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSG	United Nations Secretary-General
VCLT	Vienna Convention on the Law of Treaties
WBAT	World Bank Administrative Tribunal
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Trade Organization