

# International Administrative Law: A Truly Transnational Labour Law?

Prof Yarik Kryvoi

The Transnational Dimension of Labour Relations: A  
New Order in the Making?

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# Outline

- Context
- International labour law and international administrative law
- Sources of international public law and international labour law
- Hierarchy of sources of international administrative law

# Context

- Over **eighty** intergovernmental organizations recognised by the United Kingdom
- UN International Civil Service Commission: **100,000** staff members serving at over **650 locations** around the world
- A **common system** of salaries, allowances and benefits
- Hired, employed, trained and fired not in accordance with national labour laws but in accordance with **specially devised legal rules**
- **No access to domestic courts**

# Public Accountability: Domestic v International Administrative Law

- Legislative process
- Public consultations and media debates
- International administrative law lack the same level of democratic legitimacy
- No clear rules on the sources of law or hierarchy
- Cases decided by those who have little knowledge of international labour law and often public international law

# Sources of Law

- Aim to examine sources of law, which guide international administrative tribunals in their decision-making

International labour law:

- Classical branch of international public law
- International conventions and recommendations

# International Administrative Law

- Intergovernmental **organisations** and **employees** of those organisations
- **Precluded from complaining** to national courts or rely on domestic law by virtue of immunity
- **No need to implement** into domestic legislation to be binding

International Administrative Law	International Public Law
Contract of employment	None
Internal law of organisations	Domestic law
Practice of organisations	Customary international law
Generally recognised principles	General principles of law
Decisions of other tribunals and scholarly writings	Judicial decisions and scholarly writings

# Hierarchy

- **Not clearly articulated** in rules, case law or scholarly writings
- **ICJ Statute:** primary and secondary rules of international law
- **Vienna Convention on the International Law of Treaties:** international law prevails over domestic law
- **Policy reason:** fairness and predictability



# Hierarchy in International Administrative Law

- Some tribunals: **employment contract** is the primary source; **internal rules of organisations** prevail because they are more specific
- **General principles of law** should prevail over contract of employment and international organisations
- Should rely more on **ILO conventions, recommendations** which often represent general principles of law
- That would offer more **coherence and predictability**

# Read more

- **Y. Kryvoi, 'The Law Applied by International Administrative Tribunals: From Autonomy to Hierarchy',** George Washington International Law Review, Volume 46, pp. 267-301 (2015). | [Download](#) | .