HUMAN RIGHTS, BASIC RIGHTS AND THE PROTECTION OF INTERNATIONAL CIVIL SERVANTS

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In an era of legal development where there is much attention being paid to the constitutional and international protection of human and basic rights in general, it may be useful to consider how the modern emphasis on such rights is reflected in the international judicial protection of international civil servants. The rights of civil servants and their judicial protection have long been recognized in the civil law systems to the extent that in these systems there is a highly developed structure for the protection of national civil servants through constitutional and judicial means with the result that generally the settlement of disputes between civil servants and their employer is entrusted to a special system of courts. The position in the common law and other systems is very different. There is generally no sophisticated and developed system for the judicial protection of civil servants. Thus, there are few legal rights which civil servants can have enforced through the judicial system. But even in common law systems there may be a minimum of judicial protection afforded by constitutional and other safeguards which can be invoked before the regular courts.

While the development of the law governing the international civil service may have to look principally to the civil law systems rather than to

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