

Report on the IMF Administrative Tribunal 30th Anniversary Conference

November 19, 2025

Opening Speeches

Speakers: Judge Nassib G. Ziadé, President of the IMF Administrative Tribunal (IMFAT),
President of the United Nations Appeals Tribunal (UNAT)

Mélida Hodgson, President of the American Society of International Law (ASIL)

Nicola Bonucci, Vice-President of the Société française pour le droit international (SFDI), Chair of the Advisory Board of the European Space Agency (ESA)

Judge Femi Elias, Judge *ad hoc*, International Court of Justice, President of the OPEC Fund Administrative Tribunal, and Chairman of the Administrative Tribunal of the Islamic Development Bank

Judge Ziadé, Ms. Hodgson, Mr. Bonucci, and Judge Elias each shared introductory remarks on the contemporary evolutions and challenges facing international administrative law, setting the scene for the subsequent three sessions of the conference.

Judge Ziadé, President of the International Monetary Fund Administrative Tribunal (IMFAT), expressed his great pleasure in opening the conference commemorating the 30th anniversary of the IMF's Administrative Tribunal. Recognizing a valued tradition among international administrative tribunals, he highlighted how significant anniversaries are marked by conferences that bring together representatives from various tribunals and leading experts in international administrative law. This current global series of celebrations, held in 2025 in London, Strasbourg, Washington, DC, and culminating in this event, fosters dialogue and reinforces cooperation across the field.

Judge Ziadé emphasized the conference's role in allowing participants to engage beyond their

home institutions by examining jurisprudence from different tribunals that encounter similar legal challenges. This exchange encourages cross-fertilization of ideas and has substantially contributed to the establishment of shared principles governing administrative justice at the international level. He emphasized the added benefit of these gatherings as rare occasions where professionals, who may often find themselves facing off against each other within their official duties, come together in a spirit of collaboration, candidly sharing views and expectations. This creates a moment of truce and potentially, a new beginning for constructive dialogue.

Judge Ziadé was pleased to note that the conference was honored by the gracious cooperation with respected legal societies that have invested in research in the field of the law governing international institutions and international administrative law: the American Society of International Law (ASIL), represented by its current president, Mélida Hodgson, and the *Société française pour le droit international*, represented by its current vice-president, Nicola Bonucci.

Turning to the topic of the proliferation of international administrative tribunals, Judge Ziadé observed that earlier concerns about the risks of jurisprudential divergence have not materialized. Instead, several factors have nurtured consistency: experienced judges, some serving across multiple tribunals; strict adherence to foundational precedents; rarity of dissenting opinions; and prudent referencing of the decisions of other tribunals. This proliferation reflected the confidence in the constructive role played by international administrative law.

Judge Ziadé posited that tribunals significantly enhance international organizations' effectiveness by supporting consistent regulatory implementation and fostering positive working environments. However, while broad harmonization of principles is beneficial, their application must respect the unique statutory frameworks and institutional realities of each organization. Careful, context-sensitive comparative scholarship is essential, ensuring borrowed legal concepts fit the

institution's specific needs and dynamics. Judge Ziadé also cautioned against tribunals exceeding their mandate by assuming the role of policymakers or managers. In his view, the legitimacy of tribunals depended on maintaining a judicial posture that guarantees fair, consistent, and responsive justice serving both staff and management.

Judge Ziadé recalled that the IMFAT has historically benefited from eminent jurists, including past presidents Stephen M. Schwebel and Catherine O'Regan, and a bench comprising distinguished judges, including Edith Brown Weiss, present at the conference. The presence of the current IMFAT judges was also acknowledged, highlighting the Tribunal's continuity and increasing diversity in gender, geography, and legal background—reflecting its evolution in line with changing times.

Special appreciation was expressed to the prior IMFAT registrars—Philine Lachman, who established the role; Celia Goldman, who became the Tribunal's public face for 25 years and currently serves on another administrative tribunal in her own right; and Paul Jean Le Cannu, the current registrar, who brought fresh organizational vision and virtually single-handedly organized this event. Support from the Fund's general counsels, starting with François Gianviti and continuing through several successors, and from the Staff Association, including chair Kathryn Nelson-Indre, was acknowledged as critical to the IMFAT's sustained functioning. Data shared by Judge Ziadé indicated that the IMFAT has issued 85 judgments and 22 orders since its inception, noting an increase in cases over the past five years. While the caseload is lighter than some tribunals, the focus remains firmly on quality adjudication. Judge Ziadé described ongoing improvements to transparency, including an enhanced website with advanced research tools and procedural overviews, as well as plans to create more opportunities for more rigorous scholarship in international administrative law.

Judge Ziadé reaffirmed the vital contribution of the IMFAT through its enhancement of the Fund’s mission impact as well as its adding to the further development of international administrative law. By facilitating peaceful dispute resolution, upholding institutional standards, protecting individual rights, and ensuring due process, the IMFAT may serve as a model for both the Fund and its Member States. Its rich jurisprudence not only resolves internal disputes but also articulates guiding principles shaping the broader development of international administrative justice.

Mélida Hodgson, President of the American Society of International Law (ASIL), in turn expressed her thanks and appreciation to Judge Ziadé, the conference organizers, and the Registrar for their efforts in convening the event and acknowledged the inclusion of ASIL in the IMFAT’s anniversary celebrations.

Ms. Hodgson recalled the Society’s founding in 1906 by U.S. Secretary of State Elihu Root and highlighted its nonpartisan mission to foster the study of international law and nurture international relations grounded in law and justice. The Society’s membership of approximately 4,000 practitioners, academics, judges, and students spans the globe, with 40% outside the United States. As ASIL approaches its 120th year, its international relationships remain central. ASIL fosters the development of international law primarily through the convening of meetings and symposia, including recently the convening of its Judicial Advisory Board chaired by U.S. Supreme Court Justice Amy Coney Barrett. ASIL also seeks to advance international law through scholarship, dialogue, and community-building.

Ms. Hodgson underscored ASIL’s longstanding role as a forum for exploring the responsibility of international organizations. She observed that the IMFAT exemplifies judicial accountability within intergovernmental institutions by ensuring fair, good-faith, and due-process treatment of staff—an essential function connected to the IMF’s broader mission, as noted by Judge Ziadé. Ms.

Hodgson also referenced ASIL's recently established new international development law interest group.

Education is another part of ASIL's mission, aiming to inform practitioners, students, and the public about the international legal system. She noted that administrative tribunals often receive scant attention in teaching and scholarship, despite being integral to the architecture of the international rule of law. Recognizing institutions like the IMFAT broadens professional dialogue and promotes a holistic understanding of law operating beyond sovereign states.

Turning to the special partnership between ASIL and the IMFAT, Ms. Hodgson recalled ASIL's earlier co-sponsorship of the Tribunal's 20th anniversary and its pride in participating again in the 30th anniversary. She added that this connection is reinforced by Judge Ziadé's active ASIL involvement, including service on its Executive Council and Editorial Advisory Committee for *International Legal Materials*. She mentioned several past ASIL presidents, Judges Stephen M. Schwebel and Edith Brown Weiss, who have served on the IMF Administrative Tribunal. Ms. Hodgson noted that Judge Brown Weiss and recent past president Sean Murphy were key participants in the current celebrations, and that ASIL's International Law Fellow, Salim S. Sleiman, served as a Rapporteur for the Conference.

This collaboration is particularly salient today given contemporary pushback against international law and the rule of law in all their forms. The conference's theme, "International Administrative Law in Changing and Challenging Times," is very timely and reflects ongoing challenges that ASIL has been grappling with.

Ms. Hodgson emphasized the importance for organizations dedicated to promoting international law and the rule of law "to stay the course." The existing body of international rules must remain functional at all levels and in all roles. International law's goal of ensuring the rule of law is not

confined to the lofty level of ending conflicts but extends to everyday life and every level in institutional contexts. The IMF being a pillar of global economic governance, its activities affect the global economy as well as the thousands of its employees. The IMF Administrative Tribunal performs a critical role, providing recourse and rule-of-law assurances that matter profoundly when international law may seem remote or ineffective. This is especially significant for IMF staff who may not be U.S. citizens and rely on institutional adherence to the rule of law.

Ms. Hodgson recalled that the Tribunal functions as an independent judicial body resolving employment disputes between the IMF and its staff, designed to ensure consistency and incorporate diverse professional backgrounds of its members in its decisions. It is known for rigor, independence, and careful reasoning, fostering the development of international administrative law. Key features include acting as both court of first and last instance, rendering binding judgments, and operating in panels of three with the president sitting in every case to ensure coherence. Its judgments have regulatory impact beyond individual cases. The Tribunal's procedural flexibility enables it to find facts and administer due process while granting remedies that must be respected.

Through its existence and work, the Tribunal contributes to the rule of law within the IMF, reinforcing a core element of international financial rigor and stability. By incorporating general principles of international administrative law and universal human rights, including non-discrimination, the Tribunal helps harmonize standards across international organizations and contributes to a shared body of international law – a development ASIL keenly supports.

In conclusion, Ms. Hodgson reiterated the IMF's vital role in global economic governance and the Tribunal's essential function ensuring IMF accountability. The Tribunal's independence, jurisprudence, and procedural innovations strengthen fairness within the Fund and enhance the

legitimacy of international institutions more broadly. These qualities closely align with ASIL's values of principled decision-making, fairness, accountability, and fostering the evolution of international law.

Ms. Hodgson closed with congratulations for the IMFAT on its achievements and extended best wishes for the next decade of impactful work.

Nicola Bonucci, Vice-President of the *Société française pour le droit international* (French Society of International Law or SFDI, by its French acronym), opened with congratulations to the IMFAT on its 30th anniversary. He noted that the SFDI, having a long-standing interest in international organizations and international administrative law, has historically organized events on these topics. He also pointed out the early strong link between the IMFAT and international law in the person of its first president, Judge Stephen M. Schwebel, and its continuation through its 30th anniversary.

Mr. Bonucci shared his personal experience representing administrations before other tribunals such as the Administrative Tribunals of the International Labour Organization (ILO) and the Organisation for Economic Co-operation and Development (OECD), attesting to the high professionalism and expertise that characterize such tribunals. While recognizing that he would not settle the debate as to whether the French or the Germans invented administrative law, Mr. Bonucci suggested that all could agree that it is a European concept. It was therefore fitting for the SFDI to be present at this event. Mr. Bonucci added that in today's troubled times, collaboration among international law stakeholders was essential and the SFDI and its members were keen to work with the IMFAT and to consider further joint events.

Mr. Bonucci then focused on three points of relevance to contemporary challenges. First, drawing upon a landmark 1961 speech, "The International Civil Servant in Law and Fact" by the then

United Nations Secretary-General, Dag Hammarskjöld, Mr. Bonucci recalled the early struggles within the UN system to maintain staff independence. The United Nations Preparatory Commission initially proposed that official appointments be subject to member state government consent, a proposal later rejected by the majority of the UN members. This rejection, along with the 1949 advisory opinion of the International Court of Justice (ICJ) on the “Reparation for injuries suffered in the service of the United Nations,” helped to cement international organizations as independent entities.

Mr. Bonucci noted that administrative tribunals play a crucial role in protecting this independence in multiple ways, including by keeping disputes out of national courts; providing independent adjudication; ensuring rule-based administration; settling political differences; fostering community and accountability; producing stable jurisprudence; reducing political interference; and strengthening legitimacy. He wryly remarked that these points were generated by a question he posed to AI, but acknowledged its accuracy.

Second, Mr. Bonucci addressed the complex and evolving challenge of balancing the immunity of international organizations with the legal rights of individuals to seek judicial redress. He referenced an ongoing case before the French *Cour de Cassation* involving the European Space Agency as a timely illustration. Both national courts and international organizations continue to struggle with this balance, which requires an open, multi-stakeholder dialogue involving national courts, civil society, and staff members. Failure to manage this balance carefully could risk undermining organizational immunities, a possible outcome of the French litigation.

Third, Mr. Bonucci emphasized the role of administrative tribunals in upholding the integrity of international organizations, particularly in the event of staff misconduct allegations. Having represented administrations in cases involving disciplinary action, he recognized the delicate task

tribunals face in ensuring fairness and firmness in disciplinary processes.

Mr. Bonucci remarked that administrative tribunals are not criminal courts; however, some misconduct cases may involve criminal elements and require a high standard of evidence. Upholding due process and integrity through tribunal adjudications ultimately supports the independence of international organizations.

In conclusion, Mr. Bonucci reflected on the ongoing challenges faced by international organizations in preserving independence and maintaining effective internal justice. Referencing the 1956 ICJ advisory opinion on “Judgments of the Administrative Tribunal of the I.L.O. upon complaints made against the U.N.E.S.C.O.,” which recognized administrative tribunals as international tribunals with limited yet crucial jurisdiction, he cited its holding highlighting the vital role tribunals like the IMFAT play in enforcing staff regulations: “to ensure to the Organization the services of a personnel possessing the necessary qualifications of competence and integrity and effectively protected by guarantees in the matter of observance of the terms of employment and of the provisions of the Staff Regulations.”

Mr. Bonucci closed with a reminder of an enduring legal maxim articulated by Lord Chief Justice Howard in 1924: “Justice should not only be done but should manifestly and undoubtedly be seen to be done,” underscoring the importance of transparency and fairness in tribunal processes. Along with this, he extended his thanks for the audience’s attention and congratulated the IMFAT on its 30th anniversary milestone.

Dr. Olufemi Elias extended warm congratulations on the 30th anniversary of the International Monetary Fund Administrative Tribunal (IMFAT), and voiced his appreciation of the invitation to contribute to the event. He emphasized the close historical and operational ties between the IMF Administrative Tribunal and the World Bank Administrative Tribunal (of which he is a former

Executive Secretary), noting not only the physical proximity of their offices but also the fruitful exchange of judicial expertise over the years. Several eminent international law figures, including Professor Francisco Orrego Vicuña, Professor Jan Paulsson, and Judge Stephen M. Schwebel, were acknowledged for their contributions to this nexus.

Dr. Elias addressed the complex relationship between international administrative law, and public international law in the context of the IMFAT anniversary, highlighting the ongoing development of international administrative law. In doing so, he examined the debated nature of international administrative law, noting the diverse views found in academic and judicial discourse: international administrative law as pure public international law; denial of its status as international law altogether; status as international law but not public international law; and essentially as the internal law of international organizations. Dr. Elias suggested a middle ground: international administrative law constitutes a specialized branch of public international law. It is the “internal law” of international organizations and a species of international law.

Although the debate continues, what is clear from the contributions of the recent anniversary celebrations is the treaty basis of international administrative law. This solid treaty basis underpinning international administrative law was clearly affirmed by the International Court of Justice (ICJ) in its 1954 advisory opinion on the “Effects of awards made by the U.N. Administrative Tribunal.” While the UN Charter does not explicitly mention dispute resolution bodies, the ICJ inferred the legality and necessity of establishing such tribunals to fulfill the UN’s duties. The Charter’s provisions, particularly Chapter 15 on the Secretariat and its Article 101 on the civil service’s principles, underscore the necessity of mechanisms to resolve employment disputes fairly, all deriving from Article 2 of the Charter, establishing its purposes and principles.

Dr. Elias cited multiple ICJ advisory opinions (1954, 1956, 1973, 1982, 2012) to illustrate the

Court's consistent engagement in clarifying and supporting international administrative law norms. Further, the treaty basis of international administrative law – without clarifying whether international administrative law is public international law – is evidenced by Articles 38, 65, and 68 of the ICJ Statute, underpinned by Article 96.1 of the UN Charter establishing the Court's broad competence to apply "international law" (Article 38) as well as to address "any legal question" requested via advisory opinions (Article 65).

Dr. Elias emphasized the "inseparability" and close operational relationship between international law and international administrative law, noting that international administrative tribunals frequently interpret, apply, and rely on international law sources, including general principles of international law; treaties; customary international law; and rules of treaty interpretation.

Several examples were cited:

- The 2014 ruling of the Administrative Tribunal of the North Atlantic Treaty Organization (NATO) in Case No. 2013/1007 on the right to collective bargaining, which found no uniform practice of States, informed by a sense of legal obligation, sufficient to indicate a rule of customary international law relevant to international organizations like NATO.
- The UN Appeals Tribunal's acknowledgment in Judgment No. 2019-UNAT-921 that, while access to justice is a norm of customary international law, the UN Dispute Tribunal's jurisdiction was defined by the UN General Assembly and cannot be extended beyond its statutory limits, and any situation outside of such jurisdiction resulting in a violation of international customary law is a matter for the General Assembly, not the UNDT, to rectify.
- Cases of the Administrative Tribunal of the Asian Development Bank (AsDBAT) focusing on issues such as tax reimbursement claims based on international law and the absence of a customary international law requirement for legal representation in internal administrative reviews,

illustrating that “custom” is frequently invoked.

Further examples were mentioned of the extensive use of international legal instruments by international administrative tribunals, including human rights instruments (with over 400 decisions referencing such instruments according to a recent study); and international humanitarian law instruments (e.g., cases of the NATO Administrative Tribunal).

Specific reference was made to the 1990 ruling of the Administrative Tribunal of the Organization of American States about “equal pay for equal work,” asserting that in public international law, what is not explicitly permitted, whether written or unwritten, is prohibited.

Reiterating that the question of whether international administrative law is public international law is not the best or fruitful way of discussing the relationship between the two, Dr. Elias concluded that their inseparability or closeness is illustrated by the case law, including by the fact that international human rights law has become increasingly regularized within international administrative law discourse and tribunal rulings. A landmark example is the 2024 United Nations Human Rights Committee’s views on a communication by a former AsDB staff member challenging alleged improper termination. After the applicant went through the internal administration process and the AsDBAT upheld the termination, the applicant referred the matter to the Committee, which applied decisions from the European Court of Human Rights (the *Waite* and *Kennedy* cases) verbatim, effectively globalizing regional human rights jurisprudence on the right to a fair trial. In Dr. Elias’ view, this case illustrates the expansion and entrenchment of fair trial rights within the framework of international administrative law, reinforcing both legal standards and institutional mechanisms globally.

Dr. Elias concluded that debates about whether international administrative law and public international law are distinct regimes have not hindered adjudication by international

administrative tribunals. The 30th anniversary of the IMFAT marks a significant milestone in the continuing development of the relationship between international administrative law and public international law.