

# International Administrative Law and Dispute Resolution

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## Agenda



**Introduction**



**Why this  
topic matters?**



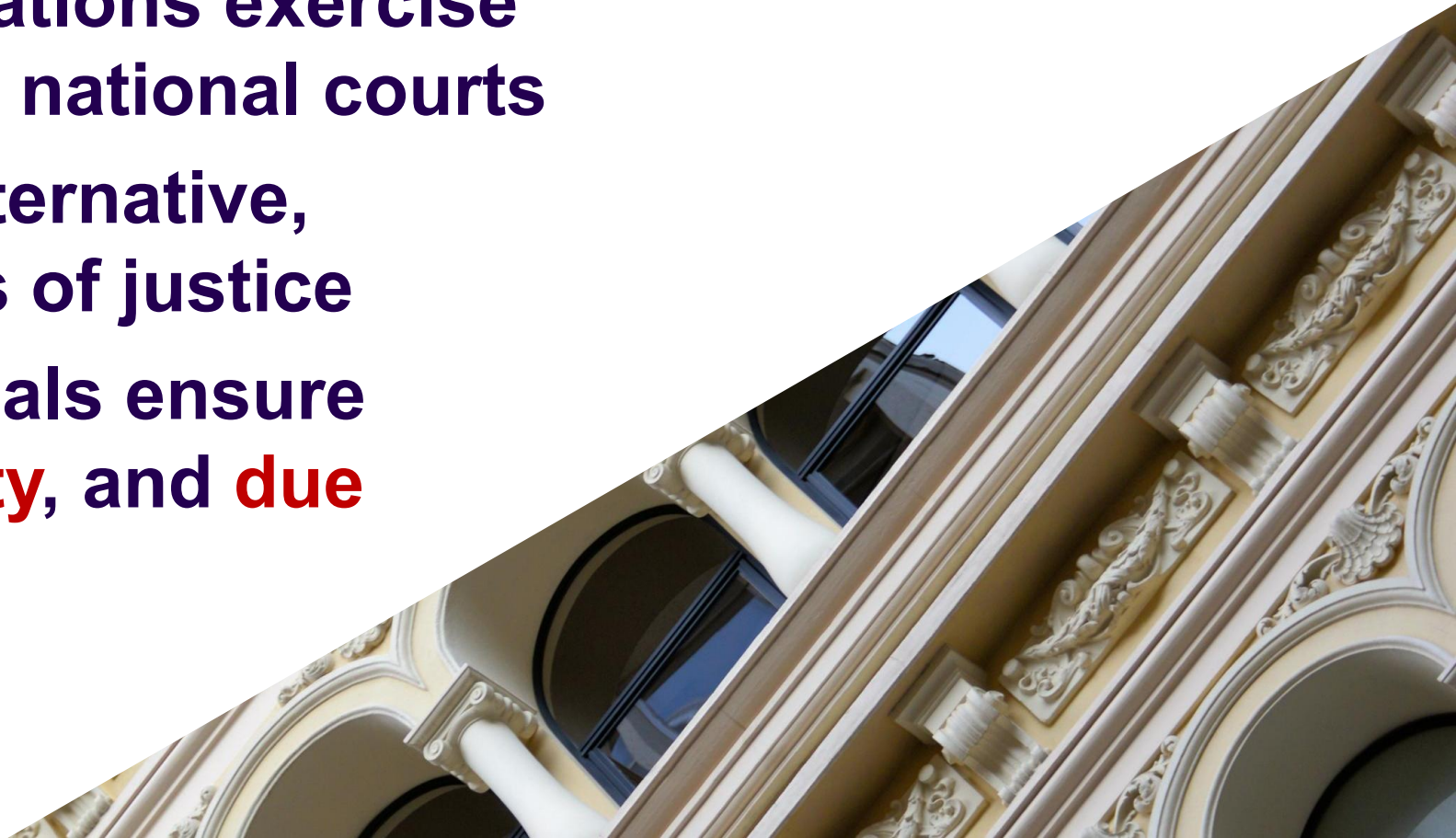
**Dispute resolution in  
International  
Organizations**



**A case study:  
the ILO  
Administrative  
Tribunal (ILOAT)**

## ► Why International Administrative Law Matters for Dispute Resolution

- International organizations exercise **public power** beyond national courts
- **Immunity** requires alternative, credible mechanisms of justice
- Administrative tribunals ensure **legality, accountability, and due process**



## Disputes in International Organizations: A Typology

- **Labour disputes (staff members)**
- **Contractual disputes (consultants, collaborators)**
- **Commercial disputes (procurement, construction, services)**
- **Inter-organizational and State-related disputes**

**Different disputes require different dispute resolution mechanisms**



## ► Why National Courts and Arbitration are not the default for labour disputes in international organizations

- **Privileges and immunities** exclude national jurisdiction
- No *jure imperii* / *jure gestionis*
- Labour disputes concern **legality of administrative acts**



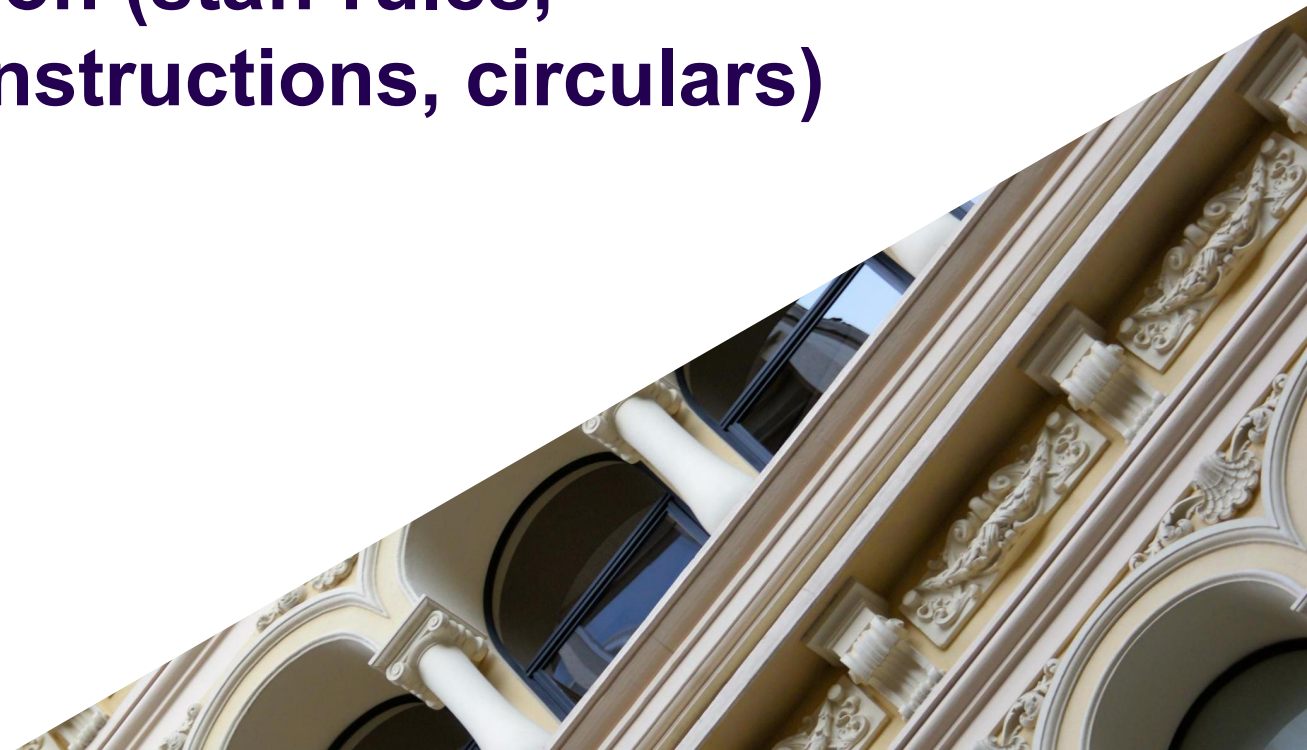
## Why Internal Justice is necessary

- Right to an **effective remedy**  
(Article 8, Universal Declaration of Human Rights)
- No exercise of power without remedies
- **Accountability** underpins institutional **legitimacy**
- Internal justice is a **Rule-of-Law** requirement
- Operation in various States calls for **equality of treatment.**



## Internal Justice as a Legal System

- **Self-contained** system of law
- **Internal law** of the organization (staff rules, regulations, administrative instructions, circulars)
- **General principles of law**
- **Limited role of national law**



## Models of Internal Justice

- **One-tier** systems: direct access to an international tribunal
- **Two-tier** systems: internal review followed by judicial review. Exception?
- Common objective: **control of legality**, not contractual balancing



## Why Arbitration is not suitable for Staff Disputes in International Organizations

- No genuine consent
- Public-law character of disputes; requires public-law remedies
- Remedies beyond damages
- Confidentiality undermines legitimacy
- Need for coherent jurisprudence
- Rule of law requires transparency



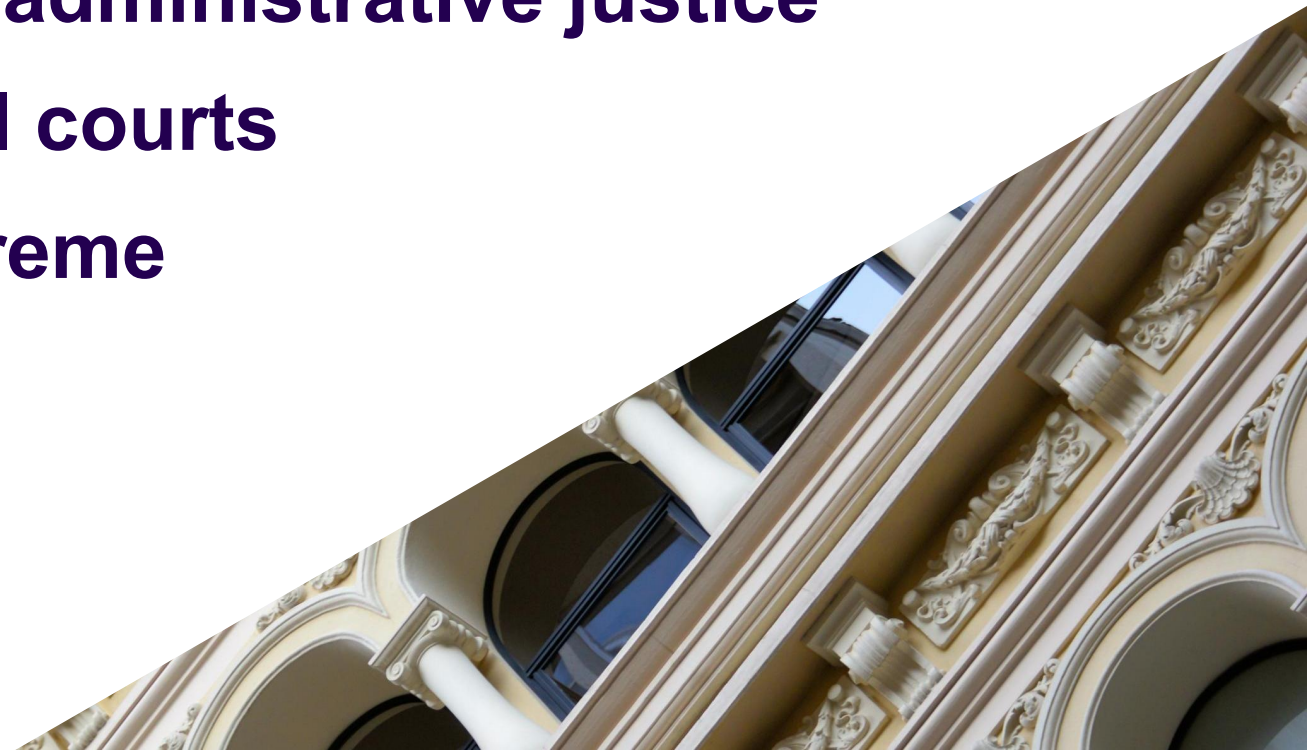
## International Administrative Tribunals

- Independent judicial bodies
- Operate outside national legal systems
- Ensure legality and due process
- At least around **30** in existence



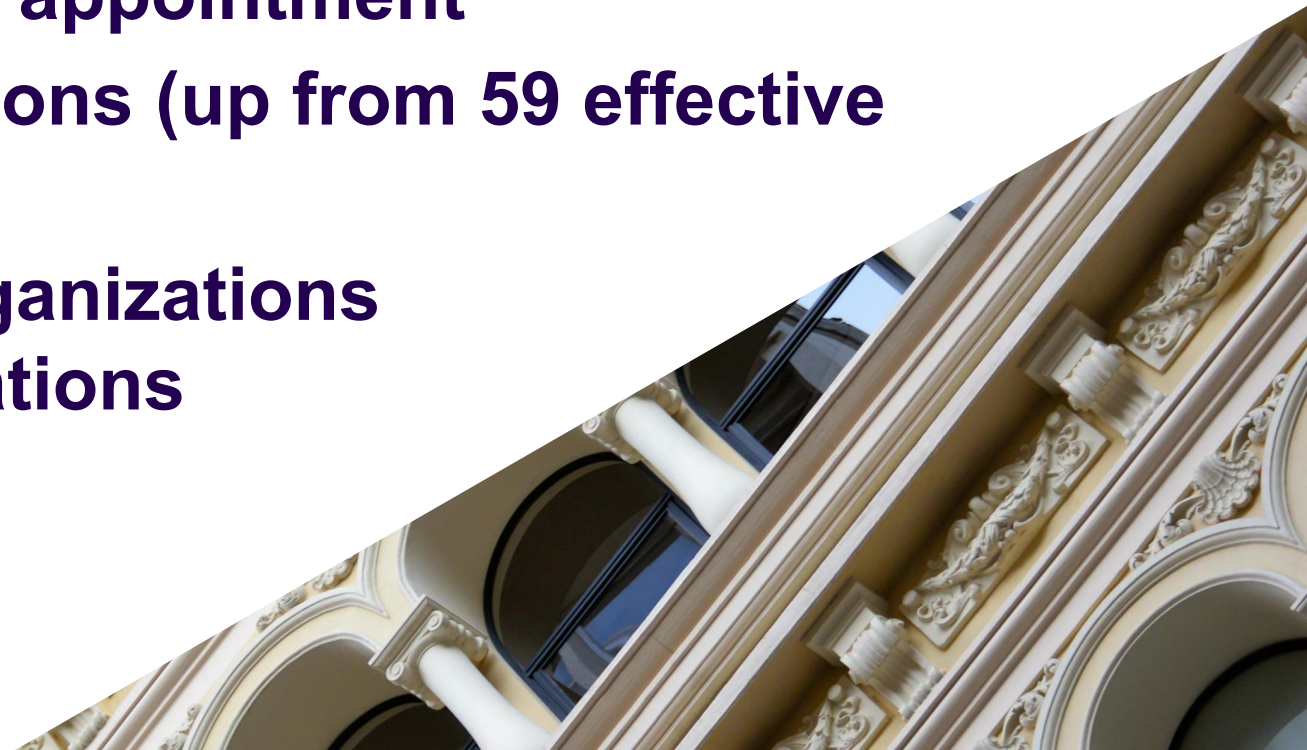
## ▶ The ILO Administrative Tribunal as a Case Study

- **Oldest** international administrative tribunal (100 years in 2027)
- **Central actor** in international administrative justice
- Adjudication without national courts
- **Seven** current or former Supreme Court Judges
- Working languages:  
**English** and **French**



## ▶ ILOAT Mandate and Jurisdiction

- **Judicial review** of the legality of administrative decisions
- Ensures observance of internal legal framework (e.g., staff regulations) and terms of appointment
- Jurisdiction over 61 organizations (up from 59 effective November 2025):
  - UN System International Organizations
  - Other International Organizations
  - European Organizations



## ▶ Adjudication Before the ILOAT: Standing

- **Serving officials**
- **Former officials**
- **Persons deriving rights from deceased officials**



## ▶ Adjudication Before the ILOAT: Key Features

- **Mandatory exhaustion of internal remedies**
- **Strict procedural deadlines**
- **Written procedure**
- **Judicial review, not de novo assessment**



## ▶ What ILOAT Jurisprudence Contributes to Dispute Resolution

- Procedural fairness
- **Limits** on institutional **discretion**
- Consistency and predictability
- Development of **general principles**
- Emphasis on **due process** and equality



## ▶ Notable Jurisprudential Themes

- **Exhaustion of internal recourse procedure and nature of decision**
- **Admissibility and Standing**
- **Benefits (e.g., post adjustment)**
- **Due process**
- **Procedural fairness and impartiality**



## Challenges in International Administrative Justice

- **Rising caseload**
- **Increasing subject-matter and procedural complexity**
- **Balancing efficiency vs due process**
- **Improving access**



## ▶ Adapting Without Losing Judicial Integrity

- Improving electronic filing
- Limiting length of submissions
- Summary procedures
- Exploring non-judicial use of AI



## ▶ **What Administrative Tribunals Teach About Dispute Resolution – Take aways for Arbitrators**

- **Justice without national courts is possible**
- **Consent is not the sole basis of legitimacy**
- **Due process constrains power**
- **Legitimacy through transparency and reasoning**
- **Limits of consent-based justice**



## Conclusion

- **International administrative justice is a necessary alternative where arbitration and national courts are not available**
- **It is not a Second-Best Solution**



# Administrative Tribunals and Arbitration – Key Differences?



# Thank You!