

Statute

as adopted by the Board of Governors on 30 April 1980 and amended
on 31 July 2001 and on 18 June 2009

• Article I

1. There is hereby established a Tribunal of the International Bank for Reconstruction and Development (hereinafter referred to individually as the "Bank"), the International Development Association and the International Finance Corporation (together with the Bank hereinafter referred to collectively as the "Bank Group") to be known as the World Bank Administrative Tribunal.

2. The Tribunal is a judicial body that functions independently of the management of the Bank Group. The independence of the Tribunal shall be guaranteed and respected by the Bank Group at all times.

• Article II

1. The Tribunal shall hear and pass judgment upon any application by which a member of the staff of the Bank Group alleges non-observance of the contract of employment or terms of appointment of such staff member. The words "contract of employment" and "terms of appointment" include all pertinent regulations and rules in force at the time of alleged non-observance including the provisions of the Staff Retirement Plan.

2. No such application shall be admissible, except under exceptional circumstances as decided by the Tribunal, unless:

(i) the applicant has exhausted all other remedies available within the Bank Group, except if the applicant and the respondent institution have agreed to submit the application directly to the Tribunal; and

(ii) the application is filed within one hundred and twenty days after the latest of the following:

(a) the occurrence of the event giving rise to the application;

(b) receipt of notice, after the applicant has exhausted all other remedies available within the Bank Group, that the relief asked for or recommended will not be granted; or

(c) receipt of notice that the relief asked for or recommended will be granted, if such relief shall not have been granted within thirty days after receipt of such notice.

3. For the purpose of this statute:

the expression "member of the staff" means any current or former member of the staff of the Bank Group, any person who is entitled to claim upon a right of a member of the staff as a personal representative or by

reason of the staff member's death, and any person designated or otherwise entitled to receive a payment under any provision of the Staff Retirement Plan.

- **Article III**

In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by the Tribunal.

- **Article IV**

1. The Tribunal shall be composed of seven members, all of whom shall be nationals of Member States of the Bank, but no two of whom shall be nationals of the same State. The members of the Tribunal shall be persons of high moral character and must possess the qualifications required for appointment to high judicial office or be jurisconsults of recognized competence in relevant fields such as employment relations, international civil service and international organization administration. Current and former staff of the Bank Group shall not be eligible to serve as members of the Tribunal and members may not be employed by the Bank Group following their service on the Tribunal.

2. The members of the Tribunal shall be appointed by the Executive Directors of the Bank from a list of candidates nominated by the President of the Bank after appropriate consultation. For this purpose, the President shall appoint an advisory committee composed of four members with relevant experience.

3. The members of the Tribunal shall be appointed for a term of five years; they may be reappointed for one additional term of five years. However, of the seven members appointed in 2001, the terms of three members shall expire at the end of three years. Any member who shall have served one or more full terms of office as of October 1, 2001 shall be eligible for reappointment for one additional term.

4. A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term, and may be appointed and reappointed in accordance with the provisions of paragraphs 2 and 3 of this Article IV.

5. The members of the Tribunal shall hold office until replaced.

6. Members of the Tribunal shall enjoy the same immunities that apply to officials of the Bank Group with respect to acts performed by them in the exercise of their functions.

- **ARTICLE V**

1. A quorum of five members shall suffice to constitute the Tribunal.
2. The Tribunal may, however, at any time form a panel of not less than three of its members for dealing with a particular case or group of cases. Decisions of such a panel shall be deemed to be taken by the Tribunal.

- **ARTICLE VI**

1. The Tribunal shall elect a President and two Vice-Presidents from among its members.
2. The President of the Bank shall make the administrative arrangements necessary for the functioning of the Tribunal, including designating an Executive Secretary who, in the discharge of duties, shall be responsible only to the Tribunal.
3. The expenses of the Tribunal shall be borne by the Bank Group. The Tribunal shall prepare and manage its budget independently.

- **ARTICLE VII**

1. Subject to the provisions of the present Statute, the Tribunal shall establish its rules.
2. The rules shall include provisions concerning:
 - (a) election of the President and Vice-Presidents;
 - (b) constitution of panels envisaged in Article V above;
 - (c) presentation of applications and the procedure to be followed in respect of them;
 - (d) intervention by persons to whom the Tribunal is open under paragraph 3 of Article II, whose rights may be affected by the judgment;
 - (e) hearing, for purposes of information, of persons to whom the Tribunal is open under paragraph 3 of Article II; and
 - (f) other matters relating to the functioning of the Tribunal.

- **ARTICLE VIII**

1. The Tribunal shall hold sessions at dates to be fixed in accordance with its rules.

2. The Tribunal shall hold its sessions at the principal office of the Bank, unless it considers that the efficient conduct of the proceedings upon an application necessitates holding sessions elsewhere.

- **ARTICLE IX**

The Tribunal shall decide in each case whether oral proceedings are warranted. Oral proceedings shall be held in public, unless the Tribunal decides that exceptional circumstances require that they be held in private.

- **ARTICLE X**

1. The Tribunal shall take all its decisions by a majority of the members present.

2. In the event of an equality of votes, the President or the member who acts in such place shall have a casting vote.

- **ARTICLE XI**

1. Judgments shall be final and without appeal.

2. Each judgment shall state the reasons on which it is based. Dissenting and concurring opinions, as well as clarifications, may be set out in the judgment.

- **ARTICLE XII**

1. If the Tribunal finds that the application is well-founded, it shall order the rescission of the decision contested or the specific performance of the obligation invoked unless the Tribunal finds that the Respondent institution has reasonably determined that such rescission or specific performance would not be practicable or in the institution's interest. In that event, the Tribunal shall, instead, order such institution to pay restitution in the amount that is reasonably necessary to compensate the applicant for the actual damages suffered.

2. Should the Tribunal find that the procedure prescribed in the rules of the respondent institution has not been observed, it may, at the request of the President of such respondent and prior to the determination of the merits, order the case remanded for institution or correction of the required procedure.

3. In all applicable cases, compensation fixed by the Tribunal shall be paid by the respondent institution.

4. The filing of an application shall not have the effect of suspending execution of the decision contested.

• **ARTICLE XIII**

1. A party to a case in which a judgment has been delivered may, in the event of the discovery of a fact which by its nature might have had a decisive influence on the judgment of the Tribunal and which at the time the judgment was delivered was unknown both to the Tribunal and to that party, request the Tribunal, within a period of six months after that party acquired knowledge of such fact, to revise the judgment.

2. The request shall contain the information necessary to show that the conditions laid down in paragraph 1 of this Article have been complied with. It shall be accompanied by the original or a copy of all supporting documents.

• **ARTICLE XIV**

The original copy of each judgment shall be filed in the archives of the Bank. A copy of the judgment shall be delivered to each of the parties concerned. Copies shall also be made available on request to interested persons.

• **ARTICLE XV**

The Bank may make agreements with any other international organization for the submission of applications of members of their staff to the Tribunal. Each such agreement shall provide that the organization concerned shall be bound by the judgments of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that organization; the agreement shall also include, *inter alia*, provisions concerning the organization's participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing of the expenses of the Tribunal.

• **ARTICLE XVI**

The present Statute may be amended by the Board of Governors of the Bank.

• **ARTICLE XVII**

Notwithstanding Article II, paragraph 2 of the present Statute, the Tribunal shall be competent to hear any application concerning a cause of complaint which arose subsequent to January 1, 1979, provided, however, that the application is filed within 90 days after the entry into force of the present Statute.