Code of Ethics for Members of the Asian Development Bank Administrative Tribunal

1. **Aim.** This Code of Ethics aims to provide guidance to the members of the Asian Development Bank Administrative Tribunal.

2. **Provisions in the Statute: moral character, independence, recusal and removal.** The Tribunal recalls that its Statute includes the following provisions (in italics) relating to the conduct of its members:

   (a) Article IV, paragraph 1 – “The members of the Tribunal shall be persons of high moral character.” This Article also includes restrictions on the members’ past, current or future employment with the Bank which are to be respected. A Tribunal member “shall not be eligible to become a staff member of the Bank for a period of five years after the expiry of [his or her] appointment.” (Article IV, paragraph 1). In this period, a former member should also not represent any party in proceedings before the Tribunal.

   (b) Article IV, paragraph 4 – “Any member who has an actual or potential conflict of interest in a case shall recuse himself or herself.” The member must state the reason for the recusal to the President. If the President has an actual or potential conflict of interest, he or she must state the reason to the Vice-President.

   (c) Article IV, paragraph 5 - “A member of the Tribunal may be removed from office by a majority decision of the Board of Directors upon the unanimous recommendation of the other members that he or she is unsuited for further service.” Any member of the Tribunal suffering from an illness or other circumstances that might impair his or her ability to perform judicial duties should inform the President of the Tribunal; if such circumstances affect the President, he or she should inform the Vice-President.

   (d) Article IV, paragraph 6 – “In rendering their judgments, the members of the Tribunal shall be completely independent and shall not receive any instructions from any person or entity or be subject to any constraint in connection therewith.” The words “person or entity” are understood to include in particular employees and officers of the Bank, representatives of a national delegation, representatives of the Staff Council, members of the Appeals Committee, a party before the Tribunal and a party’s legal representative. The members of the Tribunal must adjudicate matters without favour or bias.

3. **Confidentiality.** Members of the Tribunal are to respect the confidentiality of its deliberations and of the information provided to them in relation to Tribunal proceedings.

4. **No ex parte communications.** Members of the Tribunal must not initiate or consider **ex parte** communications.
5. **Restrictions on gifts and other benefits.** Members of the Tribunal may not, directly or indirectly, solicit or accept any gift, monetary benefit, compensation, advantage or privilege that can be reasonably perceived as likely to influence them in favor of a particular party.

6. **Integrity; no misuse of office.** Members of the Tribunal are not to misuse or lend the prestige of judicial office to advance their own private interests or the private interests of others. Privileges and immunities accorded to a member are to be invoked only in line with their purpose, and not for any personal advantage.

7. **Avoiding compromising actions or public views.** Members of the Tribunal are expected to take care that their actions or public expressions of personal views do not compromise, or appear to compromise, the performance of judicial duties or the interests of the Tribunal.

8. **Respect and impartiality.** Members of the Tribunal are expected to treat colleagues, officers of the Tribunal, staff, parties and other persons appearing before the Tribunal with respect and impartiality.

9. **Requests of the President.** Members of the Tribunal are expected to respect and comply with the reasonable administrative requests of its President.

10. **Diligence.** Members of the Tribunal must perform all assigned judicial duties diligently and dispose of judicial work promptly in a professional manner.

11. **Maintaining professional competence.** Members of the Tribunal are expected to take reasonable steps to maintain the necessary level of professional competence and remain informed about developments in international administrative law.

Manila, 28 February 2018
Lakshmi Swaminathan

President

Gillian Triggs
Vice President

Shin-ichi Ago
Member

Anne Trebilcock
Member

Chris de Cooker
Member