

COMMONWEALTH SECRETARIAT ARBITRAL TRIBUNAL

Code of Judicial Conduct

(Adopted by the Commonwealth Secretariat Arbitral Tribunal, May 2023)

This Code of Judicial Conduct is intended to establish standards for the ethical conduct of the President and Judges (together, “Members”) of the Commonwealth Secretariat Arbitral Tribunal (“Tribunal”), supplementary to the Statute and Rules of the Tribunal.

ARTICLE 1: INDEPENDENCE

1. Members shall exercise their judicial functions independently, in accordance with the Statute and Rules of the Tribunal, without direct or indirect external interference.

ARTICLE 2: IMPARTIALITY

1. Members shall act at all times with impartiality and shall adjudicate matters without actual or potential bias. For the purposes of this *Code of Judicial Conduct*, “potential bias” shall have the same meaning as “apparent bias”.
2. A Member who has an actual or potential conflict of interest in a case shall recuse himself or herself.
3. Members shall ensure that their conduct at all times maintains the confidence of all in the impartiality of the Tribunal and avoid situations that might give rise to the reasonable perception of favouritism or partiality.
4. Members shall take care that any public expression of personal views or convictions does not compromise, nor appear to compromise, the performance of judicial duties or the interests of the Tribunal.
5. Members shall not directly or indirectly negotiate or accept any remuneration, income, compensation, gift, benefit or privilege that may be reasonably perceived either as a reward or likely to influence them in favour of a particular party.

ARTICLE 3: INTEGRITY

1. Members shall ensure that their personal conduct is above reproach. They shall act in such a way that will sustain and contribute to public respect and confidence in the Tribunal.

2. Members shall demonstrate integrity, impartiality and good judgement in accordance with the principles set out in this *Code of Judicial Conduct*.
3. Members shall uphold the law and ensure they observe the laws of the country in which they reside, work or visit, so as not to be perceived as abusing the privileges and immunities conferred on the Commonwealth Secretariat.

ARTICLE 4: COMPETENCE AND DILIGENCE

1. Members shall perform all assigned judicial duties diligently and dispose of judicial work expeditiously and in a professional manner.
2. Judges shall respect, and comply with, reasonable administrative requests of the President of the Tribunal.
3. Judges shall inform the President of the Tribunal should they suffer from an illness or other circumstances that might impair their ability to perform their judicial duties.
4. Members shall take reasonable steps to maintain the necessary level of professional competence and remain informed about developments in international administrative law.

ARTICLE 5: PROPRIETY

1. Members shall personally exhibit and promote high standards of judicial conduct to ensure confidence in the independence and integrity of the Tribunal.
2. Members shall not comment publicly on the merits of any matter pending before the Tribunal.
3. Members shall not initiate, permit or consider *ex parte* communications concerning a pending matter.
4. Members shall observe the rule that deliberations of the Tribunal are confidential.
5. Members shall respect and safeguard the confidentiality of information which is made known to them as a result of the performance of their official duties.
6. Members are expected to treat colleagues, staff and parties before the Tribunal with courtesy and respect.
7. Members shall not use or lend the prestige of their office with the Tribunal to advance their private interests or those of their family members or anyone else.
8. Members shall cooperate with any formal inquiry into their conduct in office.
