



World Bank Group Other

The WBG Administrative Tribunal

Bank Access to Information Policy Designation

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Content

The purpose of this document is to set forth the Statute adopted by the Board of Governors on April 30, 1980, and amended on July 31, 2001 and on June 18, 2009 for the convenience of Staff. This document also sets forth the essential governing and operating rules relating to the Tribunal that have been adopted by the Board of Governors, the Board of Executive Directors, the Bank management and the Tribunal.

Applicable to

IBRD,IFC,MIGA,ICSID,IDA

Issuer

President, IBRD/ IDA, IFC and MIGA, EXC

Sponsor

Executive Secretary, WBT

SECTION I – PURPOSE AND APPLICATION

1.01 The purpose of this document is to set forth the Statute adopted by the Board of Governors and Rules adopted by the Tribunal for the convenience of Staff. This document also sets forth the essential governing and operating rules relating to the Tribunal that have been adopted by the Board of Governors, the Board of Executive Directors, the Bank management and the Tribunal.

1.02 This document applies to World Bank Group.

SECTION II – DEFINITIONS

2.01 As used in this document, the capitalized terms and acronyms have the meanings set out in the Statute.

SECTION III – SCOPE

3.01 The World Bank Administrative Tribunal hears and passes judgment upon applications of Staff and others as provided in its Statute, adopted by the Board of Governors, and its Rules, adopted by the Tribunal. Link to the Statute and Rules of the Tribunal is set forth for the convenience of Staff in [Annex A](#) to this document.

3.02 The Board of Governors, the Board of Executive Directors, the Bank management, and the Tribunal have adopted certain essential governing and operating rules relating to the Tribunal. These rules must be complied with in dealing with affairs of the Tribunal. These rules are contained in The Essential Governing and Operating Rules Relating to the Tribunal. Link to The Essential Governing and Operating Rules Relating to the Tribunal is set forth for the convenience of Staff in Annex B to this document.

SECTION IV – EXCEPTION

N/A

SECTION V – WAIVER

N/A

SECTION VI – OTHER PROVISIONS

N/A

SECTION VII – TEMPORARY PROVISIONS

N/A

SECTION VIII – EFFECTIVE DATE

The Statute was adopted by the Board of Governors on April 30, 1980, and amended on July 31, 2001 and on June 18, 2009.

SECTION IX – ISSUER

The issuers of this document are as stated on its cover page.

SECTION X – SPONSOR

The sponsors of this document are as stated on its cover page.

SECTION XI – RELATED DOCUMENTS

N/A

ANNEX(ES)

[Annex A: Statute and Rules of the Administrative Tribunal of the IBRD, IDA and IFC](#)

Annex B: The Essential Governing and Operating Rules Relating to the Tribunal

Questions regarding this document should be addressed to the Sponsor.

Annex B: The Essential Governing and Operating Rules Relating to the Tribunal

Background note

The Board of Governors established the Tribunal in 1980. Since then, the Board of Governors and the Board of Executive Directors have put in place certain governing rules to ensure that the Tribunal operates as a truly independent judicial body. Based on these decisions of the Board of Governors and the Board of Executive Directors, further governing rules have been developed and agreed on by the Bank management and by the Tribunal. This document entitled *The Essential Governing and Operating Rules Relating to the Tribunal* contains the essential governing and operating rules that must be complied with regarding any matter related to the affairs of the Tribunal.

Under Article I(2) of the Statute of the Tribunal, the Board of Governors obligates that: “The independence of the Tribunal shall be guaranteed and respected by the Bank Group at all times.” Under Article VI(2) of the Statute of the Tribunal, the Board of Governors imposes an obligation on the President of the Bank Group to “make the administrative arrangements necessary for the functioning of the Tribunal.” In line with Article VI(2), the President of the Tribunal requested the President of the Bank Group to issue a document containing these various governing and operating rules relating to the Tribunal for ease of reference and compliance. Accordingly, the President of the Bank Group has decided to issue *The Essential Governing and Operating Rules Relating to the Tribunal*.

Independence from management

1. 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.¹

Budget

2. The expenses of the Tribunal shall be borne by the Bank Group. The Tribunal shall prepare and manage its budget independently.²

3. The budget of the Tribunal shall be treated as a separate budget item that is not fungible with that of any other administrative unit within the Bank Group, including the units within the Conflict Resolution System or Internal Justice Services; the President of the Tribunal shall submit

¹ Decision of the Board of Governors: Article I(2) of the Statute of the Tribunal.

² Decision of the Board of Governors: Article VI(3) of the Statute of the Tribunal.

the Tribunal's budget to the President of the Bank Group for submission to the Board of Executive Directors as part of the Bank's administrative budget request, and the Board of Executive Directors and the President of the Tribunal shall be advised if any changes are recommended to that budget by the President of the Bank Group.³

Unique status as a judicial body

4. The Tribunal does not fall within any administrative unit within the Bank Group, including the Conflict Resolution System or Internal Justice Services or any other group. The Tribunal does not report to the Board of Executive Directors administratively, but it could provide reports to the Board, separately from reporting by Management.⁴

5. The Tribunal shall receive administrative assistance from the Office of the Vice President and Corporate Secretary. The Tribunal could be administratively linked with that Office or any other unit that is not part of the Senior Management Team. The provision of administrative assistance or administrative linkage with any unit does not create a reporting line nor does the Tribunal become part of that unit.⁵

Application of general rules of the Bank Group

6. The Bank Group's administrative rules, policies, and systems (including budget, accounting, human resources, information management, disclosure, technology, procurement, security and travel) shall be applied within the Tribunal and its Secretariat under the direction of the President of the Tribunal; the staff of the Tribunal's Secretariat shall not participate in activities deemed by the President of the Tribunal to be incompatible with the Tribunal's independent status; and documents and archives of the Tribunal should be maintained separately from the documents and archives of the Bank, in accordance with Administrative Manual Statement 10.11.⁶

³ Decision of the Board of Executive Directors: Memorandum from the President of the Bank to the Executive Directors: *Enhancing the Bank's Administrative Tribunal and Strengthening its Independence*, February 19, 2009 (R2009-0023), paragraph 13; Minutes of Joint Meeting of the Executive Directors of the Bank and IDA and the Boards of Directors of IFC and MIGA, held on Tuesday, April 21, 2009.

⁴ Decision of the Board of Executive Directors: Memorandum from the President of the Bank to the Executive Directors: *Enhancing the Bank's Administrative Tribunal and Strengthening its Independence*, February 19, 2009 (R2009-0023), paragraph 13; Minutes of Joint Meeting of the Executive Directors of the Bank and IDA and the Boards of Directors of IFC and MIGA, held on Tuesday, April 21, 2009.

⁵ Based on prior practice and agreement between the President of the Bank and the President of the Tribunal.

⁶ Decision of the Board of Executive Directors: Memorandum from the President of the Bank to the Executive Directors: *Enhancing the Bank's Administrative Tribunal and Strengthening its Independence*, February 19, 2009 (R2009-0023), paragraph 13; Minutes of Joint Meeting of the Executive Directors of the Bank and IDA and the Boards of Directors of IFC and MIGA, held on Tuesday, April 21, 2009.

Office of the Executive Secretary

7. The Executive Secretary in the discharge of duties shall be responsible only to the Tribunal.⁷ The Executive Secretary reports to the President of the Tribunal.⁸

8. The President of the Tribunal shall conduct the performance evaluation and determine the performance rating of the Executive Secretary.⁹

9. The appointment of the Executive Secretary shall consist of a five-year term, renewable upon the recommendation of the President of the Tribunal, without limitation to the number of renewals. The President of the Tribunal shall consult with the President of the Bank Group prior to the renewal of the Executive Secretary's appointment.¹⁰

⁷ Decision of the Board of Governors: Article VI(2) of the Statute of the Tribunal.

⁸ Long-standing Bank and Tribunal practice pursuant to Article VI(2) of the Statute of the Tribunal. Also confirmed by the prior President of the Bank – the President of the Bank's January 22, 2008 announcement regarding the appointment of the Executive Secretary of the Tribunal.

⁹ Long-standing Bank and Tribunal practice pursuant to Article VI(2) of the Statute of the Tribunal. Also based on the decision of the Board of Executive Directors. *See* Decision of the Board of Executive Directors: Memorandum from the President of the Bank to the Executive Directors: *Enhancing the Bank's Administrative Tribunal and Strengthening its Independence*, February 19, 2009 (R2009-0023), paragraph 13. Minutes of Joint Meeting of the Executive Directors of the Bank and IDA and the Boards of Directors of IFC and MIGA, held on Tuesday, April 21, 2009. Also codified in Rule 4(2) of the Rules of the Tribunal.

¹⁰ Codified in Rule 4(3) of the Rules of the Tribunal. In 2014, the Bank commissioned an independent panel to review the Tribunal. The panel was asked to examine whether any term limit should be imposed even though no such term limit exists in Staff Rules or Statute and Rules of the Tribunal. The panel recommended against any term limit for the position of the Executive Secretary and cited several reasons. This recommendation was later discussed by relevant stakeholders in the Bank – management, Legal Vice Presidency, Staff Association, Internal Justice Services, and the Tribunal. After a series of meetings and discussions, in 2016 the stakeholders agreed to the recommendation of the independent panel. Accordingly, the Senior Management Team agreed to accept the no term-limit proposal and urged the Tribunal to take necessary actions. The Tribunal then amended its rules to incorporate this principle. *See* Rule 4(3) of the Rules of the Tribunal.