

BICAM's Code of conduct for Arbitrator

Preamble

The Borneo International Centre for Arbitration and Mediation (BICAM) is committed to upholding the highest standards of professionalism, integrity, and ethical conduct in all arbitration proceedings. This Code of Conduct serves as a guiding framework for arbitrators and mediators affiliated with BICAM, ensuring the fair, impartial, and efficient resolution of disputes.

Appointment

Arbitrators and mediators shall disclose any potential conflicts of interest, financial or personal, directly or indirectly, that may compromise their impartiality or independence before taking up any appointment of a matter. They must refrain from accepting any appointment where such conflicts exist or may reasonably appear to exist. The International Bar Association's (IBA) Guidelines on Conflict of Interest in International Arbitration will be a point of reference in determining the disclosure requirements and whether an Arbitrator is conflicted.

Disclosure

A potential Arbitrator and Mediator shall disclose any information to BICAM, the Parties, and/or co-Arbitrators (if applicable) that could potentially affect their independence or impartiality.

A prospective arbitrator shall promptly disclose to BICAM and the parties:

- Any past or current significant personal or business affiliations, whether direct or indirect, with any party involved in the dispute, any representative of a party, or any potential key witness in the dispute.
- All information within the arbitrator's possession related to the dispute in advance.

Communication

Before accepting an appointment, an Arbitrator may only enquire as to the general nature of the dispute, the names of the Parties, the amount in dispute and the expected time period required for the proceeding.

No Arbitrator shall confer with any of the Parties or their Representatives until after BICAM communicates the appointment to the Parties and/or the Parties' Representatives.

During the arbitration process, an Arbitrator must refrain from engaging in private or unilateral meetings or communications with any party, legal counsel, or any representative of a party regarding the matters pertinent to the dispute.

Arbitrator shall ensure that documents are uploaded to the BICAM's case management system portal and both parties are notified with the same via email.

Conduct of the arbitration proceedings

An Arbitrator must maintain continuous communication with BICAM regarding the progress of the arbitration proceedings.



BORNEO INTERNATIONAL CENTRE FOR ARBITRATION AND MEDIATION BERHAD (BICAM)

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Before issuing the Award, an Arbitrator is required to verify the deposit status made by the Parties or Party with BICAM.

Once the arbitration proceedings commence, it is incumbent upon the Arbitrator to thoroughly familiarize themselves with all information pertaining to the case to ensure a proper understanding of the dispute

Arbitrators shall conduct proceedings with transparency, ensuring that all parties have an equal opportunity to present their case and access relevant information.

Arbitrators shall conduct proceedings efficiently and without undue delay, seeking to resolve disputes in a timely manner.

Arbitrators shall draft the Award solely on the merits of the case, without any bias or prejudice towards any party.

Fees

Upon accepting an appointment, an arbitrator hereby agrees to abide by the arbitrator's fees as stipulated under the BICAM's Arbitration Rules 2023. The arbitrator shall refrain from entering into any unilateral agreements with either party or their representatives regarding additional fees and/or expenses, unless such agreements are mutually consented to in writing by both parties and communicated to BICAM.

Amendment and Review

Amendment: BICAM may amend this BICAM's Code of Conduct for Arbitrator as necessary to align with evolving best practices and legal requirements.

Confidentiality

Any correspondence between an Arbitrator and Parties shall remain private and confidential and shall not be copied to anyone other than the Parties to the dispute, their Representatives (if any) and the BICAM, unless the Parties agree otherwise.

The Code of Conduct is not intended to provide grounds for the setting aside of any award and/or order issued in the course of arbitration proceedings.



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