
KIGALI INTERNATIONAL ARBITRATION CENTRE (KIAC)

CODE OF CONDUCT FOR ARBITRATORS

Introduction

By being admitted to the KIAC Panel of Arbitrators, each arbitrator undertakes to adhere to these principles and standards of conduct.

For other arbitrators appointed by parties but not on the KIAC panel of arbitrators; each arbitrator appointed by a party and confirmed by KIAC is required to sign a copy of this code of conduct. Signing a copy means that one accepts to adhere to these principles and standards of conduct.

This code of conduct is not intended to provide ground for the setting aside of any award

1. Good standing

The arbitrator undertakes to remain at all times a KIAC panelist in good standing.

2. Cooperation with the Secretariat

The arbitrator undertakes to co-operate with the KIAC Secretariat in order to facilitate their work in administering any arbitration to which he is appointed as arbitrator.

3. Independence and impartiality

3.1 A prospective arbitrator shall be and remain independent and impartial.

3.2 An arbitrator shall accept an appointment only if he is fully satisfied that he is able to discharge his duties without bias. The criteria for assessing questions relating to bias are impartiality and independence. Partiality arises when an arbitrator favors one of the parties or where he is prejudiced in relation to the subject matter of the dispute. Dependence arises from relationship between an arbitrator and one of the parties, or with someone closely connected with one of the parties.

3.3 Any close personal relationship or current direct or indirect business relationship between an arbitrator and a party, or any representative of a party, or with a person who is known to be a potentially important witness, will normally give rise to justifiable doubts as to a prospective arbitrator's impartiality or Independence. Past business relationship will only give rise to justifiable doubts if they are of such magnitude or nature as to be likely to affect a prospective arbitrator's judgment. He should decline to accept an appointment in such circumstances unless the parties agree in writing that he may proceed.

4. Disclosure

4.1 A prospective arbitrator shall disclose all facts or circumstances that may give rise to justifiable doubts as to his Impartiality or independence, such duty to continue throughout the arbitral proceedings with regard to new facts and circumstances.

4.2 A prospective arbitrator shall disclose to the Secretary General or his/her designee and any party who approaches him for a possible appointment:

- (a) Any past or present close personal relationship or business relationship, whether direct or indirect with any party to the dispute, or any representative of a party, or any person known to be a potentially important witness in the arbitration;
- (b) The extent of any prior knowledge he may have of the dispute

5. Availability

An arbitrator shall accept his/her mandate if he is able to give to the arbitration the time and attention which the parties are reasonably entitled to expect.

6. Communications

6.1 No arbitrator shall communicate with any of the parties or their counsel until after the Secretariat gives notice of the formation of the tribunal to the parties.

6.2 Throughout the arbitral proceedings, an arbitrator shall avoid any unilateral communications regarding the case with any party, or its representatives.

7. Fees

8.1 In accepting an appointment, an arbitrator agrees to the remuneration as settled by the KIAC rules, and he shall make no unilateral arrangement with any of the parties or their counsel for any Additional fees.

8.2 All matters relating to arbitrator's fees and expenses shall be dealt with the secretariat.

8. Confidentiality

The arbitration proceedings shall remain confidential. An arbitrator is in a relationship of trust to the parties and should not, at any time, use confidential information acquired during the course of the proceeding to gain personal advantage.