



# ASSOCIATION OF ARBITRATORS (SOUTHERN AFRICA) NPC

Enterprise Registration Number: 2015/078416/08

Enterprise Registration Date: 9 March 2015

## CODE OF ETHICS

**Revision 2**

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# CODE OF ETHICS

## Introduction

1. This code is intended to apply to all members of the Association of Arbitrators (Southern Africa) NPC (“the Association”) who act as arbitrators, adjudicators, mediators, referees or the like. They will in this code be referred to as “arbitrators”.
2. This code shall apply to members when they act as arbitrators irrespective of whether they were appointed by the Association.
3. Members who act as arbitrators undertake serious responsibilities to the parties as well as to the public. Those responsibilities include ethical obligations.
4. This code contains generally accepted standards of ethical conduct for the guidance of arbitrators. The aim is to promote high standards and continued confidence in the process of alternative dispute resolution.
5. All arbitrators are required to be neutral, including party-appointed arbitrators. All arbitrators, including party-appointed arbitrators have the same duties of disclosure.
6. The conduct of arbitrators may also be governed by applicable law, professional rules of ethics, arbitration rules or agreement between the parties. This code does not supersede or replace such laws, rules or agreements. This code should therefore be read as subject to the contrary provisions of applicable law, arbitration rules, rules of professional ethics and/or agreements.
7. This code is not intended to provide grounds for judicial review or for the setting aside of any award.

## Appointment

8. An arbitrator should only accept an appointment if he or she is satisfied that he or she:
  - 8.1. will be able to act without bias, self-interest or fear of criticism;
  - 8.2. will be able to give the time and attention which the parties are reasonably entitled to expect to the matter.

## Fees

9. An arbitrator’s fees must be reasonable, taking into account the nature and complexity of the case as well as the arbitrator’s own expertise, experience and professional seniority.
10. An arbitrator has a duty to explain to the parties, at the earliest opportunity, the basis upon which fees and disbursements will be charged.

## Disclosure

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11. An arbitrator shall disclose to the parties all facts that may give rise to justifiable doubts as to his or her impartiality or independence. This duty shall remain throughout the dispute resolution process with regard to new facts and circumstances.

## The Dispute Resolution Process

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12. An arbitrator shall ensure that the parties are properly informed of the applicable rules and procedures.
13. Throughout the proceedings the arbitrator shall avoid any unilateral communications regarding the case with a party or its representatives.
14. The arbitrator shall acquaint himself or herself with the facts of the case and with the applicable legal principles so that the dispute is properly understood by the arbitrator.
15. The arbitrator shall proceed diligently to resolve the dispute or disputes between the parties in a fair and efficient manner.

## Confidentiality

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16. An arbitrator shall not during or after conclusion of the dispute resolution process disclose or use any information acquired in the course of the proceedings, save by agreement between the parties or when under legal obligation to do so.