

Code of Ethics and Conduct for Arbitrators

The Thai Arbitration Institute (TAI)

Whereas it is deemed expedient to have the Code of Ethics and Conduct for Arbitrators as an advice and a guidance for arbitrators as well as mediators both in performing their duties and staying in society. The Thai Arbitration Institute (TAI) thereby deemed it appropriate to create the Code of Ethics and Conduct for Arbitrators having the content as follows:

Chapter ONE

General Provision

Article 1 Arbitrators' ethics as described in this Code does not limit the power of the Court of Justice in exercising its discretion to revoke or deny the enforcement of the arbitral award.

Article 2 This Code of Ethics and Conduct for Arbitrators shall be applied to arbitrators under the administration of the Thai Arbitration Institute ("TAI").

Chapter TWO

Ideology of Arbitrators

Article 3 Arbitrators shall preserve unequivocal justice of the arbitral proceedings.

Article 4 Not only shall arbitrators have responsibility to the parties, but shall also have responsibility in the arbitral proceedings and to the TAI.

Article 5 Arbitrators shall not proffer himself to be appointed to the parties. However they are allowed to express their general intention to the TAI.

Article 6 Any person may agree to be an arbitrator when he believes that he is competent to conduct the proceedings and render the arbitral award orderly, promptly and fairly.

Article 7 Any person who may be challenged under the Rules of Arbitration shall not accept to be an arbitrator.

Article 8 Arbitrators appointed by either party shall remain impartial and shall perform his duty with independence in order to provide fairness to both parties.

Article 9 Arbitrators shall not act beyond the scope of power agreed by the parties and shall not act less than necessary to achieve the goal in good faith.

Article 10 After having been appointed or during performing the duty, arbitrators shall not involve with either parties or any other person in relation to finance, business, occupation or family and society relationship which may cause reasonable doubt to the parties in the independence or impartiality of such arbitrator in performing the duty as an arbitrator.

Within a reasonable period after rendering the arbitral award, the arbitrator shall avoid any actions in paragraph one in the circumstance which may cause the parties or any other person in such situation to assume that the arbitral award is driven by the achievement or the expectation of achievement of such benefits.

Article 11 Unless otherwise provided herein, the ethical duty of arbitrators begins when appointed and remains through every step of proceedings until the copy of the final arbitral award has been delivered to the parties.

Chapter THREE

Ethics in Disclosing Facts

Article 12 Any person who is requested to be an arbitrator shall disclose facts which may cause reasonable doubts to the parties regarding his impartiality and independence before undertaking the duty as follows:

(1) Financial benefits or any other benefits which may directly or indirectly affect the arbitration;

(2) Facts relating to finance and business either in the past or at present as well as facts relating to occupation, family and society relationship which is inclined to affect the independence and impartiality of the arbitrator. This includes the fact that either the person who is requested to be the arbitrator himself, his family member, employer or business partner has any relation to other arbitrators, any of the parties, lawyers or any other person who may be the witness in the case.

Article 13 The person who is requested to be an arbitrator is also obliged to discover the facts as described under Article 12.

Article 14 The duty to disclose facts under Article 12 is the continuing duty that obliges the arbitrator to disclose facts that have happened or the arbitrator just realizes or just acknowledges such facts at any steps of the arbitral proceedings

Article 15 The disclosure of facts under Article 12 and 14 shall be notified in writing by the arbitrator to the TAI to inform the parties and the other arbitrators.

Chapter FOUR

Ethics in Withdrawal

Article 16 In the case that the parties request an arbitrator to withdraw for any reason, the arbitrator should proceed to withdraw. However, if only some of the parties request an arbitrator to withdraw due to the failure of remaining independent and impartial, the arbitrator should proceed to withdraw unless

(1) there is an agreement or an arbitration clause between the parties specifying the arbitral proceedings for the challenge of arbitrators. Such proceedings shall be applied; or

(2) the arbitrator considers and sees that the reason for the challenge is not of essence and he can proceed the arbitral proceedings with impartiality and fairness, and the withdrawal would unnecessarily delay the proceedings or incur unnecessary expenses to other party or obstruct the justice.

Chapter FIVE

Ethics in Communicating with the Parties

Article 17 Unless otherwise provided in arbitration clause or an agreement, arbitrators should not have a conversation about the case with any of the party alone, except the following situations:

(1) the conversation has been made in time and at the place of arbitral proceedings or the place of any other proceedings. However, the arbitrator shall notify the

other party of such conversation at the first possible instance and shall not adjudicate the matter before the absent party has the chance to give an opinion;

(2) the notice of the hearing date has been duly delivered to the parties.

If either party is absent, the arbitrator may solely have the conversation with the other party who attends the hearing about the case; or

(3) the consent from every party is granted.

Article 18 Unless otherwise provided in arbitration clause or an agreement, if the arbitrator communicate with either party in writing or the arbitrator is reached from either party in writing, the arbitrator shall provide a copy of such communication to the TAI in order to further notify the other party and other arbitrators.

Article 19 In the case of multiple arbitrators, if any of the arbitrator knows that another arbitrator communicates with a party in the way that is inappropriate in performing the duty as an arbitrator, the arbitrator may inform the TAI for consideration and to further take reasonable action.

Article 20 Arbitrators shall not accept gifts, presents or any other benefits that have the value more than the value normally given for hospitality and along with the custom from any of the party either directly or indirectly.

Article 21 In the case of one arbitrator, the chairperson or arbitrator shall not communicate with any party behind the other party in the way that may cause doubts on his independence and impartiality.

Chapter SIX

Ethics in Arbitral Proceedings

Article 22 Unless provided otherwise in arbitration clause or an agreement, the arbitrator shall conduct any proceedings as appropriate by taking into account the justice as the key principle.

Article 23 Arbitrators shall perform their duties with diligence, dedication to the arbitral proceedings and performance at their best without incurring unnecessary expenses to the parties and determine the arbitral awards as soon as possible.

Article 24 Arbitrators shall conduct the arbitral proceedings in the way that is equal and treat the Parties equally in every step of the arbitral proceedings.

Article 25 At the hearings, arbitrators shall be patient, calm and shall politely treat the parties, lawyers, witnesses and other related persons in the arbitral proceedings.

Article 26 Unless provided otherwise in arbitration clause or an agreement, arbitrators shall respect the rights of the parties attending the hearings and give opportunities to the parties to proffer the facts that justify their claims as much as possible. The arbitrator shall not be too rigorous on the procedural and evidence law that may prevent the parties to proffer some facts.

Article 27 Arbitrators shall give the parties the opportunity to appoint any person as an agent to carry out the arbitral proceedings.

Article 28 If, upon receiving notification, either party fails to attend the hearings, the arbitrator shall carry on the arbitral proceedings provided that the arbitration clause or agreement or the law permits and it shall be to the satisfaction of the arbitrator that the absent party is duly aware of the hearing date.

Article 29 Arbitrators shall be prepared to conduct arbitral proceedings, be seated punctually without unnecessarily adjourning the hearing and control the arbitral proceedings to be conducted smoothly.

Article 30 In the case that the arbitrator does not record the witness statement by himself, the arbitrator shall closely monitor the official who records the witness statement to have the same content as if the arbitrator records it himself. The arbitral proceeding memorandum shall be clear and precise as stated in the facts appeared in the case.

Article 31 Arbitrators shall not request any evidence to be examined by himself unless, for the sake of justice, it is necessary to examine a significant evidence related to the important points of dispute of the case.

Article 32 Upon the request from the parties, the arbitrator may mediate or resolve the dispute or act as a mediator.

Article 33 In the case that there is more than one arbitrator, the arbitrators shall allow other arbitrators to fully participate in every step of the arbitral proceedings.

Chapter SEVEN

Ethics in Rendering Arbitral Award

Article 34 Arbitrators shall fairly render an arbitral award, use independent discretion to adjudicate the case and disallow any factors to influence their decision in rendering an arbitral award.

Article 35 Arbitrators shall arbitrate every point in dispute but shall not exceed the scope of an arbitration agreement or the request of the Parties.

Article 36 In the case of multiple arbitrators, in meeting for the case, the arbitrators shall scrupulously prepare the case in advance both factual and legal issues. Every arbitrator shall jointly consider and provide opinions supported by reasons and shall respect the others' opinion and each other's reasons for rendering a correct and fair arbitral award.

Article 37 An arbitral award shall be rendered with the adjudication precisely made according to the points in dispute of the case provided with clear reasons and practicability and made with well-arranged written language and concise and understandable phrases. Other terms that are not directly related to the points in dispute or not helpful in clarifying the points shall not be contained in the arbitral award.

Article 38 In the case that the parties agree to resolve the dispute and request the arbitrator to render the arbitral award according to the agreement between them, the arbitrator may do so as long as the agreement is not illegal and shall be stated that such award is from the agreement of the parties.

Article 39 After rendering the arbitral award, the arbitrator shall not conduct any further proceedings unless it is the proceedings prescribed by the arbitration agreement or law.

Chapter EIGHT

Ethics in Confidentiality

Article 40 Arbitrators shall not exploit the information obtained during the proceedings and is marked confidential by the parties for their own or other person's benefits or in the circumstance that would cause damage to other person.

Article 41 A person who is approached to be an arbitrator shall keep any secrets obtained from the circumstance of being approached.

Article 42 Arbitrators shall not let any person know the concept of their adjudication before rendering the arbitral award and shall not allow any person to know the result of the award before delivering the copies of the award to the parties as well as not disclose the arbitral award unless obtain the consent from the parties.

Chapter NINE

Ethics in Fees

Article 43 Arbitrators shall assign the TAI to make an agreement with the Parties regarding the fees.