

Rule 7: Appointment of Arbitrators

(1) Where the arbitration agreement provides for three arbitrators, each party shall nominate one arbitrator, and the two party-nominated arbitrators shall appoint the third arbitrator, who shall serve as the presiding arbitrator.

(2) The Arbitration Committee shall appoint:

(a) an arbitrator if a party fails to nominate an arbitrator within 30 days from the receipt of a request to do so from the other party; or

(b) the presiding arbitrator if the nominated arbitrators fail to agree on the presiding arbitrator within 30 days from the date of their appointment,

(3) Where the arbitration agreement provides for a sole arbitrator, and the parties fail to agree on the arbitrator within 30 days from the receipt of a request by one party to do so, the appointment shall be made by the Arbitration Committee.

(4) For appointment of an arbitrator under sub-rule (2) of Rule 7, the following procedure shall be followed:

(a) the Arbitration Committee, through the Secretary General, shall communicate to the parties a list containing the names, addresses, nationalities and a description of qualifications and experience of at least three individuals from the Panel of Arbitrators;

(b) within 10 days following the receipt of the list, a party may delete any name to which he objects and return the list to the Secretary General;

(c) on receipt of the list returned by the party, the Arbitration Committee, shall appoint the arbitrator from the list;

(d) if for any reason the appointment cannot be made according to the procedure specified in (a) to (c), the Arbitration Committee shall appoint the arbitrator from the Panel of Arbitrators excluding the persons whose names are deleted under sub clause (b).

(e) in appointing an arbitrator, the Arbitration Committee shall consider the nature of the dispute in order to include in the list, persons having appropriate professional or business experience, language, ability and nationality.

(5) The Arbitration Committee shall:

(a) make the appointment as promptly as possible having regard to:

(i) any qualifications required of the arbitrator by the agreement of the parties;

(ii) such considerations as are likely to secure the appointment of an independent and impartial arbitrator;

(iii) availability of the arbitrator for prompt and efficient determination of the dispute; and

(iv) in the case of appointment of a sole or presiding arbitrator in an international commercial arbitration, nationality other than the nationalities of the parties.

(b) inform the parties, through the Secretary General, promptly in writing of the appointment;

(6) A decision by the Arbitration Committee with respect to the appointment of an arbitrator shall be treated as final and binding on the parties.

(7) An arbitrator if required to be substituted/ replaced will be appointed in the same manner in which his/her predecessor had been appointed.

(8) Unless otherwise agreed by the parties, a person of any nationality may be appointed as an arbitrator subject to Rule 7(5)(a)(iv).

(9) Before appointing a person as arbitrator or the presiding arbitrator, the Arbitration Committee shall always obtain a declaration in writing from such person that:

(a) no circumstances exist that give rise to justifiable doubts as to his/her independence or impartiality;

(b) the arbitrator has sufficient availability to determine the case in a prompt and efficient manner; and

(c) he/she possesses the necessary qualifications to decide the dispute for which he is being appointed.

(10) An arbitrator shall disclose as soon as possible to the parties and the Secretary General any circumstance that may occur during the course of arbitration giving rise to justifiable doubts as to his/her impartiality or independence.