



Adopted

*Upon Decision of the Board of Trustees
of "ARBITRATION AND MEDIATION
CENTER OF ARMENIA" Foundation*

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CODE OF CONDUCT FOR MEDIATORS

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CODE OF CONDUCT FOR MEDIATORS

Article 1. Scope of application

1. The mediator acting in a mediation administered by the "ARBITRATION AND MEDIATION CENTER OF ARMENIA" foundation (**"the AMCA"**) shall act in accordance with the Mediation Rules of the AMCA (**"the Mediation Rules"**) and this Code of Conduct for Mediators (**"the Code"**).

Article 2. Diligence and competence

1. The mediator should only engage in mediation if they possess the necessary competence to deal with the dispute. By agreeing to mediate, the mediator assures the AMCA and the parties of possessing the appropriate diligence necessary for effective mediation.
2. The mediator should ensure that they have the required time, energy, and expertise in both procedural and subject matter aspects to meet the reasonable expectations of the parties.
3. If, at any stage during the mediation, the mediator determines that they are unable to conduct the mediation competently, or under any other circumstance that may impact their ability to mediate fairly, effectively and impartially, they shall promptly notify the AMCA of such determination. This may result in the mediator's replacement in accordance with the Mediation Rules.

Article 3. Independence and impartiality

1. The mediator shall maintain impartiality throughout the mediation process, ensuring freedom from favoritism or bias in both words and actions. Their commitment lies in serving all mediating parties equally, not favoring any single one of them. If unable to remain impartial, the mediator shall promptly notify the AMCA and the parties.
2. To prevent bias, the mediator should be conscious of and avoid any potential prejudice based on parties' race, age, ethnicity, sex, nationality, background, personal attributes, values and beliefs, conduct during the mediation, or any other reason. They should strive to create a procedurally fair process, ensuring each party has a sufficient opportunity to participate fully.
3. The mediator should refrain from any conduct with a party or counsel that could undermine the integrity of the mediation process, unless all parties to the mediation

are notified and grant consent. However, this does not prevent the mediator from engaging in another mediation or dispute resolution involving a party or counsel from prior mediations.

4. The mediator shall remain vigilant to avoid actual or perceived conflicts of interest that could impair their impartiality or independence. A conflict of interest may arise, *inter alia*, from:
 - 1) **Party Affiliation:** This includes any current or prior personal, professional, business, or financial relationships with any of the parties, their counsel, or affiliates that could reasonably be seen to influence the mediator's objectivity. Even remote associations shall be disclosed if they might raise doubts about impartiality.
 - 2) **Issue Relevance:** Conflicts may also arise where the mediator has a personal or professional interest in the subject matter of the dispute.

Article 4. Confidentiality

1. The mediator shall maintain confidentiality regarding all information obtained while serving as a mediator, unless legally obligated to disclose it or upon the written agreement by the parties to the mediation. This includes refraining from disclosing to anyone not involved in the mediation any information or documents exchanged before, during or after the mediation process.
2. The mediator shall not produce evidence or testify in any judicial, administrative, arbitral, or any other formal proceedings regarding a mediation's confidential information, unless the mediator is required to do so by law.
3. The mediator, in cases of impossibility of fulfilling their duties, emergence of grounds that raise reasonable doubts about their independence or impartiality, or a suspected violation of the Code, is required to disclose such information that comes to the mediator's knowledge in the exercise of the mediator's role to the AMCA, whether before, during, or after the mediation.

Article 5. The conduct of mediation

1. The mediator should conduct the mediation consistent with the applicable law, Mediation Rules and the AMCA Mediation Session Guidelines.
2. The mediator shall support the parties in reaching clear, workable, and mutually acceptable settlement terms. Upon the parties' request, the mediator may assist in documenting the agreement in writing and ensuring that its terms reflect the parties' true intentions. However, the mediator shall not act as a legal advisor or draft

binding legal instruments unless expressly authorized to do so and qualified under applicable law. The mediator shall ensure that those signing the agreement acknowledge and understand the terms of the settlement agreement.

3. Where appropriate and without offering legal advice, the mediator may inform the parties of the possibility of formalizing their settlement agreement to strengthen its enforceability. This may include mechanisms available under domestic law or, where applicable, international instruments such as the United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention on Mediation).
4. Responsibility for the final review, legal effect, and enforceability of the settlement rests with the parties and their legal representatives. The mediator shall take reasonable care to ensure that all parties understand the nature and status of any agreement reached during the mediation.
5. The mediator should avoid unnecessarily prolonging the mediation process if they believe there is no reasonable chance of reaching a settlement in the dispute through mediation.
6. To ensure confidentiality and a professional working environment, all meetings shall be held at the AMCA office, unless otherwise agreed by the AMCA, the mediator, and the parties for justified reasons. In any case, if meetings are held outside the AMCA's premises, the chosen location must ensure confidentiality (including for communications), suitability for the conduct of the mediation, and adequate facilities, including the possibility of holding separate meetings.

Article 6. Advice

1. The mediator should refrain from providing legal, psychological, financial, or other advice to any party and should clarify that their role is that of a neutral intermediary, not a representative or advocate for any specific party. This is particularly important when dealing with unrepresented parties, as the mediator should sensitively highlight the limitations of the mediator's role during the mediation. The mediator may recommend that the parties seek external professional advice where appropriate.

Article 7. Publicity and advertising

1. The mediator, when conducting any marketing or advertising on behalf of the AMCA, should get the AMCA's approval and refrain from publicizing confidential

information regarding the mediation process.

2. The mediator should verify the accuracy of any promotional or marketing activities carried out on their behalf, ensuring they are truthful, while maintaining the confidentiality of all information obtained in prior mediations. It is imperative to avoid publicizing or advertising misleading or deceptive information.
3. The mediator should not guarantee results, especially if such assurances could be interpreted as showing preference towards a specific party.

Article 8. Complaints

1. The mediator may consult the AMCA about any matter regarding the mediator's conduct or ethics.
2. If there is a suspected breach of the Code, a written complaint may be submitted to the AMCA, providing the details of the actions (omissions) of the mediator, which the AMCA may forward to the AMCA Mediation Advisory Council ("**the Council**") for their opinion, interpretation and/or findings on alleged breaches and violations. The mediator should address and collaborate with any initiated complaint procedure.
3. In cases where the Council's interpretations imply that there is a violation of the Code, the AMCA may remove the mediator from its list of mediators and/or apply to the responsible body (Chamber of mediators) for initiating disciplinary proceedings, in accordance with the law.

Article 9. Replacement of the mediator by the AMCA

1. The AMCA reserves the right to replace the mediator from a case at any stage of mediation if it finds that the mediator is unable to perform their duties competently or impartially or is otherwise unfit to continue.
2. Additionally, if all parties jointly submit a written request for the replacement of the mediator, citing reasonable grounds such as conflict of interest or loss of confidence, the AMCA may remove the mediator and appoint a replacement in accordance with the Mediation Rules.
3. The integrity of the mediation process, including the parties' trust in the mediator's neutrality and competence, shall guide all decisions regarding the mediator's continuation or replacement from the case.