

Administrative Resolution No. 14/20

Related to: Arbitration

Re.: Recommendations on Third Party Funding in Arbitrations Administered by CAMARB

The President of CAMARB – Chamber of Business Mediation and Arbitration – Brazil, in the exercise of his powers provided for in the Bylaws, resolves to issue the following resolution on third-party financing in arbitrations administered by CAMARB.

I) General Provisions

1.1 – This Resolution contains CAMARB guidelines for the parties, arbitrators, experts and the Secretariat, on the procedures to be adopted, in the event of third-party funding of litigation.

II) Third Party Funding

2.1 – Third Party Funding is understood as any person, natural or legal, that is not a party to the arbitration, but that enters into an agreement with one of the parties, with the lawyers of one of the parties, or with a company associated with one of the parties to the procedure (“Third Party Funding”), with the aim of providing material benefits or bearing part or all of the costs and expenses of the arbitration, receiving, as consideration, remuneration or participation, total or partial, in the economic benefit to be eventually obtained by the financed party in the arbitration award.

III. Disclosure to verify possible conflicts

3.1 – The existence of a Third Party Funding may, in the view of the parties, generate doubts about the impartiality and independence of the arbitrators and potential experts, given the existence of possible links, relationships or connections, professional or academic, between them and the Third Party Funding, which may generate conflicts of interest.

3.2 – Therefore, in order to avoid conflicts of interest between arbitrators, experts and the Third Party Funding, CAMARB recommends that the financed party, at the first opportunity available, discloses the existence and full qualifications of the Third Party Funding.

3.3 – After receiving information about the Third Party Funding, CAMARB must forward it to the arbitrators and other parties to the arbitration proceedings, to verify any conflicts.

Belo Horizonte, August 28, 2020

Augusto Tolentino
President of CAMARB