

ATTACHMENT TO:

Decision of the Indonesian Capital Market Arbitration Board

Number : Kep-05/BAPMI/12.2002

Date : December 20, 2002

CONFLICT OF INTEREST AND AFFILIATION GUIDELINES

FOR ARBITRATORS AND MEDIATORS OF

INDONESIAN CAPITAL MARKET ARBITRATION BOARD

1. In order to ensure independent Arbitrators and Mediators, each party to be appointed Arbitrator or Mediator in a dispute or controversy shall first ensure that he/she has no Conflict of Interest with respect to the subject matters of the dispute or controversy.
2. An Arbitrator nominee or a Mediator nominee is deemed having Conflict of Interest or Affiliation relationship if the person concerned:
 - 2.1. Either directly or indirectly, has conflicting economic interests with respect to the subject matters and issues of the dispute or controversy referred to BAPMI for its resolution;
 - 2.2. has short-term and/or non continual basis working relationship, including 180 (one hundred and eighty) days after the termination of such working relationship.
3. In the event that an Arbitrator nominee or a Mediator nominee has long-term and continual nature working relationship with one of the Parties involved in a dispute or controversy, such Arbitrator nominee or Mediator nominee may not be appointed an Arbitrator or Mediator by the other Party or the Opponent to resolve the same dispute or controversy within a period of 180 (one hundred and eighty) days after the termination date of such working relationship.
4. An Arbitrator nominee or a Mediator nominee is deemed having Affiliation relationship if the person concerned:
 - 4.1. has family relationship with one of the Parties in a dispute or controversy due to:
 - 4.1.1. marriage up to the second level, either vertically or horizontally, namely:
 - 4.1.1.1. the husband and wife;
 - 4.1.1.2. the parents of the husband/wife or the husband/wife of the children;

- 4.1.1.3. the grandfather/grandmother of the husband/wife or the husband/wife of the grandchildren.
 - 4.1.1.4. brothers or sisters of the husband/wife; or
 - 4.1.1.5. the husband/wife or brothers or sisters.
 - 4.1.2. descendants up to the second level, either vertically or horizontally, namely:
 - 4.1.2.1. the parents or the children;
 - 4.1.2.2. the grandfather/grandmother or the grandchildren;
 - 4.1.2.3. the little or elder brothers or sisters.
- 4.2. has relationship as an employee or a director or a commissioner of one of the Parties involved in such dispute or controversy;
- 4.3. has relationship due to his/her capacity as members of Board of Directors or Board of Commissioners of the Company of one of the Parties involved in such dispute or controversy;
- 4.4. has control relationship, either directly or indirectly, with one of the Parties involved in such dispute or controversy;
- 4.5. has relationship due to his/her capacity as the Majority Shareholders of one of the Parties involved in such dispute or controversy.
- 5. That control relationship as meant above is a capacity or capability to determine, either directly or indirectly, in any manner whatsoever, the management and or policy of the company.
- 6. That Majority Shareholders as meant above is anyone holding at least 20% (twenty percent) of voting rights of all the shares lawfully entitled to cast votes issued by a Company or any shareholding at any figure less than the abovementioned which is to be stipulated by Capital Market Supervisory Agency (BAPEPAM).
- 7. Any individual person may not be appointed an Arbitrator in BAPMI Arbitration or Mediator in BAPMI Alternative Dispute Resolution if the said person is an Insider or possesses Insider Information of the other Party or Opponent involved in a dispute or controversy.
- 8. An Arbitrator nominee or a Mediator nominee is deemed having Insider Information if the person concerned is:
 - 8.1 Commissioner, director or employee of one of the Parties involved in such dispute or controversy;
 - 8.2 Majority shareholder of one of the Parties involved in such dispute or controversy;

- 8.3 Any individual whose capacity or profession or business relationship with one of the Parties involved in such dispute or controversy will allow him or her to acquire Insider Information;
- 8.4 Anyone who is no longer the Party as referred in point 11.1, or point 11.2, or point 11.3 above in the last 6 (six) months.
9. Insider Information means any Material Information possessed by any internal persons that are not available to the public domain.
10. After ensuring that an Arbitrator nominee or a Mediator nominee has no Conflict of Interest nor any Affiliation Relationship nor is an Insider nor any Party possessing Insider Information as set out in these Rules, such Arbitrator nominee or Mediator nominee is obliged to make and sign Statement Letter of No Conflict of Interest Nor Affiliation Relationship.
11. Such Statement Letter of No Conflict of Interest Nor Affiliation Relationship must be submitted to BAPMI and the copies of which must be submitted to the Parties in the dispute or controversy.
12. Arbitrator or Mediator shall be held fully responsible for any legal consequences arising from the correctness of such Statement Letter of No Conflict of Interest Nor Affiliation Relationship made and signed by such Arbitrator or Mediator.
13. Each Party in a dispute or controversy shall have the right to file an objection or challenge by presenting any relevant evidences confirming that a Statement Letter made and signed by an Arbitrator nominee or a Mediator nominee is actually false.
14. Such Objection or challenge must be filed to BAPMI with the copies submitted to the Parties in the dispute or controversy before Arbitration Award is rendered or Agreement of Alternative Dispute Settlement is signed.
15. In the event that the objection or challenge as referred to in point 14 above is approved or sustained, the said Arbitrator or Mediator must forthwith resign in accordance with the provisions of BAPMI Rules and Procedures.

Jakarta, December 20, 2002

INDONESIAN CAPITAL MARKET ARBITRATION BOARD

A. Zen Umar Purba
Chairman

Felix O. Soebagjo
Secretary General