



Nairobi Centre  
for International  
Arbitration

where disputes meet resolution

# Arbitrator Panel Status Standard 2021

[www.ncia.or.ke](http://www.ncia.or.ke)



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## **ARBITRATOR PANEL STATUS STANDARD**

March 2021

1. This NCIA Arbitrator Panel Status Standard (this “Standard”) applies in its entirety to every Arbitrator who is accredited to NCIA Arbitrator Panel Status.
2. Every Arbitrator accredited to NCIA Arbitrator Panel Status shall adhere to this Standard.
3. The NCIA Arbitrator Panel Status is categorized into two panels; ‘Domestic Arbitration Panel’ and ‘International Arbitration Panel’.
  - a. The domestic arbitration panel is a list consisting of arbitrators who may be nominated or appointed to act as arbitrator in domestic arbitration which term is defined in the Nairobi Centre for International Arbitration (Arbitration) Rules, 2015.
  - b. The international arbitration panel is a list consisting of arbitrators who may be nominated or appointed to act as arbitrator in international arbitration which term is defined in the Nairobi Centre for International Arbitration (Arbitration) Rules, 2015.
4. NCIA will retain the candidate’s personal information to the extent one or more of the purposes described in the Application Form 1A for which it was collected remains valid and for other legal or business purposes for which NCIA is required to retain such information.
5. Applicants will be required to sign the consent for use of personal information contained in FORM 1A.
6. Any person seeking NCIA Arbitrator Panel Status shall specify in the application the panel category they seek to be listed. Where a person seeks listing in both categories, they may apply separately for each category or in a single application.

7. The fees chargeable for ‘domestic arbitration panel’ and ‘international arbitration panel’ categories are specified in Part 1 and Part 2 of the Schedule to this Standard respectively.
8. NCIA reserves the right, in its absolute discretion, to admit or to refuse the admission of any person to the Panel. In exercising its discretion, NCIA will have regard to, inter alia, the qualifications, experience and standing of an applicant.
9. Any person seeking NCIA Arbitrator Panel Status shall apply to the Centre. The application shall be sent to the Registrar in the prescribed Form 1A as set out in the schedule to this Standard and shall be accompanied by the following:
  - a. Passport sized photo;
  - b. Identity document/passport;
  - c. Proof of academic qualification and training;
  - d. Proof of arbitration training;
  - e. Proof of membership of a recognized professional body – Certificate of Good standing;
  - f. Curriculum Vitae/ Profile/ Brief Resume;
  - g. Recommendation letters by two references who can attest to an applicant’s arbitration experience accompanied by a certified/notarized identification document for the referee; and
  - h. Proof of payment of application fee prescribed by the Centre as set out in the First Schedule.
10. If “experience qualified” under regulation 13 of this Standard, provide references from two credible members of their institution, association who attest to their standing and having known them for at least five years prior to the application.

11. Applicants shall be required to sign the declaration, undertaking and consent to use of personal information set out in Form 1A for the application to be considered.
12. Unless “experience qualified” under regulation 13, an applicant for NCIA Arbitrator Panel Status must possess the following qualifications;
  - a. Possess a degree from a University:
    - i. Accredited by the Commission for University Education in Kenya, or
    - ii. Accredited by a similar competent authority in a country or state other than Kenya with certified and notarized proof of accreditation.
  - b. Be Accredited or Certified as Arbitrator by a registered and recognized mediation training institution.
  - c. Be a member, accredited or certified as Arbitrator by a registered and recognized arbitration training institution.
  - d. Attended and successfully completed an NCIA recognized arbitration practice training course.
  - e. Be a current member, in good standing of a registered and recognized professional body with a defined disciplinary process.
  - f. Proof of experience as an arbitrator in five or more cases.
13. “Experience qualified” applicants are those who may not possess some or all of the requirements set out in regulation 12 of the Standard, but whose qualification is assessed by the Centre as demonstrating a level of competence by reference to the competencies expressed in the NCIA Code of Conduct for Arbitrators. An experience qualified Arbitrator must either have worked as an Arbitrator prior to 31st December 2015 and have experience, training, and education that satisfy the Centre that the Arbitrator

is equipped with the skills, knowledge and understandings set out in the core competencies referred to in the NCIA Code of Conduct for Arbitrators.

14. Upon receipt of notification of approval, the Arbitrator shall pay the Centre a registration fee and annual fee prescribed by the Centre as set out in the schedule.
15. The registration for NCIA Arbitrator Panel Status is valid for 4 years and is subject to an annual fee prescribed by the Centre as set out in the Schedule.
16. NCIA reserves the right, in its absolute discretion, to remove any person from the Panel at any time.
17. The Centre shall notify empanelled arbitrators of the expiry of their membership to the NCIA Arbitrator Panel Status. An Arbitrator may seek renewal of NCIA Arbitrator Panel Status through a written request for renewal to the Registrar. An application for renewal shall be accompanied with;
  - a. Proof that the Arbitrator seeking renewal has met the approval requirements set out in this Standard.
  - b. Proof that the Arbitrator has within each 4 - year cycle:
    - i. sufficient practice experience by showing that they have either:
      - a). conducted at least 5 arbitrations either as sole Arbitrator, Chair or member of an arbitral tribunal; or,
      - b). where an Arbitrator is unable to provide such evidence for justifiable reasons; the Centre may require the Arbitrator to attend “top up” training or continuing professional development;
    - ii. have received continuing professional development in every 4 - year cycle that can be made up as follows:

- a). attendance at NCIA approved continuing professional development courses, educational programs, seminars, conferences or workshops on arbitration or related skill areas (approval may be accorded within existing recognition arrangement with NCIA to be published or post-event upon request by the arbitrator); or
  - b). presentations at arbitration or Dispute Resolution seminars or workshops including two hours of preparation time for each hour delivered (up to 16 hours); or
  - c). representing clients in 5 arbitrations (up to a maximum of 8 hours); or
  - d). coaching, instructing or mentoring of trainee and or less experienced Arbitrators (up to 10 hours); or
  - e). role playing for trainee Arbitrators and candidates for arbitration assessment or observing mock arbitration (up to 8 hours); or
  - f). mentoring of less experienced Arbitrators and enabling observational opportunities (up to 10 hours).
- c. Renew fee prescribed by the Centre as set out in the schedule.
18. The Centre may, approve or refuse an application for NCIA Arbitrator Panel Status or application for the renewal.
19. NCIA Arbitrator Panel Status confers no permanent rights on the Arbitrator, but is a conditional privilege that may be revoked for breaches of this Standard, the NCIA Code of Conduct for Arbitrators, Nairobi Centre for International Arbitration (Arbitration) Rules, 2015 or their amendments or alterations from time to time or any other professional or legal requirement.



20. The Centre may investigate alleged breaches of this Standard, and may temporarily suspend any Arbitrator from NCIA Arbitrator Panel Status pending the outcome of an investigation. It is the objective of the Centre to ensure that complaints are investigated fairly.
  
21. The Centre may remove or suspend an arbitrator from NCIA Arbitrator Panel Status where there has been:
  - a. non-compliance with the Standard;
  - b. breach of the NCIA Code of Conduct for Arbitrators or the Nairobi Centre for International Arbitration (Arbitration) Rules, 2015;
  - c. a disciplinary cause and the Arbitrator has been struck off or suspended from their respective professional body;
  - d. has become bankrupt, of unsound mind or deemed medically unfit to serve in that capacity through any existing written laws of Kenya;
  - e. there has been non-adherence to ethical guidelines, professional or legal requirements; or
  - f. non-payment of the prescribed fees.
  
22. The Centre does not provide employment for any Arbitrator. The decision to nominate or appoint an arbitrator or arbitrators to any arbitration referred to the Centre is within the exclusive discretion of the Centre.



## **SCHEDULES**

## FIRST SCHEDULE

### Part 1: Domestic Arbitration Panel

- 1. Application fee;** (payable once)  
Kenyan or East Africa Community States'  
National: KES. 5,000  
Other Nationality: USD 100
- 2. Registration fee;** (payable once)  
Kenyan or East Africa Community States'  
National: KES. 20,000  
Other Nationality: USD 300
- 3. Annual fee;** (payable annually)  
Kenyan or East Africa Community States'  
National: KES. 10,000  
Other Nationality: USD 200
- 4. Renewal fee; (payable once every two years)**  
Kenyan or East Africa Community States'  
National: KES. 5,000  
Other Nationality: USD 100

### Part 2: International Arbitration Panel

- 1. Application fee;** (payable once)  
US Dollars 100
- 2. Registration fee;** (payable once)  
US Dollars 500
- 3. Annual fee;** (payable annually)  
US Dollars 300
- 4. Renewal fee;** (payable once every four years)  
US Dollars 100

## SECOND SCHEDULE

### ARBITRATOR PANEL STATUS APPLICATION FORM

#### FORM 1A

NAIROBI CENTRE FOR INTERNATIONAL  
ARBITRATION

Co-operative Bank House,  
8th Floor, Haile Selassie Ave

P.O Box 548-00200, Nairobi, Kenya

Tel: +254 020-222 4029 | Mob: +254 771 293 055

Email: info@ncia.co.ke | www.ncia.or.ke

Affix Photo

### APPLICATION FOR NCIA ARBITRATION PANEL STATUS

I agree, if accredited to the NCIA Arbitrator Panel, to be bound by the terms and conditions applicable to NCIA Arbitrator Panel Status and to any subsequent amendments and/or alterations thereto which may be made at the discretion of the NCIA. I understand that the NCIA is not obliged to approve this application or give reasons for non-approval.

(Please fill in all the particulars required below in block letters. If the space provided is not sufficient particulars may be given in an additional paper. Any incomplete application will not be considered)

(Tick (√) the appropriate box for selection of category: Note Regulation 3: NCIA Arbitrator Panel Status Standard)

Domestic Arbitration Panel

International Arbitration Panel

# 1. PARTICULARS OF APPLICANT

Name: Surname:

.....

Middle Name:

.....

Other:

.....

Nationality (ID\*/Passport No\*):

.....

(\*Attach copies)

Multiple Nationalities (if applicable specify):

.....

Nationality (ID\*/Passport No\*) (\*Attach copies)

Name of Firm (if applicable):

.....

Mailing address

.....

Country:

.....

City:

.....

Postal Code:

.....

Telephone:

.....

Fax:

.....

Email address:

.....

Primary Occupation:

.....

## 2. EDUCATION

### (i) Level of Academic Qualification\*

Degree or Certificate(s)	Year Awarded	Name of Institution

### (ii) Arbitration Training\*

Course	Year Awarded	Name of Institution

### (iii) Other training in dispute resolution\*

Course	Year Awarded	Name of Institution

\* Attach proof of qualification and training.  
(If you have been involved in such training as a facilitator, trainer or instructor, give a description of your role.)

### 3. ARBITRATION EXPERIENCE

a. Indicate the number of Arbitrations, if any you have acted and the role in the areas specified in the table below;

	Commercial	Construction	Family	Others (Specify)
Sole Arbitrator				
Co-Arbitrator				
Counsel/ Agent				

b. Provide a brief outline/profile of disputes you have handled as an arbitrator:

No.	Type of Dispute (e.g Breach of Contract)	Issues	Value of Dispute	Nature of Evidence*	Duration of Dispute

c. Number of years you have acted as an Arbitrator?

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 (Please attach a brief resume/curriculum vitae/profile).

d. Are you a certified/accredited Arbitrator listed in the panel of any other arbitral/ Arbitration? YES/NO

If yes, provide particulars

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Whether currently Arbitration is your primary (full-time practice?)

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- e. Are you willing to be appointed as an Emergency Arbitrator? YES/NO
- f. If yes, please provide contact details for appointment as an emergency arbitrator.

Tel Number: -----

Email Address: -----

Physical Address: -----

(Please attach to the application recommendation by two references who attest to your Arbitration experience. A certified/notarised Identification Document for the Referee must be attached.)

**4. OTHER INFORMATION**

- g. Outline any other relevant experience or provide any other information which supports your application (including where your Arbitration experience involves disputes of an international character).

e.g. documentary, oral, witnesses.

- h. What is your preferred area(s) of practice as an Arbitrator?

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## 5. DECLARATION

I understand the Nairobi Centre for International Arbitration does not provide employment for any Arbitrator. I also understand the decision to nominate or appoint an Arbitrator or Arbitrators to any Arbitration referred to Nairobi Centre for International Arbitration is within the exclusive discretion of the Nairobi Centre for International Arbitration.

I \_\_\_\_\_  
\_\_\_\_\_

hereby declare that the information provided herein is complete and accurate. I understand that a false statement may disqualify my application from consideration and I hereby give my consent to a personal investigation in connection with this application for NCIA Arbitrator Panel Status.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## 6. UNDERTAKING

I \_\_\_\_\_

NCIA Arbitrator Panel Status, to be bound by the terms and conditions applicable to NCIA Arbitrator Panel Status and to comply with the Arbitrator Panel Status Standard, the NCIA Code of Conduct for Arbitrators, Nairobi Centre for International Arbitration (Arbitration) Rules, 2015 or there amendments or alterations from time to time and any other professional or legal requirement to which I am subject.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**7. CONSENT FOR USE OF PERSONAL INFORMATION**

I \_\_\_\_\_

consent to NCIA using my personal information that I have provided in this application for the processing of my application, background and reference checks, for purposes of future appointments (if any) in any Arbitrations handled by NCIA. Should my application be successful, I consent to NCIA's provision of my personal information to third parties when requested to do so in connection with such purposes.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

\*The application form is available on the NCIA website at [www.ncia.or.ke](http://www.ncia.or.ke)

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