



Nairobi Centre
for International
Arbitration

where disputes meet resolution

Mediator Panel Status Standard 2021

www.ncia.or.ke



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

We are social.

    @NCIAKenya





MEDIATOR PANEL STATUS STANDARD

March 2021

1. In this Standard;

“Alternative Justice System” means the traditional, informal and other mechanisms used in access to justice in Kenya

“Experience qualified” means an applicant who may not possess some of the requirements set out in regulation 15 of this 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 Mediator.

2. This NCIA Mediator Panel Status Standard (this “Standard”) applies in its entirety to every mediator who is accredited to NCIA Mediator Panel Status.
3. Every Mediator accredited to NCIA Mediator Panel Status shall adhere to this Standard.
4. The NCIA Mediator Panel Status is categorized into two panels; ‘Domestic Mediation Panel’ and ‘International Mediation Panel’.
 - a. The domestic mediation panel is a list consisting of mediators who may be nominated or appointed to act as mediator in domestic mediation which term is defined in the Nairobi Centre for International Arbitration (Mediation) Rules, 2015.
 - b. The international mediation panel is a list consisting of mediators who may be nominated or appointed to act as mediator in international mediation which term is defined in the Nairobi Centre for International Arbitration (Mediation) Rules 2015.
5. Any person seeking NCIA Mediator 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.

6. NCIA will retain the candidate's personal information to the extent one or more of the purposes described in the Application Form for which it was collected remains valid and for other legal or business purposes for which NCIA is required to retain such information.
7. Applicants will be required to sign the consent for use of personal information contained in FORM 1B.
8. The fees chargeable for 'domestic mediation panel' and 'international mediation panel' categories are specified in Part 1 and Part 2 of First Schedule to this Standard respectively.
9. 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.
10. Any person seeking NCIA Mediator Panel Status shall apply to the Centre. The application shall be sent to the Registrar in the prescribed Form 1B as set out in the Second 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 mediation training;
 - e. Proof of membership of a 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 mediation 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.
- 11. If “experience qualified” under regulation 15, of this Standard provide references from two credible members of their community, religious body, institution, association who attest to their standing and having known them for at least five years prior to the application.
- 12. Applicants shall be required to sign the declaration, undertaking and consent to use of personal information set out in Form 1B for the application to be considered.
- 13. Unless “experience qualified” under regulation 15, an applicant for NCIA Mediator 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 Mediator by a registered and recognized mediation training institution.
 - c. Attended and successfully completed an NCIA recognized mediator training course of not less than 40 hours duration.
 - d. Be a current member, in good standing of a registered and recognized professional body with a defined disciplinary process.
 - e. experience as a mediator in five or more cases.
- 14. A mediator accredited in this category shall only be eligible for appointment as mediator in the specific category in which they demonstrate competency.

15. An experience qualified mediator shall either:
 - a. have acted as a mediator in a religious, community or alternative justice system process or in localities where there is difficulty in attending a mediation course or attaining tertiary or similar qualifications; or
 - b. have worked as a mediator prior to 31st December 2015 and have experience, training, and education that satisfy the Centre that the mediator is equipped with the skills, knowledge and understanding set out in the core competencies referred to in the NCIA Code of Conduct for Mediators.
16. The registration for NCIA Mediator Panel Status is valid for four (4) years and is subject to an annual fee prescribed by the Centre as set out in the First Schedule.
17. NCIA reserves the right, in its absolute discretion, to remove any person from the Panel at any time.
18. The Centre shall notify empaneled mediators of the expiry of their membership to the NCIA Mediation Panel Status. A mediator may seek renewal of their respective panel status through a written request for renewal to the Registrar. An application for renewal shall be accompanied with;
 - a. Proof that the mediator seeking renewal has met the approval requirements set out in this standard.
 - b. Proof that the mediator has within each four-year cycle:
 - i. sufficient practice experience by showing that they have either:
 - a). conducted at least 25 hours of mediation, co-mediation or conciliation (in total duration); or,
 - b). where a mediator is unable to provide such evidence for justifiable reasons;

the Centre may require the mediator to have completed no less than 10 hours of mediation, co-mediation or conciliation work per four-year cycle and may require that the mediator attend “top up” training or reassessment; and

- ii. have completed at least 20 hours of continuing professional development in every four-year cycle that can be made up as follows:
 - a). attendance at NCIA approved continuing professional development courses, educational programs, seminars or workshops on mediation or related skill areas (up to 20 hours) (approval may be accorded within existing recognition arrangement with NCIA to be published or post-event upon request by the mediator); or
 - b). external supervision or auditing of their clinical practice (up to 15 hours); or
 - c). presentations at mediation or ADR seminars or workshops including two hours of preparation time for each hour delivered (up to 16 hours); or
 - d). representing clients in four mediations (up to a maximum of 8 hours); or
 - e). coaching, instructing or mentoring of trainee and or less experienced mediators (up to 10 hours); or
 - f). role playing for trainee mediators and candidates for mediation assessment or observing mediations (up to 8 hours); or
 - g). mentoring of less experienced mediators and enabling observational opportunities (up to 10 hours).
 - h). Renewal fee prescribed by the Centre as set out in the First Schedule.
19. The Centre may, approve or refuse an application for NCIA Mediator Panel Status or application for the renewal.

20. NCIA Mediator Panel Status confers no permanent rights on the mediator but is a conditional privilege that may be revoked for breaches of this Standard, the NCIA Code of Conduct for Mediators, Nairobi Centre for International Arbitration (Mediation) Rules, 2015 or their amendments or alterations from time to time or any other professional or legal requirement.
21. The Centre may investigate alleged breaches of this Standard and may temporarily suspend any Mediator from NCIA Mediator Panel Status pending the outcome of an investigation. It is the objective of the Centre to ensure that complaints are investigated fairly.
22. The Centre may remove or suspend a mediator from NCIA Mediator Panel Status where there has been:
 - a. Non-compliance with this Standard;
 - b. breach of the NCIA Code of Conduct for Mediators or the Nairobi Centre for International Arbitration (Mediation) Rules, 2015;
 - c. a disciplinary cause and the Mediator 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 or their country of origin;
 - e. there has been non-adherence to ethical guidelines, professional or legal requirements; or
 - f. non-payment of the prescribed fees.
23. The Centre does not provide employment for any mediator. The decision to nominate or appoint a mediator or mediators to any mediation referred to the Centre is within the exclusive discretion of the Centre.

SCHEDULES

FIRST SCHEDULE

Part 1: Domestic Mediation 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 four years)**
Kenyan or East Africa Community States'
National: KES. 5,000
Other Nationality: USD 100

Part 2: International Mediation 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

MEDIATOR PANEL STATUS APPLICATION FORM

FORM 1B

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



APPLICATION FOR NCIA MEDIATOR PANEL STATUS

I agree, if accredited to the NCIA Mediator Panel, to be bound by the terms and conditions applicable to NCIA Mediator 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 Mediator Panel Status Standard)

Domestic Mediation Panel

International Mediation 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) Mediation 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.)

2. MEDIATION EXPERIENCE

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

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

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

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 mediator?

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

d. Are you a certified/accredited mediator or listed in the panel of any other arbitral/mediation institution? YES/NO

If yes, provide particulars

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

(Please attach to the application recommendation

by two references who attest to your mediation experience. A certified/notarised Identification Document for the Referee must be attached.)

3. OTHER INFORMATION

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

What is your preferred field(s)* of practice as a mediator? _____
*(Commercial, Construction, Family, or others)

4. DECLARATION

I understand the Nairobi Centre for International Arbitration does not provide employment for any mediator. I also understand the decision to nominate or appoint a mediator or mediators to any mediation 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 Mediator Panel Status.

Signed: _____

Date: _____

5. UNDERTAKING

I _____

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

Signed: _____

Date: _____

6. 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 mediations 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



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

We are social.

    @NCIAKenya



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

We are social.

    @NCIAKenya