

ARBITRATOR ACCREDITATION RULES



APCAM
ASIA PACIFIC CENTRE FOR
ARBITRATION & MEDIATION

ARBITRATOR ACCREDITATION RULES



NOTES

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ACCREDITATION RULES**

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APCAM ARBITRATOR ACCREDITATION RULES

ASIA-PACIFIC CENTRE FOR ARBITRATION AND MEDIATION (APCAM)

ARBITRATOR ACCREDITATION RULES

The APCAM Arbitrator Accreditation Rules is a professional standards process developed by the Asia Pacific Centre for Arbitration & Mediation (APCAM) to certify professional arbitrators.

All the APCAM Centres maintain a panel of skilled and experienced arbitrators from diverse jurisdictions, based on domain knowledge and expertise in various sectors, trade and industry. Various reports and feedbacks obtained from experts and users have emphasized strong preference for accreditation and proper training for arbitrators and that the criteria for inclusion of arbitrators on panels must be made more stringent. Responses also suggested that arbitral institutions must keep records of the performance of all arbitrators appointed by them and review them annually. Different grades or categories of accreditation reflect different levels of skill and experience and are given on satisfaction of the criteria set for each grade or category. These rules have been made with stringent accreditation norms for creating high standard of excellence and proficiency among arbitrators for creating a common pool of arbitrators from different jurisdictions, which will be available in all APCAM institutions in the region, so as to guarantee quality and transparency, enabling credible, competent and professional outcome in dispute resolution.

ACCREDITATION SYSTEM

The APCAM Accreditation system follows a multi-level approach by which arbitrators with diverse proficiency and experience are recognised, giving exposure and growth options for professional arbitrators and giving options for users to select different grades of arbitrators based on their requirement. This ladder-step approach helps young and new professionals to get more work through greater exposure and step-up their accreditation based on experience.

The accreditation is also based on the Feedback given by experts on the quality of the arbitrator, so that the quality and ethical transparency is made available to the user while selecting the arbitrator, which enhances the value propositions behind APCAM Accreditation process.

The APCAM Accreditation will be accessible on equal basis to all arbitrators regardless of their gender, race, ethnicity, age, religion, sexual orientation or other personal characterisation. The Arbitrator accreditation will be purely based on evaluation under the respective QAP's.

LEVELS OF ACCREDITATION

As per APCAM Accreditation System, there are three levels of Accreditation.

1. APCAM Accredited Arbitrator (AAA)
2. APCAM Certified Arbitrator (ACA)
3. APCAM International Certified Arbitrator (AICA)

APCAM Accreditation is given as per the Qualifying Assessment Programs (QAP) or under the Experience Qualification Path (EQP).

1. APCAM Accredited Arbitrator (AAA):

This is the entry level accreditation provided by APCAM to recognise junior arbitrators. The candidate should complete an APCAM certified Arbitrator Training Program or an APCAM approved Arbitrator Training Program along with an APCAM Top-up program, within the two-year period immediately preceding the date of application. . An Accredited Arbitrator shall not be entitled to act as a Sole-arbitrator or Presiding-Arbitrator and has a monetary limit of disputes not exceeding 1 million Euros. A candidate can apply for AAA under QAP-1.

2. APCAM Certified Arbitrator (ACA):

An Arbitrator, who has completed an APCAM certified Arbitrator Training Program or an APCAM approved Arbitrator Training Program along with an APCAM Top-up program, after completing fifteen arbitrations as a co-arbitrator is eligible to apply for accreditation as APCAM Certified Arbitrator. Certified Arbitrator will be eligible to act as Sole-Arbitrator or Co-Arbitrator and has no monetary limit in dispute amount. A candidate can apply for ACA under QAP-2.

3. APCAM International Certified Arbitrator (AICA):

An Arbitrator, who has completed an APCAM certified Arbitrator Training Program or an APCAM approved Arbitrator Training Program along with an APCAM Top-up program, after completing thirty-five arbitrations as a co-arbitrator or sole-arbitrator is eligible to apply for

accreditation as APCAM International Certified Arbitrator. International Certified Arbitrator will be eligible to act as Presiding Arbitrator, Sole-Arbitrator or Co-Arbitrator and has no monetary limit in dispute amount. A candidate can apply for AICA under QAP-3.

BENEFITS OF BECOMING APCAM CERTIFIED ARBITRATOR

- ◆ Only APCAM Certified Arbitrators will be empanelled as arbitrators with all APCAM centres in the Asia-Pacific region of approximately ten countries, and featured in the APCAM website, enabling visibility in all these countries.
- ◆ Enlistment in APCAM website gives the arbitrators greater exposure and growth options as international professional arbitrators, helping them to enhance their knowledge, skills, multi-cultural awareness and networking opportunities.
- ◆ Certified Arbitrators will have a unique profile page containing all details, brief profile, complete with a Feedback Digest, and are searchable by users.
- ◆ All accredited and certified arbitrators will receive exclusive updates and news and priority subscription to events, seminars and conferences organised by APCAM or in collaboration with other APCAM Partners.
- ◆ APCAM International Certified Arbitrators are also offered to become Reviewers of other Arbitrators who would prepare the Feedback Digest.
- ◆ APCAM International Certified Arbitrators and Certified Arbitrators are also offered to become Assessors under the respective QAPs.

APCAM QUALIFYING ASSESSMENT PROGRAMS (QAP)

QAP-1 (For APCAM Accredited Arbitrator)

QAP-1 is applicable to a candidate who has successfully completed an APCAM certified Arbitrator Training Program or an APCAM approved Arbitrator Training Program along with an APCAM Top-up program, within the two-year period immediately preceding the date of application.

Evaluation of Arbitration Knowledge: The applicant shall provide the copy of the certificate of arbitration training and shall have to demonstrate arbitration knowledge either by submitting an assignment given to him/her which would cover topics on arbitration theory, arbitration rules, professional code and ethical standards or by attending an interview conducted by APCAM, as decided by the Accreditation Committee. On evaluation of the assignment or interview, the applicant should get a minimum of 55% score. On failure to get the minimum grade, the applicant will be able to apply again, only after a period of 3 months.

Assessor & Fee: The Assessor for QAP-1 would be a selected APCAM Certified Arbitrator or above. Fee for QAP-1: • 100.00

Annual Fees: The annual fees payable by an APCAM Accredited Arbitrator for listing in the APCAM website will be • 50.00. The annual fees received will go towards supporting APCAM's work and operations in maintaining high standards of professional arbitration in the region, promoting arbitration and research initiatives. For new Arbitrators, fee will be payable within eight weeks of being

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notified that their application has been successful. For existing Arbitrators, fees are payable by 15 April of each calendar year.

QAP-2 **(For APCAM Certified Arbitrator)**

QAP-2 is applicable to an Arbitrator who has successfully completed an APCAM certified Arbitrator Training Program or an APCAM approved Arbitrator Training Program along with an APCAM Top-up program, and who has completed fifteen arbitrations as a co-arbitrator. Applicant shall provide documentary evidence to show the level of experience as an arbitrator.

The Applicant will be entitled to avail the benefit of attendance in recognized programs, like arbitration workshops, seminars, conferences, training programs, courses etc. Such programs can be taken in lieu of numbers of arbitration, provided only a maximum of three, will be accepted.

Evaluation of Arbitration Knowledge: The applicant shall provide the copy of the certificate of arbitration training and records of specific subject-knowledge. (S)he shall have to demonstrate arbitration knowledge either by submitting an assignment given to him/her which would cover topics on arbitration theory, arbitration rules, professional code and ethical standards or by attending an interview conducted by APCAM, as decided by the Accreditation Committee. The applicant shall also draft an arbitral award based on the assignment given by the Accreditation Committee. On evaluation of the assignment or interview and the arbitral award, the applicant should get a minimum of 60% score. On failure to get the minimum score, the applicant will be able to apply again, only after a period of three months.

Evaluation of Arbitration Experience: Eligible Arbitrator, who successfully completes the Arbitration Knowledge evaluation, will be evaluated for arbitration experience and proficiency. This shall be based on assessment of Feedback forms collected from at least five individuals who have witnessed the Applicant acting as a co-arbitrator (e.g. counsel, co-arbitrator or presiding-arbitrator) and through an interview between the Applicant and Assessors or by other means of assessing an applicant's competency in arbitration, as approved by Accreditation Committee. The applicant should have at least a minimum of 60% "3" rating or above in the Feedback forms and in the interview.

On successful evaluation, the Feedbacks could become a base for the Feedback Digest which would be included in the Arbitrator's Profile.

Once accredited and enlisted, the certified arbitrator shall update the Feedback digest regularly through their reviewers or at any rate once in two years, with Feedback forms of at least five individuals who have witnessed the arbitrator acting as a co-arbitrator or sole-arbitrator. If the Feedback Digest is not updated or if the annual fee is not paid APCAM reserves its right to de-list the arbitrator from the APCAM website.

Assessor & Fee: The Assessor for QAP-2 would be a selected APCAM International Certified Arbitrator. Fee for QAP-2: • 150.00

Annual Fees: The annual fees payable by an APCAM Certified Arbitrator for listing in the APCAM website will be • 75.00. The annual fees received will go towards

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supporting APCAM's work and operations in maintaining high standards of professional arbitration in the region, promoting arbitration and research initiatives. For new Arbitrators, fee will be payable within eight weeks of being notified that their application has been successful. For existing Arbitrators, fees are payable by 15 April of each calendar year.

QAP-3

(For APCAM International Certified Arbitrator)

QAP-3 is applicable to an Arbitrator who has successfully completed an APCAM certified Arbitrator Training Program or an APCAM approved Arbitrator Training Program along with an APCAM Top-up program, and who has completed thirty-five arbitrations as a co-arbitrator or sole-arbitrator. Applicant shall provide documentary evidence to show the level of experience as an arbitrator.

The Applicant will be entitled to avail the benefit of presentation or attendance in recognized programs, like arbitration workshops, seminars, conferences, training programs, courses etc. Such programs can be taken in lieu of numbers of arbitration, provided only a maximum of five, will be accepted.

Evaluation of Arbitration Knowledge: The applicant shall provide the copy of the certificate of arbitration training and records of specific subject-knowledge. (S)he shall have to demonstrate arbitration knowledge either by submitting an assignment given to them which would cover topics on arbitration theory, arbitration rules, professional code and ethical standards or by attending an interview conducted by APCAM, as decided by the Accreditation Committee. The applicant shall also draft

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QUALIFYING ASSESSMENT PROGRAMS

an arbitral award based on the assignment given by the Accreditation Committee. On evaluation of the assignment or interview and the arbitral award, the applicant should get a minimum of 60% score. On failure to get the minimum score, the applicant will be able to apply again, only after a period of three months.

Evaluation of Arbitration Experience: Eligible Arbitrator, who successfully completes the Arbitration Knowledge evaluation, will be evaluated for arbitration experience and proficiency. This shall be based on assessment of Feedback forms collected from at least fifteen individuals who have witnessed the Applicant acting as a co-arbitrator or sole-arbitrator (e.g. counsel, co-arbitrator or presiding-arbitrator) and through an interview between the Applicant and Assessors or by other means of assessing an applicant's competency in arbitration, as approved by Accreditation Committee. The applicant should have at least a minimum of 60% "3" rating or above in the Feedback forms and in the interview.

On successful evaluation, the Feedbacks could become a base for the Feedback Digest which would be put into the Arbitrator's Profile.

Once accredited and enlisted, the international certified arbitrator shall update the Feedback digest regularly through their reviewers or at any rate once in two years, with Feedback forms of at least fifteen individuals who have witnessed the arbitrator acting as a co-arbitrator, sole arbitrator or presiding-arbitrator. If the Feedback Digest is not updated or if the annual fee is not paid APCAM reserves its right to de-list the arbitrator from the APCAM website.

Assessors & Fee: The Assessors for QAP-3 will comprise of two selected APCAM International Certified Arbitrators. Fee for QAP-3: • 225.00.

Annual Fees: The annual fees payable by an APCAM International Certified Arbitrator for listing in the APCAM website will be • 100.00. The annual fees received will go towards supporting APCAM's work and operations in maintaining high standards of professional arbitration in the region, promoting arbitration and research initiatives. For new Arbitrators, fee will be payable within eight weeks of being notified that their application has been successful. For existing Arbitrators, fees are payable by 15 April of each calendar year.

Records for Accreditation

1. The applicant shall submit proof of arbitration experience. This could be records of appointment as arbitrator, copy of awards (with names of parties scored off) or certificate from the institution endorsing the appointment of the applicant as arbitrator.
2. The applicant shall be entitled to avail the benefit of attendance in recognized CPD programs, like arbitration workshops, seminars, conferences, training programs, courses. The self-attested certificates of such programs shall be produced for availing this.

APCAM EXPERIENCE QUALIFICATION PATH (EQP)

The Experience Qualification Path (EQP) is an alternative path towards becoming an APCAM Certified or

International Certified Arbitrator under the APCAM Arbitrator Accreditation system. Through this system, APCAM recognizes the experience that is corresponding to the knowledge and proficiency required under the QAP's. There are two limbs under the EQP:

- Arbitrators endorsed by an APCAM constituent member; and
- Certified Arbitrators endorsed by other mutually recognised international certifying organisations.

I. Endorsement by APCAM constituent members

Under this process, an arbitrator may apply to become:

- (1) An APCAM Certified Arbitrator if they provide the following:
 - ◆ an endorsement by an APCAM constituent member, stating that the applicant is an experienced practicing and active arbitrator under their panel of arbitrators and has a strong commitment to professionalism, esteemed values and integrity and has more than 5 years of experience.
 - ◆ appoint a Reviewer to write a Feedback Digest based on Feedback forms collected from at least five individuals who have witnessed the Applicant acting as an arbitrator (e.g. counsel, co-arbitrator or presiding-arbitrator); and
 - ◆ complete his/her Certified Arbitrator profile in accordance with APCAM Guidelines.

- (2) An APCAM International Certified Arbitrator if they provide the following:
- ◆ an endorsement by an APCAM constituent member, stating that the applicant is an experienced practicing and active arbitrator under their panel of arbitrators and has reached a high standard of excellence and proficiency and further signifies that (s)he has a strong commitment to professionalism, esteemed values and integrity and has more than 10 years of experience.
 - ◆ appoint a Reviewer to write a Feedback Digest based on Feedback forms collected from at least fifteen individuals who have witnessed the Applicant acting as an arbitrator (e.g. counsel, co-arbitrator or presiding-arbitrator); and
 - ◆ complete his/her Certified International Arbitrator profile in accordance with APCAM Guidelines.

The applicant may apply under QAP-2 or QAP-3, based on the certification required, but is not required to complete the arbitration knowledge and experience evaluation.

II. Certified Arbitrators from other international organisations

Certifications given by other international organisations may also follow the same procedure under clause-I, once such institutions are recognised by APCAM and mutual recognition of APCAM accreditation is given by such organisation.

APCAM REVIEWER

APCAM Reviewers shall be the constituent members of APCAM, who shall make a list of International Certified Arbitrators who will act as Reviewers. Every APCAM certified and international certified Arbitrator empanelled with APCAM shall mandatorily select a Reviewer of his choice from the list of Reviewers available. The Reviewer selected by an arbitrator should not be a member of the family, or someone who is subordinate to the arbitrator in a professional relationship. The Reviewer shall be responsible for preparing the Feedback Digest of the arbitrator as per the APCAM Guidelines. The identity of the Reviewer will be mentioned in the Arbitrator's Feedback Digest. The Reviewer will also receive future Feedbacks for updating the Arbitrator's Feedback Digest as required to maintain the Certification.

APCAM ASSESSOR AND PROCEDURE FOR CONSISTENT QAP EVALUATION

APCAM Certified Arbitrator or International Certified Arbitrator or such other eminent and experienced person from the field of arbitration may be appointed as Assessor under the respective QAP for evaluating arbitrator accreditation process.

For evaluating the arbitrators under QAP, the Assessors will be given guidelines for evaluating arbitration knowledge and arbitration skills. This is to ensure that the QAP Assessors evaluate the applicants on a consistent application of high-quality standards. The adherence to the guidelines also confirms that the standard of evaluation and outcome is the same for all Assessors, in identical situations, thereby ensuring the consistency of appraisal ratings. Assessors will assess applicants based on the written documentation and interview, as per the Guidelines given to them.

APCAM ARBITRATOR ACCREDITATION RULES QAP EVALUATION

APCAM will monitor that the Assessors evaluate the applicants based on the guidelines. APCAM Accreditation Committee shall also monitor the performance and practice of the Assessors based on their (i) responsiveness, (ii) timeliness, (iii) meticulousness, and (iv) impartiality. Assessors will be invited to assist APCAM to improve the QAP and to develop the high standards.

The Assessors are independent of the Institution and have no administrative connection with the Institution. Those Assessors who are members of the Governing Board or Committees of the Institution will be put in as Assessors along with another Assessor who is independent of such Board or Committee, for arbitrators who are connected with the administration of the Institution.

GUIDELINES TO ASSESSORS FOR QAP EVALUATION

Arbitration Knowledge Evaluation:	
✓ Knowledge of arbitration / specific topic theory:	25%
✓ Knowledge of arbitration rules:	15%
✓ Knowledge of arbitrator ethics & code:	15%
✓ Drafting of Arbitral Award:	20%
✓ Fairly & accurately presenting the matter & assessment of the issue:	15%
✓ Conforming with time schedule and number of words:	10%

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QAP EVALUATION

Arbitration Skill Evaluation:	
✓ Ingenuity and ability to communicate and facilitate dialogues:	20%
✓ Style, Poise, Courtesy & Demeanour:	10%
✓ Understanding of arbitration theory & practice:	10%
✓ Covering the topics pertaining to the dispute:	20%
✓ Reflection of experience as an Arbitrator:	10%
✓ Time Management & Organization:	10%
✓ Structuring the arbitration process in a professional manner:	20%



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For more details:
Email: info@apcam.asia
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