



AFGHANISTAN  
CENTER FOR  
COMMERCIAL  
DISPUTE  
RESOLUTION

د افغانستان  
د سوداګريزو  
شخړو  
حل مرکز

مرکز حل  
منزعات  
تجارتی  
افغانستان

# GUIDELINES FOR ACDR ARBITRATORS SELECTION

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## GUIDELINES FOR ACDR ARBITRATORS SELECTION

A very important incentive for a successful arbitration practice, meant to gain the trust of the business community, is the actual quality of the mediation and arbitration services that are being provided. Therefore, an organizational standard of quality for arbitrators may be fundamental for the ACDR's long term development.

The Guidelines for the ACDR arbitrators' selection, hereafter the "Guidelines", provide quality standard information on the entry level criteria, the selection process and the activity performance review of ACDR arbitrators. These Guidelines are designed to set a quality marker of "*knowledge and skills*" for arbitrators that are accepted on ACDR's panel from foundation training programs and another quality marker of "*experience*" for ACDR arbitrators with successful performance. Each marker will be assessed within two simple and transparent stages that will be detailed further.

Overall, these Guidelines will ensure that all ACDR arbitrators share a minimum high standard of arbitration knowledge, skills and experience in order to be accepted and maintained on ACDR's roster of arbitrators.

This document can be updated to reflect any changes in the methodology and the quality standard for arbitrators, especially once ACDR arbitrators reach a certain level. For transparency reasons, the benchmarks and criteria applied should be published and accessible on ACDR's website.

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## **STAGE 1: Criteria and methodology for selecting ACDR ARBITRATORS**

Below are the criteria set for the arbitrators. All arbitrators are bound by the exhaustive list below.

### ***1. Credibility***

The assessment process should include a methodology for ensuring that Applicants have a substantial level of credibility. High moral or professional status, seniority or leadership can be a means for building and maintaining this precious commodity.

### ***2. Education Background***

The selection committee for ACDR arbitrators will give priority to candidates with more prominent educational background, including their academic credentials. Applicants with bachelor degree are the point of interest. However, higher education must be preferred. A master's degree is equivalent to 4 years of related experience.

### ***3. Work experience***

Good work experience is an excellent base for a good arbitrator. An arbitrator can benefit from prior work experiences by developing knowledge, skills and even dispute resolution experience. Therefore, ACDR selection committee must also select arbitrators based on their work experience. Candidates with solid work experience will be favored.

Consideration may be given to Applicants with arbitration and mediation experience in counseling, social work, law, work with or within agencies, boards, commissions or tribunals and workplaces where dispute resolution or conflict management has been part of Applicant's responsibilities.

### ***4. Arbitration Knowledge***

The applicants must demonstrate a strong understanding of arbitration theory or close practical experience in practice or related experience. This understanding may be developed through formal training programs or practical experience that may include general conflict studies, arbitration process, mediation process, negotiation theory and communication theory. The Applicants should have the skills to negotiate effectively, arbitrate the process, and write assignments and the final award.

### ***5. Familiarity with the Civil Justice System***

The Applicant is required to know and understand the fundamentals of the civil justice system of Afghanistan. The Committee should assess the Applicant's knowledge of the civil procedure, commercial arbitration law, and the rule of arbitration in the civil justice system.



Applicants must demonstrate an understanding of how arbitration and ADR supports the civil justice system.

### ***6. Age Requirement***

The Applicant should be 25 years old or should complete his/her 24<sup>th</sup> year by the announcement of the final selection results.

### ***7. Having no previous convictions; and***

Not to be convicted of any crime or intentional misdemeanor by absolute and final decision of an authorized court. Not be deprived of civil rights by an authorized court at the time of Application.

### ***8. Responsibility to profession***

The Applicant must uphold the dignity, principle and integrity of the office, abide by all the related laws, regulations, bylaws, code of ethics and code of conduct of ACDR arbitrators, and Arbitrators Standards and Registration Procedure of ACDR, Commercial Arbitration Law and other related laws of Afghanistan, and endeavor to provide effective service to the parties and the ACDR.



## Assessment committee

The assessment process should be conducted by a minimum of 3-person committee designated by the ACDR Director. For integrity purposes, at least one member of the committee should not be directly or indirectly connected to ACDR.

### *Methodology for Stage 1:*

#### **1. Step 1: Selection of CVs**

Candidates submit their CVs to the Afghanistan Center for Commercial Dispute Resolution. The assessment committee will review the CVs and will give scores for each candidate. The candidates can score maximum of 5 points for each criterion from each assessor. The total score will be the sum of scores for each criterion. The final score for each candidate will be the average of scores from each assessor. The candidates with a total of at least 15 points will progress to the second step.

This step can be skipped if the applicant went through an evaluation at the end of their formal training program.

#### **2. Step 2: Written multiple choice test**

The test consists of various questions designed to effectively assess the candidates' knowledge of general arbitration theory. There are fifteen questions in total and the candidates must select an answer from among a number of choices. Candidates scoring over 70% of correct answers to the multiple choice test are likely to be accepted to the third step.

This step can be skipped if the applicant went through an evaluation at the end of their formal training program.

#### **3. Step 3: Interview**

The assessment committee will organize interviews at the ACDR offices with candidates that passed the second step of this process. The interviews should accomplish the goal of selecting the best candidates for the position of ACDR arbitrators. To be most effective, each selection criterion will be seen as an interview phase and the members should develop questions for each phase. The candidates will score a maximum 5 points for each criterion. The evaluation within the assessment committee will be similar to the first step one. Candidates who demonstrate leadership abilities and enthusiasm will be preferred between candidates with similar evaluations.

This step can be skipped if the applicant receives endorsement from ADR Center.



## ***Methodology for Stage 2:***

This assessment applies to ACDR arbitrators. Therefore, in addition to the criteria set by this standard for selecting ACDR arbitrators, this methodology includes assessments against one more criteria – **experience**.

In short, this process should filter arbitrators with knowledge, skills, experience and commitment to ACDR’s mission and to providing quality arbitration services.

### **1. Step 1: Performance review**

The assessment committee reviews the feedback received by ACDR on arbitrator’s performance from clients, peers and others in order to assess the quality of the arbitration services provided. Also, statistics (e.g. number of cases, settlement rate) provided by ACDR may offer additional information. Each assessor will provide an evaluation from feedback from clients, one feedback from peers and another one from ACDR statistics. The scoring will be similar, from 1, the lowest to 5, the highest for each of the three criteria.

### **2. Step 2: Interview**

An interview of the arbitrator with the ACDR’s assessment committee will conclude the assessment for second stage.