

Approved  
by the Order of the Independent Arbitration Court “IAC”  
No. 01/11 dated 02 November 2018

**STATUTE**  
**of the International Arbitration Court “IAC”**  
**ON ARBITRAL TRIBUNAL ELECTION**

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The present Statute defines an order of arbitral tribunal election, including procedure of election of the arbitrators by the parties and by the International Arbitration Court "IAC" (hereinafter – the IAC).

#### **Article 1. Terms of the arbitral tribunal election**

1. In the absence of agreement of the parties on the date of arbitral tribunal election the deadlines action on the arbitral tribunal formation shall be established in the orders of the IAC.

1. Either party may submit a reasoned request, and the elected arbitrators at a choice of the presiding arbitrator - a motion, to increase the period of arbitral tribunal election, which shall be considered by the Chairman of the IAC.

#### **Article 2. Procedure for determination of the quantitative arbitral tribunal**

2. The quantitative composition of the arbitral tribunal shall be determined by the parties in the arbitration agreement or in a separate agreement of the parties.

3. Parties are entitled to change the number of the arbitrators defined in the arbitration agreement by mutual agreement, prior to filing a notice of election of the arbitrator(s) or agreement on election of the sole arbitrator by the party(s).

4. If the quantitative arbitral tribunal has not been defined in the arbitration agreement, the parties are encouraged to agree on the number of the arbitrators themselves. Agreement on quantitative arbitral tribunal or any other document confirming the choice of the parties shall be signed by the parties and submitted to the secretariat of the IAC within the period prescribed in the order of the IAC. When not providing the specified documents on the due date the quantitative arbitral tribunal shall be set by the orders of the IAC.

#### **Article 3. Election of the sole arbitrator by the parties**

1. The sole arbitrator and the reserve arbitrator shall be elected by the parties' agreement, which should be fixed in the agreement on election of the sole arbitrator and the reserve arbitrator or other documents confirming the choice of the parties.

2. An agreement on election of the sole arbitrator and the reserve arbitrator or other documents confirming the choice of the parties shall be submitted to the secretariat of the IAC within the period prescribed in the order of the IAC, and shall include the full names of elected candidates as well as their addresses and contact numbers in case if the elected arbitrators are not from the IAC list of the arbitrators. The above-mentioned documents shall be accompanied by prior written consent of the candidate for performance of duties of the arbitrator. In the absence of such data on the candidate and his/her prior consent, election of the arbitrator shall be considered invalid and the parties shall be considered as refused from their rights for the sole arbitrator election.

#### **Article 4. Election of collegiate arbitral tribunal by the parties**

1. When forming collegiate arbitral tribunal each party shall elect an equal number of the arbitrators and the reserve arbitrators and provide the IAC with notification about election of the arbitrator(s) and the reserve arbitrator(s).

2. Notifications about election of the arbitrator(s) and the reserve arbitrator(s) shall be submitted to the secretariat of the IAC within the period prescribed in the IAC order, and shall contain full names of the elected candidates as well as their addresses and contact numbers in case if the elected arbitrators are not from the IAC list of the arbitrators. Notifications shall be accompanied by prior written consent of the candidate for performance of duties of the arbitrator. In the absence of such data on the candidate and his/her prior consent, election of the arbitrator

shall be considered invalid and the parties shall be considered as refused from their rights for the arbitrator election.

#### **Article 5. Election of the presiding arbitrator**

1. Elected by the parties or the IAC arbitrators shall elect the presiding arbitrator and the reserve arbitrator.
2. Policies and principles for election of the presiding arbitrator and the reserve arbitrator shall be determined by the arbitrators by agreement between them.
3. The agreement on election of the presiding arbitrator and the reserve arbitrator or other documents confirming their choice shall be signed by the arbitrators and submitted to the IAC at the time specified in the IAC order, and shall contain full names of the elected candidates as well as their addresses and contact numbers in case if the elected arbitrators are not from the IAC list of the arbitrators. The documents confirming the choice of the presiding arbitrator and the reserve arbitrator shall be accompanied by prior written consent of the candidates for performance of duties of the presiding arbitrator. In the absence of such data on the candidate and his/her prior consent, the presiding arbitrator election shall be considered invalid and the arbitrators shall be considered as refused from their rights for presiding arbitrator election.

#### **Article 6. Procedure for arbitrators' election by the IAC**

1. The IAC shall elect the arbitrator (arbitrators) and the reserve arbitrator (reserve arbitrators) in the following cases:
  - a) while not providing by the parties of the agreement on election of the sole arbitrator and/or reserve arbitrator or other documents confirming the choice of the parties to the secretariat of the IAC within the period prescribed in the order of the IAC;
  - b) at collegial dispute consideration - for each party or one of the parties if within the period specified in the order of the IAC the parties or one of the parties failed to provide notice of electing an arbitrator(s) and/or reserve arbitrator(s) to the secretariat of the IAC;
  - c) if elected by the parties or the IAC arbitrators within the period specified in the order failed to provide to the secretariat of the IAC documents confirming the choice of the presiding arbitrator and/or the reserve arbitrator;
  - d) at request of the parties or one of the parties for election of the sole arbitrator or the arbitrators to the collegial arbitral tribunal as well as the reserve arbitrator;
  - e) at request of the arbitrator(s) for election of the presiding arbitrator and the reserve arbitrator;
  - f) if the arbitral tribunal who rendered the decision on considered dispute is not able to take part in the repeated arbitration.
2. To perform election of the arbitrator(s) and the reserve arbitrator(s) a commission of three persons of the IAC officials shall be appointed. The arbitrators and the reserve arbitrators shall be elected by the commission by the random sampling.
3. The commission is compiling an electoral list consisting of the arbitrators from the IAC list of the arbitrators. The electoral list contains full names of candidates and shall contain at least three candidates. Quantitative composition of the electoral list and the principle of its formation shall be determined by the commission with regard to the circumstances and the nature and subject of the dispute. The electoral list shall mainly include the arbitrators the place of residence of whom is in the place of arbitration.
4. Commission appoints the time and place for the procedures of the arbitrators' election, where either party of the arbitration can optionally participate. An absence of the parties does not

preclude the procedures of the arbitrators' election to take place. The full name of each candidate from the electoral list is filled out in the individual sheets that are put into the envelopes. To ensure random sampling the envelopes are mixed and laid out on the table in random order. Then the random election of the envelope, its opening, and demonstration of the attached to the envelope sheet to the present members of commission and other participants comes along.

5. Election of the arbitrator(s) can be accomplished by the means of special device providing a random sampling likewise.
6. The procedure for the arbitrator(s) election shall be recorded and signed by all members of the commission. The protocol shall include:
  - a) date, time, and venue of election procedure;
  - b) title and number of the case;
  - c) composition of the commission;
  - d) information on the electoral list;
  - e) election results.

#### **Article 7. Completion of the arbitral tribunal election**

1. After the end of the procedure of arbitral tribunal election, submission by the elected arbitrator(s) of the consent to execute duties of the arbitrator and of declaration of independence and absence of obstacles to perform duties of the arbitrator the IAC shall issue an order on determination of the arbitral tribunal for consideration of the dispute, which shall include:
  - a) the title and the number of the case;
  - b) the full names of elected arbitrators;
  - c) the procedure and the date of their election;
  - d) grounds of their election.
2. The date of completion of arbitral tribunal election is considered the date of the IAC order on determination of the arbitral tribunal.

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*The present Statute is made in three languages (Kazakh, Russian, English). In case of any discrepancy, the version in Russian (language of writing) shall prevail.*