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The Effectiveness of Disciplinary Measures Against Arbitrators in Tanzania

EUNICE FRANK NGOWI*

ABSTRACT

This article examines the effectiveness of disciplinary measures against arbitrators in Tanzania through doctrinal and comparative legal research. It analyses the constitutional principles governing fair hearing and administration of justice, the Arbitration Act Cap. 15 R.E. 2023, the Code of Conduct and Practice for Reconciliators, Negotiators, Mediators and Arbitrators Regulations, 2021, and the Reconciliation, Negotiation, Mediation and Arbitration (Practitioners' Accreditation) Regulations, 2021. It also considers relevant international standards concerning arbitrator independence, impartiality, disclosure and professional conduct. The article identifies a distinction between the existence of disciplinary authority and the procedural capacity to exercise that authority consistently and fairly. Although the Tanzanian framework provides for complaints, disciplinary proceedings, sanctions and appeals, important matters remain insufficiently elaborated, particularly investigation powers, evidentiary standards, recusal, procedural timelines, publication of decisions, implementation of sanctions and the determination of appeals to the Minister. The article argues that disciplinary effectiveness should be assessed by reference to accessibility, procedural fairness, institutional independence, transparency and enforceability, rather than by the mere availability of sanctions. It recommends comprehensive procedural rules, clearer investigative and evidentiary standards, safeguards against conflicts of interest, reasoned publication of final decisions, effective sanction monitoring and a defined appellate procedure. The article concludes that targeted legal and institutional reform is necessary to strengthen professional accountability and public confidence in arbitration in Tanzania.

Keywords: *Arbitrators, disciplinary measures, professional accountability, arbitration, impartiality*

I. INTRODUCTION

Arbitration is an important alternative dispute resolution mechanism in Tanzania, particularly in commercial and investment disputes. Its attraction lies in party autonomy, procedural flexibility, confidentiality and the possibility of obtaining a binding determination outside ordinary court litigation. These advantages, however, depend substantially on the integrity,

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competence, independence and impartiality of arbitrators. An arbitrator exercises adjudicative authority over the rights and obligations of parties. Accordingly, actual or perceived misconduct, undisclosed conflicts of interest, bias or procedural unfairness may undermine confidence not only in an individual proceeding but also in arbitration as a dispute-resolution institution.

The legal framework governing arbitration in Mainland Tanzania has developed through the Arbitration Act,[1] subsidiary legislation on practitioners' accreditation and professional conduct, and the constitutional principles of fair hearing and administration of justice. In particular, the Code of Conduct and Practice for Reconciliators, Negotiators, Mediators and Arbitrators Regulations[2] establishes ethical obligations and a disciplinary structure for ADR practitioners. The Reconciliation, Negotiation, Mediation and Arbitration (Practitioners' Accreditation) Regulations[3] provide the related framework for recognition and accreditation. These instruments represent an important move towards professional regulation. Nevertheless, the effectiveness of disciplinary control depends on more than the formal existence of rules: it requires a clear complaint process, competent investigation, impartial determination, proportionate sanctions and reliable review.

It is also necessary to distinguish between challenging an arbitrator during a particular arbitration and instituting professional disciplinary proceedings. A challenge to an arbitrator is primarily directed at protecting the fairness and integrity of the pending proceedings. Professional discipline, by contrast, addresses alleged breaches of professional obligations and may result in sanctions affecting an arbitrator's professional status. The same conduct may give rise to both processes, but the legal purpose, applicable procedure and consequences are different.

This article examines the adequacy of Tanzania's disciplinary framework, identifies the principal procedural and institutional weaknesses arising from its design, and considers reforms informed by international standards. It adopts doctrinal legal research to examine and interpret the primary and secondary legal materials governing the professional conduct and discipline of arbitrators, and focuses on the scope of disciplinary authority, the complaint and hearing process, available sanctions, safeguards and appellate review. The analysis is confined principally to Mainland Tanzania and does not treat the existence of legal provisions as proof that they are effectively implemented in practice.

[1] Arbitration Act, Cap. 15 R.E. 2023 (Tanz.).
[2] Code of Conduct and Practice for Reconciliators, Negotiators, Mediators and Arbitrators Regulations, 2021, G.N. No. 148 of 2021 (Tanz.) (made under section 64D(4)(c) of the Civil Procedure Code, Cap. 33).
[3] Reconciliation, Negotiation, Mediation and Arbitration (Practitioners Accreditation) Regulations, 2021, G.N. No. 147 of 2021 (Tanz.) (made under sections 64B(1) and 64D(4)(e) of the Civil Procedure Code, Cap. 33).

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II. THE LEGAL PROBLEM

The central legal problem is the gap between the formal recognition of disciplinary authority over arbitrators and the absence of sufficiently detailed procedural and institutional safeguards governing the exercise of that authority. Regulation 3(3) of the Code of Conduct Regulations[4] charges the Registrar with enforcing the Code and controlling the discipline of practitioners, while Regulations 8–15[5] provide for complaint handling, determination of complaints by the Accreditation Panel, sanctions and appeals. The framework therefore recognises professional discipline as part of the regulation of ADR practitioners.

However, the provisions do not comprehensively prescribe the standards and procedures necessary to govern every material stage of disciplinary proceedings. In particular, the framework requires greater clarity concerning the powers and methods of investigation, the preservation and assessment of evidence, the burden and standard of proof, the recusal of Panel members, time limits for determining complaints, publication of reasoned decisions, and monitoring of compliance with sanctions. Regulation 15[6] provides for an appeal to the Minister, but the procedure for receiving, hearing and determining such appeals is not elaborated in sufficient detail.

A further concern arises from the Accreditation Panel's involvement in both accreditation and disciplinary functions. Although these functions are related, their combination requires safeguards to ensure that persons involved in an accreditation decision do not participate in a disciplinary determination where a conflict or reasonable apprehension of bias may arise. The legal problem is therefore not simply the absence of disciplinary institutions or sanctions. It concerns whether the existing framework provides a complete, fair, independent and enforceable process capable of translating disciplinary authority into credible professional accountability.

III. LITERATURE REVIEW

Mashamba's[7] work on alternative dispute resolution in Tanzania provides a general account of the legal and institutional development of ADR mechanisms, including arbitration. It is relevant because it situates arbitrator regulation within the wider Tanzanian ADR framework. However, a general treatment of ADR does not, by itself, provide a detailed examination of the procedures

[4] G.N. No. 148 of 2021, reg. 3(3) (Tanz.).
[5] *Id.* regs. 8–15.
[6] *Id.* reg. 15.
[7] CLEMENT J. MASHAMBA, ALTERNATIVE DISPUTE RESOLUTION IN TANZANIA: LAW AND PRACTICE (Mkuki na Nyota 2014).

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for investigating and determining professional misconduct by arbitrators. The present article narrows the inquiry to the disciplinary accountability of arbitrators and the institutional safeguards necessary to make that accountability effective.

Menkel-Meadow's[8] scholarship on ethics in arbitration and related dispute-resolution processes highlights the ethical responsibilities arising from the distinctive role of neutral third-party decision-makers. Her analysis is relevant to independence, impartiality, disclosure and the professional obligations of arbitrators. It provides a normative basis for assessing conduct standards, although it does not address the particular allocation of disciplinary powers and appeal procedures under Tanzania's 2021 Regulations.[9]

Resnik's[10] analysis of the relationship between private arbitration and public justice raises broader questions about transparency, accountability and the public consequences of private dispute resolution. This perspective is useful when considering the tension between arbitral confidentiality and the public interest in ensuring that professional misconduct is addressed. It supports the argument that confidentiality should not operate as a complete barrier to regulatory scrutiny, while recognising that disclosure must be proportionate and protect legitimate interests.

Øyre's[11] discussion of ethical codes and disciplinary proceedings in the context of the Chartered Institute of Arbitrators is relevant to the relationship between professional standards and disciplinary enforcement. It illustrates the importance of connecting ethical obligations with a defined process for receiving complaints and determining alleged breaches. However, professional disciplinary arrangements in another institution cannot automatically be transplanted into Tanzania without considering the statutory role of the Registrar, Accreditation Panel and Minister under the domestic framework. The literature therefore provides important normative guidance, while the specific contribution of this article is its integrated analysis of the Tanzanian disciplinary framework and the procedural gaps requiring legal reform.

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[8] Carrie Menkel-Meadow, *Ethics in Alternative Dispute Resolution: New Issues, No Answers from the Adversary Conception of Lawyers' Responsibilities*, 38 S. TEX. L. REV. 407 (1997), https://scholarship.law.georgetown.edu/facpub/1744.

[9] G.N. No. 148 of 2021 (Tanz.); G.N. No. 147 of 2021 (Tanz.).

[10] Judith Resnik, *Diffusing Disputes: The Public in the Private of Arbitration, the Private in Courts, and the Erasure of Rights*, 124 YALE L.J. 2804 (2015), https://www.yalelawjournal.org/article/diffusing-disputes.

[11] Tamara Øyre, *Ethical Codes of Conduct for Arbitrators and Disciplinary Proceedings of the Chartered Institute of Arbitrators*, 68(2) ARBITRATION (2002), https://kluwerlawonline.com/journalarticle/Arbitration:+The+International+Journal+of+Arbitration,+Mediation+and+Dispute+Management/68.2/AMDM2002018.

IV. Conceptual and theoretical framework

A. Disciplinary accountability and arbitrator ethics

Disciplinary measures are corrective or punitive consequences imposed where a professional is found to have breached applicable legal, ethical or professional obligations. In arbitration, disciplinary accountability is intended to protect parties, uphold professional standards, deter misconduct and preserve confidence in the arbitral process. Depending on the governing law, consequences may include a warning, reprimand, suspension or cancellation of accreditation. The availability of a sanction is only one element of an effective regime; the law must also define misconduct, provide a fair method of establishing responsibility and ensure that the resulting sanction is implemented.

B. Procedural justice and institutional legitimacy

Procedural justice provides an analytical basis for assessing whether disciplinary proceedings are conducted fairly. Since disciplinary findings may affect an arbitrator's reputation, professional status and livelihood, the process should provide notice of allegations, a meaningful opportunity to respond, an impartial decision-maker, consistent evidentiary standards and reasoned decisions. The right to appeal or seek review further guards against arbitrary or erroneous outcomes. These protections do not weaken accountability; they make disciplinary outcomes more legitimate and defensible.

C. Regulatory and institutional effectiveness

Regulatory effectiveness depends on the relationship between legal authority, institutional capacity and implementation. A disciplinary body must have clearly defined responsibilities, adequate investigative capacity, reliable records and procedures for implementing its decisions. Where responsibilities overlap or conflicts are unmanaged, the credibility of disciplinary action may be weakened. Institutional effectiveness therefore requires both substantive standards of conduct and procedural arrangements capable of applying those standards consistently.

V. Legal and institutional framework governing disciplinary measures

A. The Constitution of the United Republic of Tanzania

The Constitution of the United Republic of Tanzania[12] provides the broader constitutional context for professional disciplinary proceedings. Article 13(6)(a)[13] protects the right to a fair

[12] Constitution of the United Republic of Tanzania, 1977 (Cap. 2 R.E. 2023).
[13] *Id.* art. 13(6)(a).

hearing, while Article 107A[14] sets out principles relating to the administration of justice. These provisions do not establish a complete disciplinary code for arbitrators. They nevertheless inform the interpretation and exercise of disciplinary powers, particularly where proceedings may result in sanctions affecting professional rights and interests. Any disciplinary procedure should therefore be consistent with impartial adjudication, fairness and the opportunity to be heard.

B. Arbitration Act

The Arbitration Act[15] is the principal statute governing arbitration in Mainland Tanzania. It provides for the revocation of an arbitrator's appointment and empowers the Tanzania Arbitration Centre to remove an arbitrator where circumstances give rise to justifiable doubts as to the arbitrator's impartiality,[16] while the Code of Conduct requires an arbitrator to disclose all facts or circumstances that may give rise to justifiable doubts as to impartiality or independence.[17] These provisions are important safeguards within an individual arbitration. They should, however, be distinguished from professional disciplinary proceedings. A successful challenge may result in an arbitrator ceasing to act in a particular reference, but it does not necessarily determine whether professional misconduct has occurred or whether a regulatory sanction should be imposed. The distinction demonstrates why challenge procedures and disciplinary procedures must operate coherently but should not be conflated.

C. The Code of Conduct and Practice for Reconciliators, Negotiators, Mediators and Arbitrators Regulations

The Code of Conduct and Practice for Reconciliators, Negotiators, Mediators and Arbitrators Regulations[18] is the central subsidiary instrument governing ethical conduct and disciplinary control of ADR practitioners. Regulation 3(3) charges the Registrar with enforcing the Code and controlling the discipline of practitioners,[19] and Regulations 8–15 provide for complaint handling, determination of complaints by the Accreditation Panel, sanctions and appeals.[20] The Regulations therefore establish a formal basis for receiving complaints and imposing professional consequences where a breach is established.

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[14] *Id.* art. 107A(2).
[15] Arbitration Act, Cap. 15 R.E. 2023 (Tanz.).
[16] Arbitration Act, No. 2 of 2020, §§ 25–26 (Tanz.) (as enacted).
[17] G.N. No. 148 of 2021, sched. 1, para. 13(1) (Tanz.).
[18] G.N. No. 148 of 2021 (Tanz.).
[19] *Id.* reg. 3(3).
[20] *Id.* regs. 8–15.

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The difficulty lies in the level of procedural detail. The framework does not sufficiently elaborate the investigative steps to be followed, the means of obtaining and testing evidence, the applicable burden and standard of proof, or the circumstances requiring a Panel member to withdraw from a matter. It also requires greater clarity on timelines, the form and content of reasoned decisions, publication, implementation of sanctions and the procedure governing appeals. These omissions may produce uncertainty for complainants, arbitrators and decision-makers and may affect consistency in the exercise of disciplinary authority.

D. The Reconciliation, Negotiation, Mediation and Arbitration (Practitioners' Accreditation) Regulations

The Reconciliation, Negotiation, Mediation and Arbitration (Practitioners' Accreditation) Regulations[21] provide the accreditation framework for ADR practitioners. Accreditation is relevant to discipline because it establishes the professional status against which compliance with prescribed standards may be assessed and because disciplinary sanctions may affect an individual's continued recognition as an accredited practitioner. The interaction between accreditation and discipline should nevertheless be governed by clear institutional safeguards. In particular, the rules should address conflicts of interest, recusal and the separation of functions where prior involvement in accreditation could reasonably compromise impartial disciplinary determination.

E. International standards

The UNCITRAL Model Law on International Commercial Arbitration recognises the importance of impartiality and independence in the appointment and challenge of arbitrators.[22] The UNCITRAL Arbitration Rules similarly contain provisions relevant to disclosure and challenges.[23] The IBA Guidelines on Conflicts of Interest in International Arbitration provide a widely used analytical framework for identifying circumstances that may give rise to justifiable doubts about an arbitrator's independence or impartiality.[24] The UNCITRAL Code of Conduct for Arbitrators in International Investment Dispute Resolution further articulates standards concerning independence, impartiality, integrity and diligence in the investment arbitration context.[25]

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[21] G.N. No. 147 of 2021 (Tanz.).
[22] UNCITRAL Model Law on International Commercial Arbitration art. 12 (U.N. Comm'n on Int'l Trade L. 1985, amended 2006).
[23] UNCITRAL Arbitration Rules arts. 11–13 (U.N. Comm'n on Int'l Trade L. 2021).
[24] INT'L BAR ASS'N, *IBA Guidelines on Conflicts of Interest in International Arbitration* (2024).
[25] UNCITRAL Code of Conduct for Arbitrators in International Investment Dispute Resolution arts. 3, 5–6 (U.N. Comm'n on Int'l Trade L. 2023).

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These instruments primarily regulate standards relevant to arbitral appointments and proceedings; they do not establish Tanzania's domestic disciplinary jurisdiction or prescribe the complete procedure under the 2021 Regulations. Their relevance is therefore normative and comparative. They can inform the content of professional duties and conflict-of-interest safeguards, while domestic legislation must determine who investigates complaints, how misconduct is proved, which sanctions may be imposed and how decisions may be appealed.

F. Institutional framework

The Ministry responsible for constitutional and legal affairs has a role in the regulatory structure, including the ministerial appeal function under Regulation 15.[26] The Registrar and Accreditation Panel are central to the administration of accreditation and disciplinary functions under the Code of Conduct Regulations.[27] The Judiciary remains relevant where disputes concerning arbitral proceedings or the legality of administrative action come before the courts. Professional institutions, including the Tanzania Arbitration Centre and the Tanzania Institute of Arbitrators, also contribute to the broader arbitration environment through professional development, institutional rules and promotion of arbitration practice. The respective roles of these bodies should be clearly distinguished so that professional support, accreditation, investigation, disciplinary determination and appellate review are not confused or exercised without adequate safeguards.

VI. Main findings and discussion

A. The framework recognises disciplinary authority but requires procedural consolidation

The doctrinal analysis establishes that Tanzania has moved beyond relying exclusively on general ethical expectations by providing a formal regulatory basis for disciplinary control of ADR practitioners. Regulation 3 and Regulations 8–15 of the Code of Conduct Regulations[28] identify the institutional structure and principal stages of disciplinary action. This is a significant foundation because professional accountability requires an authority capable of receiving complaints and imposing consequences for established misconduct.

Nevertheless, the existence of provisions distributed across subsidiary instruments does not necessarily produce a complete procedural system. A disciplinary regime must explain how a complaint is screened, how an investigation is commenced, what powers investigators possess,

[26] G.N. No. 148 of 2021, reg. 15 (Tanz.).
[27] *Id.* regs. 3(3), 8–15.
[28] G.N. No. 148 of 2021, regs. 3, 8–15 (Tanz.).

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how the subject of a complaint is notified, how evidence is tested and how a final decision is reached. If these matters are left uncertain, the same type of complaint may be handled differently depending on the decision-makers or circumstances involved. The framework should therefore be consolidated through comprehensive procedural rules that make each stage predictable.

B. Investigation and evidentiary standards

Investigation is a decisive stage because disciplinary proceedings cannot be fair or effective unless allegations are examined through a reliable evidentiary process. Rules should identify how the Registrar is to conduct an investigation or inquiry on the advice of the Accreditation Panel,[29] the permissible methods of gathering information, the treatment of documentary and electronic evidence, the handling of witnesses and the protection of confidential arbitral material. They should also clarify the applicable burden and standard of proof. Without such guidance, decision-makers may lack a consistent basis for assessing whether alleged conduct amounts to professional misconduct.

The framework must also distinguish between dissatisfaction with an arbitral decision and conduct capable of attracting professional discipline. An allegation that an arbitrator made an error of law or fact should not automatically become a disciplinary complaint. Conversely, allegations of undisclosed conflicts, improper communications, corruption, deliberate partiality or serious breach of professional duties should not be insulated from scrutiny merely because they arose during confidential proceedings. Clearly stated thresholds for admissibility and investigation would help prevent disciplinary procedures from becoming a collateral appeal on the merits of an award.

C. Institutional independence and recusal

The Accreditation Panel's involvement in accreditation and disciplinary functions raises an institutional design question. Accreditation decisions and disciplinary determinations are connected, but they are not identical. A person who participated in an earlier decision, has a personal interest in the complaint or has a relationship with a party may be unable to determine the disciplinary matter impartially. The legal framework should therefore require disclosure of relevant interests and provide a clear recusal procedure.

Institutional independence does not necessarily require the creation of an entirely new disciplinary body. It may be achieved through functional separation, independent panel composition, transparent appointment criteria and effective recusal rules. The governing

[29] *Id.* reg. 11(2)(a)–(b).

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regulations should identify how substitute members are appointed and how challenges to a Panel member are determined. These safeguards would protect both complainants and arbitrators by reducing the risk that disciplinary decisions are influenced by institutional or personal interests.

D. Transparency and confidentiality

Arbitration is commonly associated with confidentiality, but confidentiality should not be treated as an absolute bar to professional accountability. Disciplinary proceedings concern the conduct and fitness of a professional who exercises adjudicative authority. A complete absence of public information about final disciplinary outcomes may make it difficult for parties and institutions to understand applicable standards, assess regulatory consistency or identify practitioners subject to sanctions.

At the same time, unrestricted publication may expose parties to disclosure of commercially sensitive information or confidential arbitral materials. A balanced approach would require reasoned final decisions to be published in anonymised or redacted form, subject to defined exceptions. Published decisions should identify the professional issue, the applicable rule, the finding and the sanction without disclosing confidential details that are unnecessary for public accountability. Such a system would promote transparency while respecting legitimate confidentiality interests.

E. Sanctions, implementation and monitoring

The effectiveness of a disciplinary sanction depends on whether it is implemented. A decision imposing suspension, cancellation of accreditation or another professional restriction will have limited value if relevant registers are not updated, affected institutions are not notified where legally appropriate, or compliance is not monitored. The regulations should therefore specify the official responsible for implementing each category of sanction and the records that must be maintained.

The sanctioning framework should also observe proportionality. The nature and seriousness of misconduct, its consequences, whether it was deliberate or repeated, any mitigating circumstances and the need for deterrence should inform the sanction. A reasoned decision should explain why the sanction is appropriate. Consistency in sanctioning would improve predictability and reduce the risk of arbitrary or disproportionate outcomes.

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F. The ministerial appeal mechanism

Regulation 15[30] provides a right of appeal to the Minister within twenty-one days from the date of receipt of the decision. An appellate mechanism is important because it provides an opportunity to correct errors and reinforces procedural fairness. However, the effectiveness of an appeal depends on clarity concerning the form and content of the appeal, service on affected parties, transmission of the record, the opportunity to respond, the grounds of review and the remedies available to the appellate authority.

The regulations should further require written reasons for appellate decisions and clarify whether the appeal is confined to the record or may involve additional evidence in specified circumstances. The role of the Minister should be defined in a manner that supports impartial decision-making and avoids uncertainty about the applicable standard of review. A structured appeal process would protect the rights of the arbitrator and complainant while improving consistency and accountability.

G. Preventive regulation and continuing professional development

Disciplinary sanctions are principally responsive: they address misconduct after it has occurred. A sound regulatory framework should also prevent misconduct by promoting awareness of professional duties. Continuing professional development should therefore include regular training on independence, impartiality, disclosure of conflicts, procedural fairness, confidentiality and professional responsibility. Accessible guidance should explain the complaint process and distinguish professional misconduct from an unsuccessful party's disagreement with an award.

Preventive measures cannot replace investigation and sanctions where misconduct is established. Rather, training, clear standards and accessible guidance complement enforcement by reducing inadvertent breaches and strengthening a shared understanding of professional obligations. The framework should accordingly combine preventive education with credible disciplinary procedures.

H. Overall assessment of effectiveness

The doctrinal analysis indicates that Tanzania's disciplinary framework has a formal legal foundation but requires greater procedural and institutional development. Its effectiveness cannot be measured solely by the range of sanctions available. It must also be assessed by whether complaints can be brought and screened fairly, investigations are conducted

[30] *Id.* reg. 15.

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competently, decision-makers are independent, evidence is assessed consistently, outcomes are reasoned, sanctions are implemented and appeals are determined through a predictable process.

It would therefore be too broad to conclude, on the basis of legal analysis alone, that disciplinary measures are wholly ineffective in practice. The more precise conclusion is that the framework contains structural and procedural weaknesses capable of undermining effectiveness unless addressed. Targeted reform of the existing regulatory architecture is preferable to assuming that additional sanctions, without improved procedures and institutional safeguards, will by themselves secure professional accountability.

VII. Conclusion

This article has examined the effectiveness of disciplinary measures against arbitrators in Tanzania through doctrinal and comparative legal analysis. The Constitution,[31] the Arbitration Act[32] and the 2021 subsidiary regulations[33] provide a legal foundation for fair hearing, professional conduct, accreditation, complaints, disciplinary proceedings, sanctions and appeals. In particular, Regulation 3 and Regulations 8–15 of the Code of Conduct Regulations[34] establish the central disciplinary structure. However, the framework requires clearer rules on investigations, evidentiary standards, recusal, timelines, publication of decisions, implementation of sanctions and the ministerial appeal process.

The central argument is that professional accountability requires more than the formal existence of disciplinary powers. It requires an accessible, impartial, transparent and enforceable process that protects arbitrators against arbitrary action while enabling substantiated misconduct to be addressed. International standards provide useful guidance on independence, impartiality and disclosure, but the detailed disciplinary procedure must be established by domestic law. Tanzania should therefore strengthen its existing framework through comprehensive procedural rules, institutional safeguards, reasoned decisions, effective monitoring and a clearly regulated appellate process.

VIII. Recommendations

A. Legislature and government

The Government and the responsible law-making authorities should review the Code of Conduct Regulations[35] and adopt comprehensive disciplinary procedural rules. The rules should

[31] Constitution of the United Republic of Tanzania, 1977, arts. 13(6)(a), 107A(2) (Cap. 2 R.E. 2023).
[32] Arbitration Act, Cap. 15 R.E. 2023 (Tanz.).
[33] G.N. No. 148 of 2021 (Tanz.); G.N. No. 147 of 2021 (Tanz.).
[34] G.N. No. 148 of 2021, regs. 3, 8–15 (Tanz.).
[35] G.N. No. 148 of 2021 (Tanz.).

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regulate complaint screening, investigation, notice, response, evidence, hearings, reasoned decisions, sanctions, publication, implementation and appeals. The rules should also clarify the relationship between the Code of Conduct Regulations and the Practitioners' Accreditation Regulations[36] to avoid uncertainty or duplication.

B. Registrar and Accreditation Panel

The Registrar and Accreditation Panel should apply transparent complaint-handling procedures and maintain complete records of complaints, investigations, decisions and sanctions. Clear conflict-of-interest declarations and recusal procedures should be adopted. Where practicable, accreditation and disciplinary determination should be functionally separated, or otherwise supported by safeguards ensuring that persons with prior involvement do not determine a related disciplinary complaint.

C. Ministry responsible for legal affairs

The Ministry should support the development of a defined procedure for appeals under Regulation 15.[37] The procedure should prescribe service, the record of proceedings, responses, permissible grounds of appeal, available remedies and the requirement to issue reasoned decisions. The appellate function should be exercised transparently and consistently with the principles of impartiality and fair hearing.

D. Professional institutions

Relevant professional institutions, including the Tanzania Arbitration Centre and the Tanzania Institute of Arbitrators, should strengthen continuing professional development on ethical duties, independence, impartiality, disclosure and professional accountability. They should also provide accessible information explaining the disciplinary framework and the distinction between a challenge to an arbitrator in a particular proceeding and a professional misconduct complaint.

E. Publication and monitoring of decisions

Final disciplinary decisions should ordinarily be published in anonymised or appropriately redacted form, with reasons and sanctions stated clearly. The responsible authority should maintain an updated record of final sanctions and monitor compliance with suspension, cancellation of accreditation or other orders. Publication and record-keeping should be

[36] G.N. No. 147 of 2021 (Tanz.).
[37] G.N. No. 148 of 2021, reg. 15 (Tanz.).

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governed by safeguards protecting confidential arbitral information and legitimate privacy interests.

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