



EDITORIAL PUBLICATION POLICY FOR THE NCIA JOURNAL

Introduction

The Nairobi Centre for International Arbitration (NCIA) Journal is an annual publication that seeks to nurture appreciation of arbitration and other alternative dispute resolutions by providing an avenue where scholarly and practical arbitration and other Alternative Dispute Resolution (ADR) mechanisms work.

Editorial Guidelines

Frequency

The NCIA Journal Editorial Board shall publish one journal each financial year. This will be reviewed after every two years.

Length

The NCIA Journal publishes practical and scholarly articles, case comments, and book reviews. For inclusion as an article, a manuscript should exceed 5,000 words but be not more than 10,000 words (including footnotes).

Cover

The cover page to include full contact details including author's name, affiliation, title, contact information, and forwarding email address.

Readership

The *Journal* has a wide circulation, nationally and internationally. Authors are, therefore, encouraged to ensure that the context of laws and policies is clearly explained to readers who may be unfamiliar with the details of particular national

or regional systems. Neither the Editorial Board, nor the NCIA accepts responsibility for the view's authors express in their contributions.

Submission of Articles

All articles should be submitted in soft copy to the following address:

journal@ncia.or.ke

The Journal Editor together with the officer representing the communication and marketing unit will manage this email address.

Abstract

All submissions must include an abstract which should not be more than 5% of the word count

Format

All manuscripts should be in the following format:

1. Ms. Word.
2. Maiandra GD, font type, 12 font size.
3. 1.5 spaced.
4. Footnotes and endnotes should be used appropriately.
5. With margins of 2.5 cm at each side of the text and at the top and bottom of each page.
6. With the total number of words of the text indicated at the top right-hand corner of the front page.
7. Justify
8. Pagination – bottom right
9. It is important for the author to clarify the levels of heading required, i.e., title, main section headings, secondary headings etcetera.

The submission should include:

- i. The author's full names and contact information.
- ii. A declaration of originality.
- iii. A statement of whether the work has been previously published or tendered for publication in any other publication and where this is the case, the name of the publisher and the date of publication; and
- iv. A statement that the author consents to the publication of the work by the NCIA.

Review Process

Authors will be notified by email once their manuscripts are received. Only articles that meet the NCIA Journal Policy standards will be evaluated for publication.

Initial manuscript evaluation

The editor shall screen all new submissions before deciding if they should be published in the NCIA Journal. Submissions that are rejected at this stage generally lie outside the aims and scope of the journal. Those that meet the criteria for review shall be passed on to the Journal review committee for consideration. Authors of articles rejected at this stage will normally be informed within 4 weeks of receipt.

Plagiarism Check

Plagiarism is unacceptable and will lead to automatic disqualification. Submitted articles will be subjected to plagiarism check to determine the authenticity of the articles.

Non-Discriminatory Language

The NCIA Journal is committed to the use of non-discriminatory language.

As a general guide, consider the following:

1. Use 'he or she' instead of just 'he'
2. Write in the plural, e.g., 'when they contemplate' not 'when he contemplates'
3. Select neutral words, e.g., 'chairperson' not 'chairman'
4. Avoid stereotyping individuals either in the negative or positive terms, on their racial or cultural origins, e.g. 'All Germans are racists' or 'Black men dance better'

Language

All manuscripts should principally be written in the English language. An author who presents work in other language may be required to seek authenticated translation into the English language, at a cost to be met by the author. Such translation shall not be a guarantee that the manuscript shall be accepted for publication.

The following should be *italicized*:

Case names

[ex. *John Doe & 2 others v S. P Construction Limited* [2005] KLR 443

Names of periodicals and journals

[ex. James Smith, "Elements of Liberty," *Journal of Politics*]

Books and treatise titles

[ex. Charles Freeman, *The Greek Achievement*, Hackett]

Uncommon foreign words

[ex. The law school's *raison d'être* had vanished.]

Words to be emphasized in text or notes

[ex. Melissa really, *really* wants to finish her presentation tonight.]

NOTE: Common legal phrases, such as "ex parte" or "de facto," need not be italicized.

NOTE: Articles or essays within periodicals or books should be placed in quotations, not italicized

[ex. "Tercets on Fortune," *Machiavelli: The Major Works and Others.*]

Paragraphs

The first paragraph and every paragraph immediately following a heading or sub-heading must begin at the margin. Thereafter, the first line of all other paragraphs must be indented by three points.

Parentheses and Punctuation

Unless the parenthesis is a complete sentence, full stops should be outside closing parenthesis.

Emphasis

All emphasis in the text should be in *italics*, not bold, not underlined.

Dates

These should be set out as follows: 12 June 2012, 27 October 2016.

Abbreviations

Commonly used abbreviations, such as citations of law reports and journals, judges titles and Latin shorthand (*ibid*, *op cit*, *loc cit*) need not be punctuated by full stops or other punctuation. For example,

- EALR and Crim LR rather than EA LR. and Crim L.R.
- George JA (plural JJA)
- Etc, Dr, ed, vol, per cent, eg rather than etc., Dr., ed., vol., per cent., e.g.
- Acronyms (eg CID, FOB, CIF) also need not be punctuated.

In the main text, never use abbreviations of the word's "section" "article" "regulation", directive" or "paragraph". In footnotes spell out the full word when it appears as first word in a sentence. Otherwise use the abbreviations "s", "ss", "art", "reg", "dir" or "para". It is also not necessary in the footnotes to punctuate abbreviations used to refer to specific courts, eg CA, HL, QBD, ChD and PC.

Abbreviations should be used only if they easily recognized, and then sparingly. Months of the year, geographic terms, and ordinal numbers should be spelled out. For abbreviations not familiar or recognizable from context, spell out the word or phrase on first reference and not the chosen abbreviation in parentheses. [ex. The London Court for International Arbitration (LCIA) is not corrupt.]

Numbers

Ordinal numbers

For ordinal numbers in citations, use 1st, 2nd, 3rd, 4th, etc. In text, follow the convention for whole numbers described below.

[ex. She finished in third place.]

[ex. He finished in 100th place.]

[ex. Taxes are due each year on April 15.]

[ex. The First Amendment is about freedom of speech.]

Note: Do not superscript ordinal numbers.

A percent should always be expressed as a numeral followed by percent [ex. 34 percent (not 34%, thirty---four percent)]

Whole numbers

Spell out whole numbers from one to ninety---nine. Spell out any such one to ninety---nine multiple of hundreds, thousands, millions, and so on. [ex. twenty---six, forty thousand]

Numerals

Use numerals for numbers greater than ninety---nine, for numbers that incorporate decimal points, and for dates. Use numerals to be consistent with other numbers expressed as numerals.

[ex. Almost 300 million people live in the US as of April 30, 1975.]

Currency

Use numerals for dollar amounts.

[ex. The Tribunal awarded \$27 million in damages.]

References and footnotes

Articles should be backed by adequate referencing. Authors are responsible for checking the accuracy of all references. References should be in the form of footnotes appearing consecutively numbered and collated at the bottom of the main text with no extra line between footnotes.

Footnotes to the titles and author(s) should be designated as *, ** etc. Footnotes to the text should be designated as 1, 2, 3 etc and be placed after the punctuation. The footnote to the name(s) of the author(s) should give the author's position, brief qualifications, email address, institutional address (where appropriate), and any brief acknowledgements

Editor or translator

When referring to an edited collection of works by different authors, place the editor's name in the author's position, followed by "ed." [ex. David Kairys, ed, *The Politics of Law...*]

A translator should be indicated in an explanatory parenthetical.

[ex. *On Truth and Lies* (Oxford 1957) (Edith Honeywell, trans.)]

Multiple authors

Separate two authors' names with "and" rather than an ampersand ("&"). When there are three authors, separate the first and second with a comma, and the second and third with a comma and "and." [ex. Richard Posner, Frank Easterbrook, and Richard Corn]

If there are more than three authors, list the first author and then “et al”. [ex. Paul M. Bator, et al, *The Meaning of Judicial Review...*]

Using the same citation more than once

When citing an authority for the first time, give the full citation. Thereafter, make references to the same authority by “id” *only* if the authority is the *only* one cited in the immediately preceding sentence or endnote. “Id” cannot be used even if the additional authority is merely cited in a parenthetical subsequent history, or “quoting” or “citing” reference.

Using “Id.”

“Id should be capitalized only if it is the first word in a sentence. It should not be followed by a period unless it appears at the end of a sentence and should never be italicized.

Case names.

Cases involving the state should use the word Republic

[Ex. Xyz Limited v Denny Crane & Another]

Case names may be stated in the main text or footnotes as appropriate but **MUST** be stated in italics;

Abbreviation “v” should be used instead of “versus”. The “v” should also be in italics without a full---stop or other punctuation.

The citation of law report should always be placed in the footnotes, **NOT** in the main text.

The year of the law report should normally be enclosed in square brackets or curved brackets where the year is uncertain, for example, *Rylands v Fletcher* [1868] UKHL 1 or *Rylands v Fletcher* (1868) UKHL 1.

Court

Use a parenthetical to indicate the name of the court or Tribunal that decided the case, unless the court’s or Tribunal’s identity is clearly indicated

Articles in journals, newspapers, and services should be cited as follows:

{author}, {"title"}, {volume number} {*periodical*} {1st page}, {cited page} ({date}). [ex. Herbert Wechsler, “Toward Neutral Principles of Constitutional Law,” 73 *Nature* 1, 9 (1959).]

Books and treatises

Books and treatises should be cited in the following form: {author}, {volume number} {*title*} {cited *subdivision* and/or page} ({publisher} {edition} {year}). [ex. James J. White and Robert S. Summers, *Handbook of the Law under the Uniform Commercial Code* ss 14---6 at 563(West 2d ed 1980).]

Note: Each new volume of a multivolume work takes a new full cite when it is first introduced.

Title

Generally, use the title of the book as it appears on the title page. Never shorten the title. Secondary titles (subtitles) should be included in the cite after a colon. Book and treatise titles should be italicized.

Edition

Give the number of the edition cited unless citing to a first or single edition.

Constitution

The Constitution of Kenya should be cited as follows: Constitution of Kenya, 2010

Other founding legal documents

When citing to other founding legal documents, use the general form for constitutions as far as possible.

Multiple sections or subsections

To indicate multiple sections or subsections, separate them by commas if they are not consecutive, or by an en dash (not a hyphen) if they are consecutive.

Section numbers

If section numbers are continued, follow the rules for multiple page numbers.

Treaties

Treaties and agreements to which Kenya is party should be cited with *both* the official and unofficial citation. {name of treaty}, {official citation}, {unofficial citation} ({year signed}).

[ex. Convention on the Rights of Persons with Disabilities (ICRPD), 2006).]

Foreign Materials

In general, foreign materials should be cited according to customary practice in the source country. The citation rules for a particular type of material's Kenyan equivalent may serve as a proxy.

Internet sources

Internet sources are transient in nature and often unreliable, so they should be cited with caution, and only if a paper source is not available. For online resources, provide the traditional citation for that type of document, followed by the “URL,” which is the exact electronic address of that source. Also include the date the source was last accessed, preceded by “visited.” Use the following form: {author}, {*title*}, {volume and publication} ({publisher and date}), online at {URL} (visited {date accessed}).

[ex. Raymond J. Kopp and Paul R. Portney, *Mock Referenda for Intergenerational Decision making*, 5 Discussion Paper 97---48 (Resources for the Future 1997), online at http://www.rff.org/disc_papers/PDF_files/9748.pdf (visited Apr 15, 2020).]

Journal articles

At first mention, journal articles should be fully cited as follows: author, followed by the article title – in *italics*, then citation of the journal (by title – in plain text, volume, number, year) and the relevant page number(s). Abbreviations should be used only for familiar journals. Otherwise, the title should be fully given R Kerridge, *The Taxation of Trust Income* (1994) 110 L.Q.R. 84.

Statutes

Statutes should be fully identified in the main text or footnote and cited in the footnote as appropriate. Old statutes which have chapter numbers should be cited in the following form: The Arbitration Act, Chapter 49 of the Laws of Kenya. Modern statutes should be cited in the form: Children Act, 2001. Reference to a specific section(s) of the statute should use the word “section” in full before the statement of the title of the statute.

Where the abbreviation “s” is preferred, the same should be placed in lower case at the after the citation of the statute or in parenthesis. For example, Section 29, Limitation of Actions Act, Chapter 22 of the Laws of Kenya OR Limitation of Actions Act, Chapter 22 of the Laws of Kenya, s 29.

Statutory Instruments

These should be fully identified in the main text or footnote and cited in the footnotes as appropriate. For example, Stamp Duty Regulations 1986, L.N. 1986/1711

International instruments

These should be fully identified in the main text or footnote and cited in the footnote as appropriate. The citation should normally include full title of the instrument, adopting body, place of adoption, year of adoption, year of coming into force, resolution number (where applicable), where the full text is published.

Copyright

It is a condition of publication in this Journal that authors assign ***exclusive copyright to the NCIA***. This ensures that requests from third parties to reproduce articles are handled efficiently and consistently and will also allow the article to be as widely disseminated as possible. In granting copyrights, authors may use their own material in publications provided that the NCIA is acknowledged as the original place of publication, and the NCIA is notified in writing and in advance.

The NCIA does not accept responsibility for the views' authors express in their contributions. Only articles written in accordance with this Editorial Policy will be considered for publication. As contributions accepted for publication must be put into Journal style, authors are reminded to minimize the possibility of their article(s) having to be re--- formatted by the Editorial Committee. Contributions which depart substantially from this policy and NCIA style will be returned to authors for revision.

Indemnity

Pursuant to Section 13 (1) of the NCIA Act, no act or omission by any member, officer, employee, agent or servant of the NCIA Journal Editorial Board shall, if the act or omission was done *bona fide* for the purposes of executing a function, power or duty under the NCIA Act and the NCIA Journal editorial policy, render such member, officer, employee, agent or servant personally liable to any action, claim or demand whatsoever.

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