



ICSID Panels of Arbitrators and Conciliators

Public tender

Arbitrator or conciliator on Switzerland's list at the International Centre for Settlement of Investment Disputes (ICSID)

The International Centre for Settlement of Investment Disputes (ICSID) was established by the Washington Convention of 18 March 1965 on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) and has 155 Member States to date.¹

According to Article 13 of the ICSID Convention, each Contracting State may designate arbitrators and conciliators. Switzerland is accordingly looking for qualified persons for the renewal of Switzerland's list of arbitrators and conciliators at ICSID, as the current list expires on 11 February 2021.

Type of function: arbitrator / conciliator.

Number of persons to be appointed: four arbitrators / four conciliators.

Description of the function of the arbitrator: Arbitration under the aegis of ICSID provides for the settlement of disputes between an investor and a State on the basis of international investment protection agreements (bilateral investment protection agreements or investment protection provisions in multilateral agreements), foreign investment laws, investment contracts or ad hoc arbitration agreements. Disputes are submitted to an arbitral tribunal composed of a sole arbitrator or an uneven number of arbitrators appointed in accordance with the agreement of the parties to the dispute. In the absence of an agreement between the parties to the dispute on the appointment of the members of the tribunal, the Chairman of the Administrative Council of ICSID shall appoint the missing member or members of the arbitral tribunal. In doing so, the Chairman of the Administrative Council of ICSID will refer to the lists of arbitrators of the Contracting States and of ICSID. Otherwise the arbitrators need not be selected from the persons on the lists of the Contracting States and of ICSID.

In accordance with the applicable law chosen by the Parties, the arbitral tribunal so constituted shall then render a binding arbitral award, which shall be enforced by the Contracting States on their territories. The award may be reviewed by an ad hoc Committee of three members appointed by the Chairman of the Administrative Council of ICSID, again based on the lists of arbitrators established by the Contracting States and ICSID.

¹ Cf.: <https://icsid.worldbank.org/en/Pages/about/Database-of-Member-States.aspx>



Description of the function of the conciliator: Conciliation under the aegis of ICSID is a cooperative process for the amicable settlement of disputes. The task of the Conciliation Commission is to clarify the contentious issues between the parties and to try to find a mutually acceptable solution. In order to assist the parties in reaching a mutually acceptable agreement for the settlement of their dispute, it may agree to allow witnesses, travel to the scene of the dispute, request the parties to submit documents and make recommendations. The parties to a dispute involved in a conciliation proceedings shall cooperate in good faith with the Commission and take full account of its recommendations. A Conciliation Commission is composed of a single conciliator or an uneven number of conciliators appointed by the parties to the dispute. If no agreement can be reached on the appointment of the members of the Conciliation Commission, the Chairman of the Administrative Council of ICSID shall appoint the missing member or members based on the lists of conciliators established by the Contracting States and ICSID. Otherwise the conciliators need not be selected from the persons on the lists of the Contracting States and of ICSID.

Eligibility: Applications from persons already on the list of another Member State cannot be considered.

Qualifications: Candidates must meet the following requirements:

- Professional activity in the field of arbitration, in the academic field, in an international organisation or in the public administration;
- Knowledge and experience in international investment law and public international law;
- Practical experience and expertise in international arbitration. Preference is given to candidates with ICSID experience as arbitrators or party representatives (indication of the number of completed and pending cases and, if applicable, cases in which the candidate has chaired the arbitral tribunal);
- Ability to conduct arbitration proceedings and to draft an arbitration award in one or more of the official languages of ICSID (English, French and Spanish);
- Swiss citizenship (dual citizenship also possible).

Application formalities: The application includes a letter of motivation (max. two A4 pages) and a resume containing current contact details. The documents must be sent to the State Secretariat for Economic Affairs SECO by e-mail (afin@seco.admin.ch) no later than 30 November 2020. Late or incomplete applications will not be considered. Candidates are asked to indicate whether they wish to be nominated on the list of arbitrators and/or on the list of conciliators.

Information on the selection procedure: A committee will review the applications and select the most suitable candidates. This decision is final and cannot be appealed. The communication of Switzerland's new list to the ICSID secretariat will take place in January 2021.