

## Chrysoula Mavromati

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**From:** Carlos Matheus López <cmatheus@cmlarbitration.com>  
**Sent:** Friday, January 27, 2017 1:06 AM  
**To:** ICSID Ideas  
**Subject:** Rule 5 (1) of Arbitration Rules

Dear Sirs,

Below is my proposal to amend the Rule 5 (1) of Arbitration Rules.

*"(1) The party or parties concerned shall notify the Secretary-General of the appointment of each arbitrator and indicate the method of his appointment. Likewise, the party shall inform the Secretary-General of any relationship, direct or indirect, between the arbitrator and the party (or another company of the same group of companies, or an individual having a controlling influence on the party in the arbitration), or between the arbitrator and any person or entity with a direct economic interest in, or a duty to indemnify a party for, the award to be rendered in the arbitration. The party assume a continuing obligation promptly to notify the Secretary-General of the Centre of any such relationship that subsequently arises during the proceeding".*

Since the involvement of a third-party funder may create situations of conflict of interest for the arbitrators, the proposed amendment would protect *-inter alia-* the independence and impartiality of ICSID arbitrators.

To my judge, the involvement of a third-party funder may raise conflict of interests in certain circumstances. For example, a conflict of interest may arise if the same arbitrator is appointed in different arbitrations, by Funded Parties funded by the same Third Party Funder.

Kind regards,

Prof. Dr. Carlos Matheus López  
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