Comparing ICSID Convention and ICSID-Administered UNCITRAL Arbitration

ICSID Arbitration		ICSID-administered UNCITRAL Arbitration
As of June 30, 2025, ICSID had administered 1,043 cases under the ICSID Arbitration Rules, of which 289 were pending and 754 were concluded.	ICSID's experience as administering institution	As of June 30, 2025, ICSID had provided a range of services in 88 UNCITRAL cases, including full administration in 41 cases.
ICSID charges a US$25,000 lodging fee to file and review a request for arbitration.	Lodging fee	No lodging fee.
Each proceeding is assigned to a case team which is led by an ICSID counsel, who serves as secretary of the tribunal. The case team provides full support to the parties and the tribunal.	Case administration / support services	Each proceeding is assigned to a case team which is led by an ICSID counsel, who serves as secretary of the tribunal. The case team can provide varying degrees of support based on the needs of the parties and tribunal.
An administrative charge of US$52,000 is levied by the Centre upon registration of a request for arbitration and annually thereafter. This annual fee is drawn from the advance payments made by the parties, with each party paying half, unless a different division is agreed to by the parties or ordered by the Tribunal.	Yearly fee for case administration or support services	An administrative charge of US$52,000 is levied by the Centre upon registration of a request for arbitration and annually thereafter for full administration. ICSID can provide more limited services if requested by the parties and tribunal, at a fee calibrated to the services required.

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Proceedings conducted in accordance with the ICSID Arbitration Rules (2022 or an earlier version as applicable pursuant to the parties' agreement and the relevant ICSID Rules). The 2022 ICSID Arbitration Rules came into effect on July 1, 2022 and include a number of changes to enhance time and cost efficiency, and to modernize the process. Such changes include disclosure requirements for third party funding, a requirement for case-management conferences, and enhanced transparency provisions. The 2022 ICSID Arbitration Rules also include time limits applicable to the parties and the Tribunal, as well as expedited arbitration rules, which can be applied with party agreement.	Arbitration Rules	Proceedings conducted under the UNCITRAL Arbitration Rules (2021 or an earlier version as applicable pursuant to the parties' agreement). The UNCITRAL Arbitration Rules have been modified three times since introduced in 1976. The 2021 version incorporates optional rules for expedited arbitration proceedings, in addition to rules on transparency which were incorporated in the 2013 version.
ICSID assists with the appointment of arbitrators at the parties' request. It can compile ballots or lists of candidates upon request of the parties. The ICSID Arbitration Rules provide default procedures to facilitate the constitution of the tribunal where the parties cannot reach agreement.	Appointment of arbitrators and constitution of the tribunal	Where the ICSID Secretary-General is named appointing authority, she can appoint arbitrators and facilitate the tribunal constitution process. The ICSID Secretary-General can also be proposed as appointing authority in the notice of arbitration or by agreement of the parties after the institution of the proceeding. Where the ICSID Secretary-General acts as appointing authority, the US$10,000 appointment fee is waived if ICSID also serves as the administering institution.

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ICSID Arbitration	Points of Comparison	ICSID-administered UNCITRAL Arbitration
Arbitrators are paid US$500 per hour, and reimbursed reasonable expenses, including a *per diem*, as detailed in the Schedule of Fees and Memorandum on the Fees and Expenses.	Arbitrator fees	Arbitrator fees are determined by the tribunal, taking into account, *inter alia*, the amount in dispute and the complexity of the case (Art. 40.2, 41.1, UNCITRAL Arb. Rules (2021)). Where the ICSID Secretary-General is the appointing authority, the tribunal shall take ICSID's arbitrator fee schedule into account when fixing its fees (Art.41.2, UNCITRAL Arb. Rules (2021)).
Challenges to a single arbitrator are decided by the non-challenged members of the tribunal. Where the non-challenged members of the tribunal are unable to decide the challenge, or the challenge is to a sole arbitrator or a majority of the arbitrators, the Chair of the ICSID Administrative Council makes the decision (Art. 58, ICSID Convention). There is no additional fee when the Chair of the ICSID Administrative Council decides a challenge.	Arbitrator challenges	The ICSID Secretary-General, if designated as appointing authority, decides challenges upon request where the parties do not agree to the challenge and the challenged arbitrator does not withdraw (Art. 13.4, UNCITRAL Arb. Rules (2021)). Where the ICSID Secretary-General decides a challenge, a fee of US$10,000 applies. This fee is waived if ICSID is also the administering institution.
ICSID supports in-person sessions in facilities that are equipped with state-of-the-art technology. ICSID also supports remote and hybrid sessions on several different virtual platforms, complete with court reporting and interpretation services. This includes end-to-end encryption in accordance with World Bank Group security levels.	Technological support	ICSID supports in-person sessions in facilities that are equipped with state-of-the-art technology. ICSID also supports remote meetings and hearings on several different virtual platforms, complete with court reporting and interpretation services. This includes end-to-end encryption in accordance with World Bank Group security levels.

Comparing ICSID Convention and ICSID-Administered UNCITRAL Arbitration

ICSID Arbitration		ICSID-administered UNCITRAL Arbitration
Not applicable.	Place of arbitration	The place of arbitration is determined by party agreement or tribunal decision (Art. 18.1, UNCITRAL Arb. Rules (2021)).
The place of proceeding is determined by party agreement or by default provision (Arts. 62-63, ICSID Convention).	Place of proceeding	Hearings shall be held at the location determined by the tribunal unless otherwise agreed by the parties (Art. 18.2, UNCITRAL Arbitration Rules (2021)).
Hearings can be held outside the place of proceeding at any venue agreed by the parties and approved by the tribunal. ICSID has dedicated hearing facilities in Washington, D.C. and Paris. It can also use World Bank Group facilities in more than 120 country offices, depending on the size of a meeting or hearing. There is no extra cost for using these facilities. ICSID also has arrangements with arbitral institutions around the world allowing it to host meetings and hearings at their facilities.	Meetings and hearing facilities	Hearings can be held outside the place of arbitration at any venue agreed by the parties and approved by the tribunal. ICSID has dedicated hearing facilities in Washington, D.C. and Paris. It can also use World Bank Group facilities in more than 120 country offices, depending on the size of a meeting or hearing. There is no extra cost for using these facilities if ICSID is the administering institution. ICSID also has arrangements with arbitral institutions around the world allowing it to host meetings and hearings at their facilities.

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ICSID Arbitration		ICSID-administered UNCITRAL Arbitration
There are numerous provisions concerning transparency in the 2022 ICSID Rules: • ICSID maintains a register of all cases which is continuously updated (2022 Admin. and Financial Reg 26); • Unless a party objects, the Tribunal must permit participants other than the parties to observe the hearing (2022 ICSID Arb. Rule 65); • All decisions and orders issued in a case are to be published, subject to any redactions requested by the parties within 60 days of the issuance of the order or decision; disputed redactions are decided by the Tribunal (2022 ICSID Arb. Rule 63); • The parties can consent to ICSID's publication of the Award, with or without redactions; if neither party objects to the publication of the document within 60 days, consent to publish is deemed to have been given. If a party objects to publication of the Award, ICSID is required to publish excerpts of the legal reasoning (2022 ICSID Arb. Rule 62). ICSID can assist the parties in complying with the applicable rules on transparency, including by: facilitating the redaction and publication of case documents; making logistical arrangements for *amicus curiae* and non-disputing treaty party participation; coordinating webcasts or in person observation of hearings consistent with the applicable case regime.	Confidentiality and transparency (cont'd)	ICSID can assist the parties in complying with the applicable rules on transparency, including by: facilitating the redaction and publication of case documents; making logistical arrangements for *amicus curiae* and non-disputing treaty party participation; coordinating webcasts or in-person observation of hearings consistent with the applicable case regime. ICSID will disclose the existence of the case and its administration of the proceedings on the ICSID website, provided that both parties consent.

Comparing ICSID Convention and ICSID-Administered UNCITRAL Arbitration

ICSID Arbitration		ICSID-administered UNCITRAL Arbitration
Final and binding on the parties (Art. 53, ICSID Convention).	Awards	Final and binding on the parties (Art. 34.2, UNCITRAL Arb. Rules (2021)).
Awards are recognized in each ICSID Contracting State, and the pecuniary obligations imposed by the Award are binding and enforceable in any Contracting State as if it were a final judgment in a court of that State (Art. 54(1), ICSID Convention). No formal process is required for recognition (Art. 54(1)-(2), ICSID Convention). Enforcement is subject to the laws concerning the execution of judgments and the rules on immunity from execution where enforcement is sought (Arts. 54-55, ICSID Convention).	Award recognition and enforcement regime	Tribunals may issue final, interim, interlocutory or partial awards. Awards can be recognized and enforced under the New York Convention if they are made in the territory of a State other than the State where recognition and enforcement are sought, and they are not considered as domestic awards in the State where recognition and enforcement are sought (Art. I .1, New York Conv.). A formal process is required for recognition and enforcement (Art. IV, New York Conv.). Recognition and enforcement are subject to refusal based on seven grounds (Art. V, New York Conv.). Depending on the law of the place of arbitration, interim, interlocutory and partial awards may also be subject to recognition and enforcement proceedings.
No appeal available. Post-award remedies consist of interpretation, revision, and annulment (Arts. 50-52, ICSID Convention).	Post-award remedies	No appeal available. Post-award remedies consist of interpretation, correction, and additional award (Arts. 37-39, UNCITRAL Arb. Rules (2021)). Other post-award remedies are available in accordance with the laws of the place of arbitration.

Comparing ICSID Convention and ICSID-Administered UNCITRAL Arbitration

ICSID Arbitration		ICSID-administered UNCITRAL Arbitration
ICSID holds the case funds in an escrow account. Interest earned is credited to the parties. ICSID covers case-related expenses from this account and provides full accounting of the use of funds. Any balance in the escrow account after the conclusion of a case is refunded to the parties.	Case funds	For cases that are fully administered, ICSID holds the case funds in an escrow account. Interest earned is credited to the parties. ICSID covers case-related expenses from this account and provides full accounting of the use funds. Any balance in the escrow account after the conclusion of a case is refunded to the parties.