

Kluwer Arbitration Blog

The ICC will host its Seventh Annual Conference in September – to consider State-Related Arbitration Topics

Lisa Bench Nieuwveld (Conway & Partners) · Monday, July 16th, 2012

On September 10, 2012, The International Chamber of Commerce (“ICC”) in New York will be hosting the seventh annual conference. Located in New York City, the ICC Conference will be looking at investor-state arbitration, specifically under the rules of the ICC.

The ICC has been working hard to build up its profile in the international arbitration niche, investor-state arbitration. Unfortunately, they have only been able to handle a very few cases (According to a GAR article published on March 15, 2010, stated that at the time there were 9 investor-state arbitrations currently being administered by the ICC) (see ICC Task Force Considers State-Related Arbitrations by Allison Ross at www.globalarbitrationreview.com). But what does add to their credibility is both (1) their handling of a significant amount of international arbitrations (even if commercial) annually, and (2) that since the 1998 ICC Rules were implemented, about 10% of the parties involved in these international “commercial” arbitrations involved states parties (see the same GAR article). This gives the ICC, arguably, some experience handling cases with political sensitive issues and parties.

Without having inside information, I cannot answer this question, but I am curious to know – after establishing the task force to consider state-related arbitrations- whether the number of state-investor arbitrations administered under the ICC have increased. The upcoming annual conference is entitled, “Arbitrations with States and State Entities under the ICC Rules.” Perhaps this will provide an invaluable forum to learn where the ICC currently stands and to get a better understanding of the ICC’s approach as an administrator of investor-state arbitrations versus the leading handler of such cases, ICSID.

Full disclaimer – I myself will be joining the conference as one of the speakers. The panels will include discussing a broad spectrum of sub-topics under state involved arbitrations. This includes going through the core basics of how it all works for those less acquainted with this more specialized field to discussing emerging trends and specific sub-issues for the more experienced practitioners, clients and arbitrators.

The ICC is no doubt an experienced arbitral institute in the international arbitration arena, but relatively young in terms of the investor-state arbitrations. Yet, with their recent efforts to increase their work load in this area coupled with their general administration know-how, perhaps they could become a contender one day. Or, are they forever labeled only with the commercial cases? It would be interesting to hear others’ thoughts.

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The graphic features a black background with white text and a circular icon. The icon depicts a group of five stylized human figures, with a magnifying glass positioned over the central figure. The background is accented with horizontal lines in blue and green.

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