

How to file a Request for Arbitration - ICSID Convention Arbitration

A party commences an arbitration under the ICSID Convention by submitting a request for arbitration to the Secretary-General.

The conditions for access to ICSID are contained in [Article 25](#) of the ICSID Convention. There may be further conditions in the parties' consent to arbitration.

The process of filing the request is governed by [Article 36](#) of the ICSID Convention, the Rules of Procedure for the Institution of Conciliation and Arbitration Proceedings ([Institution Rules](#)) and the Administrative and Financial Regulations ([Regulations 16, 30 and 34\(1\)](#)).

Formal Requirements, Information and Documentation

The request for arbitration must comply with Institution [Rules 1 and 2](#).

The request must be:

- written in one of the official languages of the Centre (English, French or Spanish) (Administrative and Financial [Regulation 34](#));
- dated; and
- signed by the requesting party or its duly authorized representative. If the request is signed by a representative, it must enclose proof of the authorization, e.g., a power of attorney or a letter of engagement.

The request must contain:

- Name and contact details of all parties (including mailing address, telephone and fax numbers and e-mail if available).
- The date of consent and the instruments recording the consent. The date of consent is the date on which the parties to the dispute consented in writing to submit it to the Centre; if both parties did not act on the same day, it means the date on which the second party acted (Institution [Rule 2\(3\)](#)).
- If the consent is in a treaty or law, the request must enclose copies of such instruments and evidence of their entry into force (e.g., an extract of the domestic law showing the date).
- If the consent is in a contract, the request must enclose a copy of the signed contract and its effective date.
- If a party is a constituent subdivision or agency of a Member State, a statement that it has been designated to the Centre by that State pursuant to [Article 25\(1\)](#) of the Convention. The request must also enclose documentation concerning the subdivision's or agency's consent and the approval of the consent by the State, unless the State has notified the Centre that no such approval is required ([Article 25\(3\)](#) of the Convention and [Measures Taken by ICSID Contracting States for the Purpose of the Convention \(Doc. ICSID/8\)](#)).
- If a party is a natural person, his/her nationality on the date of consent and the date of the request and that he/she was not a national of the State party to the dispute on either date ([Article 25\(2\)\(a\)](#) of the Convention).
- If a party is a company or other juridical person, its nationality on the date of consent. If the nationality is the same as that of the Member State party to the dispute, the request must enclose the agreement of the parties that the juridical person should be treated as a national of another Member State for the purposes of the Convention ([Article 25\(2\)\(b\)](#) of the Convention).
- Basic information demonstrating that there is a legal dispute arising directly out of an investment ([Article 25\(1\)](#) of the Convention).
- If the requesting party is a juridical person, a statement that it has taken all necessary internal actions to authorize the request. The statement must be supported by evidence, e.g., a resolution of the board of directors.

Optional Information: The request may include any agreement or proposal by the parties regarding the [number of arbitrators and the method of their appointment](#), and any other agreements concerning the dispute (Institution [Rule 3](#)). An indication of the amount in dispute is also optional in ICSID cases.

Number of Copies and Supporting Documents: ICSID requires one original and five hard copies of the request (including all annexes), and an additional hard copy for each opposing party identified in the request (Institution [Rule 4\(1\)](#)). The request should also include the same number of electronic devices containing copies of the request and its annexes.

Documents which are enclosed with the request and which are not in English, French or Spanish must be accompanied by a translation into one of these languages. If the document is lengthy and relevant only in part, it is sufficient if only the relevant parts, which must be precisely specified, are translated (Administrative and Financial [Regulation 30](#)).

Lodging Fee: A non-refundable fee, US\$25,000 under the current [Schedule of Fees](#), must be paid on or before lodging the request. The fee is payable by the party filing the request or by both parties if the request is made jointly.

The fee should be paid by wire transfer. Wire transfer instructions may be obtained by contacting the [ICSID Secretariat](#). A copy of the wire transfer order should be filed with the request.

Where to Send: Please submit the request in hard copy and electronically to the following addresses.

Hard Copy (by courier):

Secretary-General of ICSID
1818 H Street, N.W.
MSN J2-200
Washington, D.C. 20433
U.S.A.

Phone No. (202) 458-1534
Fax No. (202) 522-2615

Hard Copy (by local messenger):

[701 18th Street, N.W.](#) (known within the World Bank as the J Building)
2nd Floor
Washington, D.C. 20006
U.S.A.

Pre-arranged deliveries may be made between 9:00 a.m. – 6:00 p.m., Monday through Friday. Upon arrival, please call an ICSID staff member or ICSID's general number ((202) 458-1534) in order for ICSID staff to accept delivery.

Electronic copy: ICSIDsecretariat@worldbank.org