Secretary-General,
International Centre for Settlement of Investment Disputes (ICSID)
Position Description

Location
Washington, DC, USA

Organizational Profile
The International Centre for Settlement of Investment Disputes (ICSID) is one of the five intergovernmental organizations that make up the World Bank Group. It was established in 1966 by the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (the Convention). To date, 143 countries have ratified the Convention and become ICSID members.

ICSID aims to foster increased flows of international investment by providing a neutral international forum for the resolution of disputes between governments and foreign investors. Under the Convention, ICSID administers procedures for the settlement of such disputes by conciliation and arbitration, in cases where both the host and the home country of the investor are ICSID members. Pursuant to Additional Facility Rules adopted in 1978, ICSID also administers certain types of proceedings between governments and foreign nationals that fall outside the scope of the Convention. These notably include conciliation and arbitration proceedings for the settlement of investment disputes where either the home or the host country of the investor concerned is not an ICSID member. Another dispute settlement activity of ICSID has consisted in the Centre undertaking to appoint arbitrators and/or administer proceedings conducted under the Arbitration Rules of the U.N. Commission on International Trade Law.

In addition to its dispute settlement activities, ICSID has a publications program in the area of foreign investment law. Its publications in this area include a semiannual law journal and multivolume collections of investment laws and treaties. The Centre also maintains a website providing access to extensive information and materials on the cases in particular, including ICSID arbitral awards and decisions.

Provisions referring to arbitration under the ICSID Convention and Additional Facility Rules are a standard feature of international investment contracts. Such provisions are also frequently included in the trade and investment treaties that have proliferated over the past 20 years. There are now about 2,300 bilateral investment treaties and several multilateral trade and investment treaties containing provisions of this kind. The arbitration caseload of ICSID has seen tremendous growth over the past decade, almost all of the new cases having been brought to ICSID under such bilateral and multilateral treaty provisions. The number of cases currently pending before the Centre is well in excess of 100, as compared with some 20 pending cases just a decade ago.

The larger caseload has increased the visibility of the ICSID arbitral mechanism, posing new challenges and opportunities for the Centre. The arbitral tribunals that are constituted
for each dispute under the auspices of ICSID have been rapidly developing international investment law. The cases are more often procedurally complex, raising such novel issues as the coordination or consolidation of related proceedings and access of non-disputing parties to the proceedings. There also has been greater recourse to procedures for the challenge of arbitrators and their awards.

ICSID has an Administrative Council and a Secretariat. The Administrative Council is ICSID’s governing body. It consists of one representative of each ICSID member country. These generally are the Governors of the World Bank for the countries concerned. The Chairman of the Administrative Council is the President of the World Bank. The Council meets once each year and approves ICSID’s administrative budget and annual report.

The Secretariat consists of a Secretary-General, a Deputy Secretary-General, and staff.* They perform the day-to-day work of the Centre for the administration of the dispute settlement facilities and the carrying out of the publications program.

**Position Overview**

In accordance with the Convention, the Secretary-General of ICSID is elected, for a term of up to six years, by the Administrative Council on the nomination of the President of the World Bank in his capacity as Chairman of the Council. Prior consultation with the members of the Council is required before the nomination may be made. In the past, the General Counsel of the World Bank was nominated and elected to fill the ICSID Secretary-General position as well. It has now been decided to separate the two positions in view of growing demands on both.

The Convention provides that the Secretary-General shall be ICSID’s legal representative and principal officer, responsible for the administration of the Centre, including the appointment of staff. The Secretary-General is the registrar for proceedings under the Convention and Additional Facility Rules. This importantly includes screening requests for conciliation and arbitration to avoid the institution of proceedings in cases where jurisdiction is obviously lacking. The Secretary-General also oversees the constitution of conciliation commissions and arbitral tribunals and supervises the administration, including the financial administration, of the subsequent proceedings by ICSID legal staff.

In accordance with the Convention, disputing parties may call on the Chairman of the Administrative Council to appoint conciliators or arbitrators that are not timely appointed by the parties or their nominees. The Chairman may in certain situations also be requested to decide on the application of a party to disqualify an arbitrator for lack of impartiality or independence. In practice, these appointing authority functions of the Chairman are normally performed on the recommendation of the Secretary-General. The Secretary-General is also directly entrusted with such appointing authority functions under the NAFTA and many other treaty arrangements.

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* ICSID currently has a Deputy Secretary-General and 29 staff. The staff comprise six counsel/senior counsel, eight legal consultants, five paralegals, and ten finance and administrative staff.
Other duties of the Secretary-General include setting charges for the use of ICSID’s dispute-settlement facilities and the standard fees of conciliators and arbitrators; certifying entitlement to immunities under the Convention and dealing with requests for waivers of immunity; certifying arbitral awards for enforcement purposes; registering requests for annulment and other post-award remedies under the Convention; recommending the appointment by the Chairman of the Administrative Council of members of annulment committees; formulating budget submissions to the Administrative Council; and exercising ultimate editorial responsibility for ICSID publications.

Overall responsibilities include:

- Ensuring the continued integrity and efficiency of ICSID’s dispute settlement facilities and their responsiveness to the needs of investors and host countries alike.
- Encouraging the coherent development of ICSID arbitral jurisprudence, both procedural and substantive, and the maintenance of uniform high case-management standards and practices across the Secretariat.
- Ensuring the highest level of probity and economy in the administration of the funds advanced to ICSID by parties to defray the direct costs of proceedings, as well as in the management of the Centre’s own budgetary resources.
- Keeping ICSID’s Regulations and Rules under review and proposing amendments thereto as appropriate.
- Seeking to ensure that both the official rosters of ICSID conciliators and arbitrators, and the pool of actual appointees to conciliation commissions and arbitral tribunals, are appropriately large and diverse.
- Dealing promptly and soundly with difficult conflict-of-interest issues in the context of arbitrator appointments and challenges.
- Promoting increased use of conciliation and other methods of settling disputes amicably.
- Providing advice and intellectual leadership on ICSID and non-ICSID dispute settlement systems and on the international law relating to foreign investment.
- Representing ICSID in other international fora, particularly in the consideration of new initiatives in the fields of international dispute resolution and investment protection.
- Promoting awareness and understanding of ICSID and its objectives through publications, media contacts, and participation in training and educational events.
Reporting Relationships
The Secretary-General will report to the Administrative Council and to its Chairman, the President of the World Bank.

Qualifications and Experience
- Professional qualifications should include a law degree or equivalent, and admission to the bar or equivalent in at least one jurisdiction.
- Fluent English and at least working knowledge of ICSID’s two other official languages, French and Spanish.
- Experience in the areas of conciliation and arbitration and international law, including in particular international law relating to foreign investment.
- Minimum of 15 years of relevant experience and leadership in academia, private practice, and/or arbitration or similar institutions.
- Sustained management experience.
- Demonstrated professional excellence and substantive legal expertise.

Personal Characteristics
- Impeccable ethics and integrity.
- Strong track record of sound professional and personal judgment, demonstrated ability to exercise independence in decision-making.
- Develops, inspires and empowers others: manages, coaches and mentors others and provides consistent, accurate and straightforward feedback regarding strengths and developmental needs; stewards talent to strengthen the institution as a whole.
- Demonstrates a degree of selflessness and a sense of corporate ethos; has a mindset that values teamwork and organizational needs; measures own success in terms of what the organization achieves, and how motivated, excited and energized staff feels under his/her leadership.
- Ability to focus on the big picture; communicates clearly and precisely ICSID’s objectives and strategies for achieving them.
- Possesses the interpersonal acumen and communication skills to discuss effectively and proactively complex and controversial topics with a diverse audience, within and outside of the World Bank Group.
- Proven leadership skills; ability to formulate, articulate and implement a vision and strategy for ICSID in a competitive environment; and demonstrated ability to lead diverse teams of professionals within a demanding, high-profile organization.
- Behaves with tact and diplomacy and deals well with difficult and sensitive problems.