



Donor Funded Staffing Program

TOR No:	2022-026
Title:	Counsel
Grade:	GF
Division/VPU:	International Centre for Settlement of Investment Disputes (ICSID)
Duty Location:	Washington, DC
Appointment Type and Duration:	Two-year Term Appointment

BACKGROUND

The International Centre for Settlement of Investment Disputes (ICSID) was established in 1966. It is one of the five organizations that make up the World Bank Group (WBG) and is the global leader in international investment dispute settlement. To date, 156 countries are ICSID members.

ICSID consists of an Administrative Council and a Secretariat. The Administrative Council is the governing body of ICSID. It is composed of one representative of each ICSID member State and is chaired by the President of the WBG. The Secretariat carries out the day-to-day work of ICSID. It consists of a Secretary-General, two Deputy Secretaries-General and staff who are organized into teams. Five legal teams administer the more than 300 cases pending before ICSID. A sixth team in the Secretariat's front office oversees ICSID's institutional affairs, including membership, publications, communications, outreach and technical assistance. The seventh team manages the institution's administrative and financial operations.

The mandate of ICSID is to foster increased flows of international investment by providing an impartial and effective international forum for the resolution of disputes between host governments and foreign investors.

ICSID administers arbitration and conciliation under the ICSID Convention and the ICSID Additional Facility Rules. It also administers investor-State proceedings under other sets of rules such as the Arbitration Rules of the United Nations Commission on International Trade Law, and acts as an appointing authority under various arbitral rules and international treaties. In addition to its dispute settlement activities, ICSID has an active publications program in the areas of foreign investment law and international dispute resolution. Its publications include a semi-annual law journal and multi-volume collections of investment laws and treaties.

ICSID also maintains a website providing access to extensive information on its operations and cases, including ICSID arbitral awards and decisions.

Further information about ICSID can be found on its website at www.worldbank.org/icsid.

The Counsel will be assigned to one of the Secretariat's legal teams. S/he will work under the supervision of a Team Leader, and under the general guidance of an ICSID Deputy Secretary-General. As a legal team member, the Counsel will act as Secretary in arbitration and conciliation cases, offering a wide range of

support and expertise to disputing parties, arbitrators, conciliators and *ad hoc* committee members. As Secretary, the Counsel will be involved in all aspects of the process and assist at hearings. S/he will also participate in and lead a variety of institutional projects and will represent ICSID at conferences and meetings. The position requires excellent command of English. Fluency in another language is desirable.

DUTIES AND RESPONSIBILITIES

- Analyze requests for conciliation and arbitration, and applications for post-award remedies
- Assist in the constitution of conciliation commissions, arbitral tribunals and *ad hoc* committees
- Administer the subsequent proceedings, including complex and novel proceedings
- Supervise the financial aspects of proceedings, including advances of funds, reimbursement of arbitrator and other costs, and refunds to parties
- Provide procedural advice to conciliators, arbitrators, committee members and parties
- Assist conciliators, arbitrators and committee members in the preparation of procedural orders, and review of decisions and awards, as well as translations
- Assist conciliators, arbitrators and committee members to identify necessary legal and practice materials
- Assist parties in ICSID proceedings with information about proceedings
- Act as Secretary in fact-finding and mediation proceedings
- Participate in and lead institutional projects
- Deliver presentations and represent ICSID at conferences and meetings with State representatives and the public
- Undertake legal research in the fields of conciliation, arbitration, alternate dispute resolution and foreign investment law
- Assist in the development and implementation of internal best practices
- Assist with identification of trends and issues in cases, and where appropriate, develop and implement measures to address such issues
- Contribute to knowledge creation and knowledge sharing related to ICSID's activities, both within and outside the WBG
- Mentor and oversee the work of junior staff
- Work on other matters, initiatives and programs as the Secretary-General, Deputy Secretaries-General or Team Leader may assign

Note:

The selected candidate will not be assigned to programs involving his/her own government such as donor coordination and trust fund management.

SELECTION CRITERIA

- Law degree (JD, LLB, LLM or equivalent) and admission to the Bar (or equivalent) in at least one jurisdiction
- Minimum of 5 years of relevant experience. Preference will be given to candidates who have significant experience as arbitration counsel or as tribunal secretary in investment or commercial arbitration.
- Advanced knowledge of international investment law and public international law
- Advanced knowledge of arbitration practice and procedure
- Excellent skills in organizing, prioritizing and coordinating work
- Capacity to deliver a substantial and proficient level of work independently
- Sense of responsibility, integrity and positive attitude

- *Initiative*: Volunteers to undertake tasks and lead projects
- *Professional Maturity*: Listens well to others and communicates in a respectful manner. Takes the time to clarify others' points of view and reach consensus.
- *Leadership and Mentoring*: Strong leadership skills and ability to lead by example. Shares own expertise with others regarding task accomplishment and general legal and ICSID knowledge. Ability to supervise more junior colleagues (e.g., Paralegals and Legal Assistants) and provide constructive feedback.
- *Legal Drafting and Research*: Excellent legal drafting skills. Demonstrated ability to research complex arbitration and investment law questions, and draft documents in a clear and precise manner with limited supervision.
- *Legal Reasoning*: Able to anticipate and address complex and novel issues. Able to analyze a problem or situation by breaking it down into its component parts and articulating its implications in a step-by-step manner.
- *Flexibility*: Demonstrates the ability to adapt plans, tasks and resources to meet objectives and work with others. Ability to adapt effectively to shifting work demands and institutional directives in a rapidly changing work environment. Willingness to work flexible hours to meet client needs.
- *Service Orientation*: Is accountable for timely responses to internal and external queries, requests or needs, working to remove obstacles that may impede execution or overall success. Tact and discretion in dealing with internal and external stakeholders.
- *Drive for Results*: Pro-active approach to case management and is accountable for meeting deadlines and achieving agreed-upon results
- *Teamwork (Collaboration) and Inclusion*: Excellent interpersonal skills, including the ability to work effectively in a team. Collaborates with other team members and contributes productively to the team's work and output, demonstrating respect for different points of view. Ability to deal sensitively in multicultural environments and build effective working relationships with clients and colleagues.
- *Communication, Knowledge and Learning*: Excellent oral and written communication skills in English (fluency in another language would be an advantage). Actively seeks knowledge needed to complete assignments and shares knowledge with others, communicating and presenting information in a clear and organized manner.
- *Judgment and Analytical Decision Making*: Analyzes facts and data to support sound, logical decisions regarding own and others' work
- *Lead and Innovate*: Develops and encourages innovative solutions with and by others
- *Deliver Results for Clients*: Achieves results and identifies mission-driven solutions for the client
- *Collaboration within Teams and Across Boundaries*: Initiates collaboration across boundaries and broadly across WBG and brings differing ideas into the forefront
- *Create, Apply and Share Knowledge*: Creates, applies and shares knowledge from across and outside ICSID to strengthen internal and external client solutions
- *Make Smart Decisions*: Recommends and takes decisive action