

CHALLENGING ARBITRATORS IN INVESTMENT ARBITRATION: THE CHALLENGING SEARCH FOR RELEVANT STANDARDS AND ETHICAL GUIDELINES

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ABSTRACT

This article examines the growing trend of arbitrator challenges in investment arbitration. Setting out from an analysis of the rules pertaining to arbitrator challenges in the ICSID Convention and the ICSID Arbitration Rules, the article examines common recurring categories of arbitrator challenges and the standards applied in arbitral practice. By distinguishing between issues of arbitrator independence and arbitrator impartiality, the article suggests a framework for an initial assessment of the chances of a successful challenge. This is complemented by a proposal on how ethical guidelines can be used procedurally by parties and arbitrators to deal with certain aspects of arbitrator challenges.

KEYWORDS: *investment arbitration, arbitrator challenge, ICSID Convention, independence, impartiality, timing, standards of disclosure, arbitrator ethics, counsel ethics*

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