

Swiss Institutional Arbitration: Two Extremes

In Switzerland, the two major international arbitration institutions are the ZCC (Zurich Chamber of Commerce) and the CCIG (Chamber of Commerce and Industry of Geneva). They diametrically differ in two crucial respects.

1. **Selecting the chair person:** The ZCC has the mandatory chairman system. The ZCC secretariat chooses for each case a chair from a confidential list containing a few names, essentially of local chairmen. The chairman then selects the two co-arbitrators (unless the parties have agreed otherwise). In total contrast, the CCIG follows the ICC (International Chamber of Commerce) practice of allowing the parties first to choose the co-arbitrators, who may in turn select the chair (often in consultation with the parties).

2. **Arbitrators fees:** The ZCC Rules leave it to the arbitrators to set their own fees and the advance deposit(s). The arbitrators need not tailor the advance(s) to the entire case, but may request additional advances over time as they see fit. An hourly rate of CHF 500 is provided for, but as the ZCC does not get involved, it is practically dangerous for one party to question, let alone complain about excessive demands from the arbitrators, because that party would have to complain to the arbitrators themselves. Here too, the CCIG is in total contrast, by following the CCI practice. The CCIG sets the advance and the arbitrators fees. The advance is fixed for the entire case (although it can be reviewed). The point is that the arbitrators are accountable to the CCIG, which itself calculates the arbitrators' fees (by applying hourly rates, unlike the lump sum approach of the ICC). In addition to this protection, a party can discuss the amount of the fees or the deposit with the CCIG (or for that matter the ICC) without risking to antagonize the arbitrators.