

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

# DISPUTE SETTLEMENT

INTERNATIONAL CENTRE FOR  
SETTLEMENT OF INVESTMENT DISPUTES

## 2.8 Post-Award Remedies and Procedures



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## NOTE

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## OVERVIEW

This Module gives an overview of the post-award remedies and procedures in ICSID dispute settlement.

Under Art. 53 of the ICSID Convention, an award is final and binding and not subject to any remedy except those provided for in the Convention. In particular, an award is not subject to any review by domestic courts. But the Convention itself provides for a number of remedies and procedures that are administered by the original tribunal, by a new tribunal or by an *ad hoc* committee. All these remedies and procedures are regulated in detail by the Convention and the Arbitration Rules and are administered by ICSID.

Of these post-award remedies and procedures, some are relatively uncontroversial and deal with routine situations. Thus supplementation and correction deal with minor technical and clerical mistakes in the award. Interpretation clarifies the meaning of the award if the parties disagree on its construction. Revision takes account of new facts that were unknown when the award was rendered.

Annulment is a remedy that is much more dramatic. It is a limited exception to the principle of finality. Awards are not subject to substantive review and an allegation of a mere error of fact or of law will be of no avail. Annulment provides limited emergency relief for situations in which the basic legitimacy of the arbitration process is called into question. It is available only on the basis of a few specific grounds listed in the Convention. A successful plea of nullity leads to a decision that declares the award void in whole or in part. The parties may then resubmit their dispute to a new tribunal.

This Module gives a relatively brief overview of supplementation and correction, interpretation and revision. With respect to annulment, it explains in more detail the grounds for annulment and the procedure that may lead to it. It also describes the powers of the *ad hoc* committee that decides on a request for annulment and the consequences of a decision annulling the award.



## OBJECTIVES

Upon completion of this booklet the reader should be able to:

- List the different remedies available after the award has been rendered.
- Compare the function of the different remedies.
- Compare the formal requirements for the different remedies.
- Understand the difference between annulment and appeal.
- Identify the different grounds for annulment.
- Discuss the relevance of the individual grounds for annulment.
- Describe the procedure upon a request for annulment.
- Explain the procedure after the total or partial annulment of an award.

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