

# Arbitration can be mastered **We know how**



## Why Swiss Arbitration?

Swiss seats of arbitration consistently rank among the top venues globally, as they are invariably listed among the top three locations for ICC arbitration proceedings.

Here's why:

### Swiss Arbitration Is Global

- The Swiss arbitration community includes practitioners and arbitrators from Switzerland and around the globe, incorporating both civil and common law backgrounds. This diversity allows parties to tailor proceedings to their cultural expectations.
- Switzerland serves as a crossroads of languages and cultures; cosmopolitanism is ingrained in its identity.
- We maintain a global outlook while staying connected to our Swiss roots.
- Challenges against arbitral awards can be filed in English.

### Swiss Arbitration Is Neutral and Independent

- Swiss arbitration operates independently from government influence, receiving no funding or direction from the state.
- This independence aligns with Switzerland's long-standing tradition of neutrality and offering good offices to conflicting parties.
- Swiss arbitrators are frequently chosen for their well-known neutrality, procedural fairness, and efficiency (e.g., consistently ranked among the top nationalities in ICC arbitration).
- Switzerland, located at the heart of Europe, is not subject to EU arbitration-related restrictions, as it is not an EU member.
- The Swiss legislator, judiciary, and government are traditionally supportive of arbitration.
- Switzerland's neutrality is further illustrated by hosting many prominent international institutions, including the United Nations, the World Trade Organisation, and the Court of Arbitration for Sport.

# Arbitration can be mastered We know how



## Why Swiss Arbitration?

### Swiss Arbitration Is Pragmatic and Efficient

- Pragmatism and efficiency are hallmarks of Swiss culture – things are designed to work effectively, influencing everyone involved in arbitration practice.
- The Swiss Federal Supreme Court directly handles setting-aside applications, avoiding further levels of appeal, resulting in high efficiency with no oral pleadings or reopening of facts, thus preventing prolonged court proceedings after arbitration.
- Swiss thought leadership focuses on practical solutions for arbitration practitioners globally, enhancing efficiency (e.g., the [Arbitration Toolbox](#) by ASA and the world's first [Tribunal Secretary Platform](#)).

### Swiss Arbitration Is Fast

- Swiss practitioners have prioritised time efficiency for many years; the [Swiss Arbitration Centre \(formerly SCAI\)](#) was one of the first to incorporate expedited proceedings into its rules.
- Long hearings and extensive document discovery are not part of the Swiss arbitration tradition, leading to quicker and more cost-effective proceedings.
- Approximately 66% of proceedings initiated at the Swiss Arbitration Centre in the last four years were concluded in less than one year.
- For all arbitrations seated in Switzerland, the average duration for setting-aside proceedings before the Swiss Supreme Court is around six months.

# Arbitration can be mastered We know how



## Why Swiss Arbitration?

### Swiss Arbitration Is Reliable and Predictable

- Swiss Arbitration's three centuries of experience have enabled it to thoroughly test various solutions, establishing itself as a reliable and efficient option.
- Switzerland boasts a liberal international arbitration framework under Chapter 12 of the Swiss Private International Law Act (PILA), adopted in 1987 with a light revision in 2020. This is one of the world's most modern arbitration laws, emphasizing party autonomy and offering both reliability and predictability.
- The Swiss Supreme Court has a commendably low rate of arbitral awards being set aside, averaging around seven percent. This highly experienced court exercises appropriate restraint while serving as an effective safety valve in case of serious issues.
- Local Swiss courts and judges provide excellent support for arbitrations conducted in Switzerland, enhancing the overall experience.

### Swiss Arbitration Is Flexible and Innovative

- Swiss Arbitration has a rich tradition of customising proceedings to meet the diverse expectations and backgrounds of the parties involved, supported by a community of both Swiss and international civil and common law practitioners.
- The unique emphasis on party autonomy within Swiss international arbitration law allows parties the flexibility to tailor proceedings to their needs, including the option to forego any setting aside proceedings.
- Switzerland is a hub for many arbitration innovations, such as expedited proceedings, the [Arbitration Toolbox](#) developed by the ASA, and the world's first [Tribunal Secretary Platform](#).

# Arbitration can be mastered We know how



## Why Swiss Arbitration?

### Swiss Arbitration Has Centuries of Experience

- The first modern commercial arbitration in Geneva took place in 1866, following centuries of local arbitrations between towns and regions in present-day Switzerland.
- The 1872 Alabama case is notable as one of the most famous international arbitrations in diplomatic history, involving Great Britain and the United States.
- Today's arbitration users benefit from a wealth of experience that has been continuously developed and refined from the Middle Ages through the 19th, 20th, and 21st centuries.

### Swiss Arbitration Offers an Excellent Hearing Experience

- Located in the heart of Europe, Switzerland is easily accessible, with a first-class transportation system and excellent hotels and infrastructure for arbitration hearings.
- The country ensures reliable, high-quality services, with no history of strikes or service disruptions, welcoming visitors with open arms.
- The [Swiss Arbitration Hub](#) assists practitioners and users in organizing hearings seamlessly, providing an online platform to connect with providers of hearing facilities, accommodation, interpreters, court reporters, and other essential services such as video services, virtual data rooms, eDiscovery services, and transport.

### Switzerland Is Home to the Swiss Arbitration Centre

- Since 1866, the [Swiss Arbitration Centre](#) has offered efficient, reliable, and impartial administration of arbitration and other alternative dispute resolution (ADR) processes.
- It facilitates the prompt and cost-effective settlement of disputes with minimal administrative burdens.
- The Centre boasts first-in-class arbitration and mediation rules, including:
  - [Swiss Rules of International Arbitration](#) (based on the UNCITRAL Arbitration Rules, last revised in 2021)
  - [Swiss Rules of Mediation](#) (last revised in 2019)

# Arbitration can be mastered We know how



## Why Swiss Arbitration?

### Swiss Contract Law Offers Attractive Advantages

- While not an essential aspect of Swiss Arbitration, Swiss contract law presents attractive advantages for those who choose it. In ICC arbitration, Swiss law is consistently the most selected civil law, and in 2023, it was the second most frequently chosen overall.
- Swiss contract law is known for being liberal, neutral, and pragmatic, with accessibility in multiple languages (including English) and predictability for both lawyers and non-lawyers.
- It grants parties maximum autonomy and control over their contracts, more so than almost any other jurisdiction, as it is not constrained by restrictive EU legislation.
- Based on the principles of pacta sunt servanda and good faith, Swiss contract law ensures that parties' reasonable expectations are honored while upholding the integrity of their contractual agreements.

### Switzerland as a Centre of Learning and Academic Excellence in Arbitration

- The [Swiss Arbitration Association \(ASA\)](#) serves as a leading arbitration think tank, comprising over 1,000 members globally and hosting world-class conferences and training programs.
- The [Swiss Arbitration Academy](#), founded and directed by prominent arbitration practitioners, offers annual professional and practical training in arbitration.
- Switzerland is home to several other esteemed educational and training programs related to arbitration, including:
  - [MIDS: The Geneva LL.M. in International Dispute Settlement](#) at the Graduate Institute of International and Development Studies and the University of Geneva.
  - [FIAA: The Foundation for International Arbitration Advocacy](#), which conducts International Arbitration Advocacy Workshops for practitioners worldwide.
  - The [Research Centre on Alternative and Judicial Dispute Resolution Methods](#) (Centre de recherche sur les modes amiables et juridictionnels de gestion des conflits – CEMAJ).
  - The [Basel Winter Arbitration School](#).