Terms of Reference

Selection Committee for the President of the ICC International Court of Arbitration (2027-2030 term)

The term of the current President of the ICC International Court of Arbitration (ICC Court) will end on 30 June 2027. The process for selecting the next President by an independent Selection Committee constituted for that purpose (Selection Committee; Committee), is described below.

I. Mandate

1. The mandate of the Selection Committee is to identify, assess and interview suitably qualified candidates and to submit a reasoned recommendation of one individual for the position of President of the ICC Court to the Nominations and Human Resources Committee of the ICC Executive Board (NOMCOM).

2. The Selection Committee shall conduct its work independently, fairly and consistently, in accordance with these Terms of Reference, the approved profile and candidate criteria, ICC constitutional documents and applicable ICC policies.

II. Composition and appointment

3. Pursuant to the authority delegated by the ICC Executive Board, the ICC Secretary General constituted the Selection Committee as follows:

a) Justin D'Agostino, Chair

b) Juan Fernández-Armesto, member

c) Yas Banifatemi, member

d) Chiann Bao, member

e) Rebecca Enonchong, member

f) Eduardo Damião Gonçalves, member

g) John Denton, member

4. To support the Selection Committee's work and provide institutional and/or technical input when appropriate, the Secretary General and the Deputy Secretary General of the ICC Court and the ICC General Counsel shall act as the Secretariat of the Selection Committee (Secretariat). The Secretariat members are non-voting participants and subject to the same confidentiality, independence, disclosure, conflict and candidate-related communication obligations as the Selection Committee members.

III. Independence, disclosure and conflicts

5. Each Selection Committee member shall immediately disclose in writing to the Secretariat:

a) any personal, professional, financial or other relationship with a candidate or potential candidate;

b) any interest or position in an institution or entity providing dispute resolution services or third-party funding, including employment, partnership, patrimonial or shareholding interests and membership of any arbitral institution, court, operational or supervisory board, board of trustees, foundation or similar body; and

c) any other circumstance that could reasonably give rise to an actual or perceived conflict of interest or call into question the member's independence or impartiality.

6. The Chair, after consultation with the Secretariat, may require a Selection Committee member to recuse themselves from all or part of the Committee's work or to take any other appropriate measure in response to an actual or perceived conflict. Failure to disclose or comply with the required measure may result in removal from the Selection Committee.

7. No Selection Committee member may apply for, accept nomination for or otherwise become a candidate for the position of President of the ICC Court while serving in the selection process.

8. If a member of the ICC Executive Board or any ICC Executive Board committee becomes a candidate, that individual shall immediately stand aside from all Board and such committee functions for the full duration of the selection process, receive no papers relating to the process and take no part in any related deliberation or decision. Appropriate interim arrangements shall be established to preserve continuity and avoid actual or perceived conflicts of interest.

IV. Work and decision-making

9. The Selection Committee shall meet upon notice from its Chair and may deliberate in person, by audio or video conference, through secure electronic means or in writing.

10. A majority of Selection Committee members shall constitute a quorum for any meeting or written deliberation. A Selection Committee member who is recused in relation to a candidate shall not be counted for quorum or voting on that candidate.

11. The Selection Committee shall seek to act by consensus. Where a vote is required, each Selection Committee member shall have one vote. Decisions are taken by majority. In case of a tie, the Chair shall have a casting vote on the final recommendation.

V. Confidentiality, data protection and communications

12. The Selection Committee's work, deliberations, materials and all information relating to candidates or potential candidates shall remain strictly confidential. All persons involved shall use secure communication systems and shall not delegate any part of the Selection Committee's work unless expressly authorised under these Terms of Reference.

13. Each Selection Committee member who is not an ICC employee shall sign the non-disclosure and data-protection documentation provided by the Secretariat before receiving candidate information.

14. Selection Committee members shall not communicate with a candidate or potential candidate about the substance, status or likely outcome of the process. They may identify and encourage suitable individuals to apply as part of targeted outreach, but shall not disclose Selection Committee discussions, confidential process information or the manner in which criteria are applied, and shall promptly report the communication to the Chair and the Secretariat.

15. All candidate questions and process communications shall be directed to the dedicated channel administered by the Secretariat. Candidate communications shall be handled consistently and, when material, reported to the Selection Committee.

16. The Secretariat shall take all appropriate measures to ensure compliance with the provisions of this section, including by establishing and administering the necessary confidentiality, data-protection and communication arrangements, and by providing guidance to the Selection Committee as required.

VI. Inability to serve, withdrawal and replacement

17. If the Chair is temporarily unable to act, the ICC Secretary General shall appoint a temporary Chair from among the other Selection Committee members or, where appropriate, another independent person who meets the requirements set by the ICC Executive Board. If the Chair resigns, becomes a candidate, is removed or is permanently unable to act, the ICC Secretary General shall appoint a replacement pursuant to the authority delegated by the ICC Executive Board.

18. A Selection Committee member who withdraws, is removed or is unable to discharge their duties may be replaced by the ICC Secretary General after consultation with the Chair. A replacement is not required if the Committee continues to comprise at least five members.

VII. Candidate criteria and threshold requirements

19. The Committee shall assess candidates against the approved role profile and, at a minimum, the identified threshold requirements, as publicly advertised.

20. The Committee shall assess whether a candidate's other activities, professional positions, affiliations and commitments could create an appearance of influence, impair the ICC Court's independence or integrity, be negatively perceived by relevant stakeholders, or prevent the candidate from fulfilling the role effectively.

VIII. Selection process

21. The position shall be publicly advertised and applications shall be submitted by the deadline specified in the call for applications. The Selection Committee may also conduct targeted outreach and invite suitably qualified individuals to apply. All candidates, whether responding to the open call or approached directly, shall be subject to the same requirements and assessment process.

22. The Secretariat shall verify the threshold requirements and completeness of applications and prepare consistent candidate files. It shall not rank candidates or determine the shortlist.

23. The Selection Committee shall evaluate all eligible applications against the approved criteria, establish a longlist where appropriate and determine the formal shortlist. The Committee may seek any additional information where relevant and applied fairly.

24. All shortlisted candidates shall undergo compliance, conflict, sanctions, reputational and background screening. No final interview or recommendation shall take place until the Selection Committee has received and considered the screening outcome. The timetable shall preserve a minimum two-week period for this screening.

25. The Selection Committee shall interview shortlisted candidates. The Selection Committee may hold more than one interview with each candidate, and may use a common assessment framework to ensure consistency.

26. Candidates who are not shortlisted or selected shall be informed in writing at the appropriate stage. Their identities and candidacies shall not be made public unless required by law or authorised by the candidate and ICC.

27. If the Selection Committee determines that no candidate meets the required standard, it may recommend that the search be extended or relaunched, with reasons provided to NOMCOM.

IX. Final deliberation and recommendation

28. The Selection Committee shall deliberate after completion of interviews and receipt of the relevant screening results. Deliberations may take place over one or more meetings.

29. The Selection Committee shall seek to agree its final recommendation by consensus. If consensus cannot be reached, the final recommendation shall be determined by secret ballot and must receive the support of at least two-thirds of all Selection Committee members entitled to vote.

30. The Chair shall submit to NOMCOM a reasoned written recommendation identifying the recommended candidate, summarising the process followed, confirming compliance with these Terms of Reference and recording any material dissent or unresolved issue.

31. NOMCOM shall review the recommendation before the ICC Executive Board decides on the candidate to recommend to the ICC World Council. The ICC World Council shall appoint the President in accordance with the applicable ICC constitutional documents.

X. Indicative timetable

32. The currently envisaged timetable has as follows:

Timing	Stage / output
October 2026	Constitution of the Selection Committee.
2 November to 31 December 2026	Launch, open applications and targeted outreach.
January 2027	Eligibility review, assessment and formal shortlist.
15 January to 5 March 2027	Minimum two-week screening period, followed by interviews, deliberations and final recommendation.
By 15 March 2027	Committee recommendation and papers submitted for NOMCOM review.
5 April 2027	ICC Executive Board considers the recommended candidate.
June 2027	ICC World Council appoints the next President of the ICC Court.

XI. Transparency and records

33. These Terms of Reference may be published on the ICC website. Candidate identities, applications, screening information, deliberations and voting records shall remain confidential.

34. The Secretariat shall maintain an appropriate record of the process and ensure that candidate information is retained, accessed and disposed of in accordance with applicable ICC data-protection, records-management and information-security requirements.