

Geneva as a seat of international arbitration

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

Geneva's standing as a seat of international arbitration rests on a liberal statute, a single and fast route of challenge before the Federal Supreme Court, and worldwide enforcement of awards under the New York Convention. This article sets out the legal framework, the institutions, the fields in which Geneva arbitration is used and the pressures that sanctions and competing seats now place on it.

1 The statutory framework

International arbitration seated in Switzerland is governed by Chapter 12 of the Federal Act of 18 December 1987 on Private International Law (PILA), which entered into force in 1989. According to Article 176(1) PILA, the chapter applies to any arbitration whose seat is in Switzerland if at least one party to the arbitration agreement had neither its domicile, its habitual residence nor its seat in Switzerland when the agreement was concluded. Article 176(2) PILA allows the parties to exclude the chapter and agree instead on the third part of the Civil Procedure Code.

The chapter was revised by the Federal Act of 19 June 2020, in force since 1 January 2021. Among other changes, the revision admitted submissions in English before the Federal Supreme Court in annulment proceedings. Chapter F3 of the book describes the statute as granting wide party autonomy and limiting the intervention of state courts. It also provides for a single challenge against the award.

A brochure of the Geneva Chamber of Commerce, Industry and Services (CCIG) stresses this last feature. It explains that Swiss law allows a challenge only in very limited circumstances, mainly the violation of fundamental procedural rights, and that Switzerland offers a single, direct action for annulment before the Federal Supreme Court, which decides within a few months. Chapter F3 treats the concentration of review in one

experienced and fast court as one of the main attractions of Switzerland as a seat.

2 Enforcement abroad and the value of neutrality

Awards rendered in Geneva circulate under the New York Convention of 1958 on the Recognition and Enforcement of Foreign Arbitral Awards. According to UNCITRAL's status table, the Convention has 172 states parties. Switzerland signed it on 29 December 1958 and ratified it on 1 June 1965, with entry into force for Switzerland on 30 August 1965.

Chapter F3 adds a less formal factor. A Chinese and a Brazilian company, an oil company and a producing state, or a trader and its supplier may choose Geneva precisely because neither side is at home there. The Swiss tradition of neutrality, the stability of its institutions and the experience of its courts in reviewing awards reinforce that confidence. The chapter traces this tradition back to the *Alabama* arbitration of 1872.

3 The institutions

The Swiss Arbitration Centre was founded in 2021 by the chambers of commerce and industry of Basel, Bern, Geneva, Neuchâtel, Ticino, Vaud, Central Switzerland and Zurich together with the Swiss Arbitration Association, according to the Bern Chamber of Commerce. It is the direct legal successor of the Swiss Chambers' Arbitration Institution (SCAI). The Centre administers international and domestic arbitrations under the Swiss Rules of International Arbitration, which the CCIG brochure describes as based on the UNCITRAL Arbitration Rules and adapted to institutional arbitration. It also administers mediations and is recognised by the Federal Department of Finance as an ombudsman for disputes between clients and financial service providers under the Financial Services Act.

The Kluwer Arbitration Blog summarised the lineage in 2021. After the Swiss chambers adopted the Swiss Rules in 2004, a revision in 2012 introduced the emergency arbitrator while making the SCAI the administering body. The SCAI became the Swiss Arbitration Centre in 2021, when the Swiss Rules 2021 entered into force on 1 June 2021 with electronic filing, remote hearings and an expedited procedure whose threshold remained at CHF 1 million.

Many Geneva-seated cases are administered elsewhere, notably by the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris. ICC statistics for 2024, summarised by Herbert

Smith Freehills Kramer in June 2025, record 831 new cases and 1,789 cases administered in total, with parties from 136 countries or territories. The most frequent seats that year were London with 96 cases, Paris with 90, Singapore with 28, Dubai with 23 and Doha with 19. For 2025 the ICC reports 881 new cases, 2,531 parties from 147 jurisdictions and arbitrations seated in 123 cities in 70 countries. Ad hoc arbitrations also take place in Geneva, while the Court of Arbitration for Sport, created in 1983 on the initiative of the International Olympic Committee, sits in Lausanne.

4 Where Geneva arbitration is used

Commodity trading is the field in which arbitration is most firmly established. Contracts for oil, metals, grain or sugar almost always contain an arbitration clause, frequently in favour of specialised London bodies or of the ICC with a seat in Geneva, London, Paris or Singapore. The GAFTA rules illustrate the London model: Rules No. 125, in the version in force since 1 July 2024, are incorporated into all GAFTA standard contracts and provide for a first tier and a Board of Appeal. Geneva, where many trading companies, their banks, inspection firms and insurers are established, hosts part of these disputes.

In banking, arbitration is less common because bank contracts usually refer disputes to the ordinary courts. According to chapter F3 it is developing for disputes with institutional clients, structured products, shareholder conflicts in financial institutions and mergers and acquisitions, where confidentiality is valued. Investment arbitration forms a third field. Switzerland has concluded more than 120 bilateral investment treaties, the third largest network in the world behind Germany and China, according to a Foraus paper of 17 January 2012.

5 Current pressures on the seat

Sanctions have raised new questions for proceedings involving listed parties. In judgment 4A_305/2025 of 13 March 2026, noted by Lenz & Staehelin on 23 April 2026, the Federal Supreme Court held that the Swiss sanctions against Russia are mandatory rules that can bar enforcement in Switzerland of an LCIA award obtained by an Angolan company 41 per cent owned and controlled by a sanctioned Russian entity. The claim is deemed deferred while the sanctions apply, although an exception may be requested from the State Secretariat for Economic Affairs.

State courts are also becoming competitors. Since the revised Civil Procedure Code entered into force on 1 January 2025, cantons may assign

international commercial disputes to a commercial court and admit English as the language of proceedings. Under Article 6(4)(c) of the Code, as summarised by Baker McKenzie on 26 August 2025, this requires a commercial activity of at least one party, an amount in dispute of at least CHF 100,000, the express agreement of the parties and a party domiciled abroad. Genève attractive reported on 6 March 2026 that a Geneva bill was being prepared, with filing envisaged for spring 2026.

6 What to take from it

One court, limited grounds. Awards rendered in Geneva can be challenged only once, before the Federal Supreme Court, on narrow grounds and within a few months.

Institutions with a clear lineage. The Swiss Rules date from 2004 and the current version from 1 June 2021, administered by the Swiss Arbitration Centre founded that year.

Sanctions reach enforcement. Since the Federal Supreme Court judgment of 13 March 2026, an award in favour of a sanctioned party may remain unenforceable in Switzerland while the sanctions apply.

7 Sources

- Federal Act of 18 December 1987 on Private International Law (SR 291), Article 176, as amended by the Federal Act of 19 June 2020 (in force 1 January 2021), droit-bilingue.ch
- Geneva Chamber of Commerce, Industry and Services, *Genève, un centre mondial réputé pour l'arbitrage international*, brochure, ccig.ch, consulted September 2026
- UNCITRAL, status of the New York Convention of 1958, uncitral.un.org, consulted September 2026
- Bern Chamber of Commerce, "Arbitrage", bern-cci.ch, consulted September 2026
- Kluwer Arbitration Blog, "A Swiss '(R)Evolution': SCAI Becomes the Swiss Arbitration Centre and Enacts New Arbitration Rules", 2021
- ICC statistics 2024, summarised by Herbert Smith Freehills Kramer, June 2025; ICC statistics 2025, iccwbo.org
- Global Arbitration Review, "Commercial Arbitration: Switzerland", consulted September 2026
- GAFTA, "Arbitration", gafta.com, Rules No. 125 in force since 1 July 2024

- Foraus, "Les cinquante ans du réseau suisse d'accords de promotion et de protection des investissements", 17 January 2012
- Federal Supreme Court, judgment 4A_305/2025 of 13 March 2026, Lenz & Staehelin note of 23 April 2026
- Federal Council press release of 6 September 2023; Baker McKenzie, 26 August 2025; Genève attractive, "À Genève, l'idée d'un tribunal de commerce gagne du terrain", 6 March 2026

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/geneva-arbitration-seat