



NASSIB G. ZIADÉ ELECTED ICSID DEPUTY SECRETARY-GENERAL



On October 22, 2007, the Administrative Council of ICSID, on the nomination of its Chairman, World Bank President Robert B. Zoellick, unanimously elected Nassib G. Ziadé as ICSID's Deputy Secretary-General for a term of six years. Prior to this election,

Mr. Ziadé served as ICSID's Chief Counsel.

A dual Lebanese and Chilean national, Mr. Ziadé has extensive experience in the administration of international legal proceedings and in the management and development of international tribunals. From 1997 to 2007, he served as the Executive Secretary of the World Bank Administrative Tribunal (Tribunal). In that capacity, he reorganized and strengthened the Tribunal's Secretariat, and administered over 260 cases while serving five successive Tribunal Presidents. He was in 1998 a member of the Grievance Process Review Committee which reviewed and reformed the World Bank's internal Conflict Resolution System, and was

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NEW ICSID WEBSITE

On November 20, 2007, the ICSID Secretariat launched a new website (<http://icsid.worldbank.org>). The Centre's online presence has been transformed into an interactive information tool to better serve ICSID's clients and website users. The new website is fully searchable and much of the content is now available in database format, thereby providing users with quick and easy access to information.

Site navigation has also been improved by slightly restructuring the content, and by adding a "Quick Locators" feature to the homepage. In addition, the Secretariat has added decisions and awards, which were previously only available in hard copy format through the *ICSID Review—Foreign Investment Law Journal*. The ICSID Secretariat has also updated its

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MEMBERSHIP MATTERS

The Republic of Bolivia's notice of denunciation of the ICSID Convention took effect on November 3, 2007, six months after it had been received by the World Bank. Accordingly, ICSID membership now stands at 143 Contracting States. A complete list of Contracting States and Other Signatories of the Convention is available on the Centre's website at <http://icsid.worldbank.org>. ■

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DISPUTES BEFORE THE CENTRE

During the period July 1 – December 31, 2007, the Centre registered 23 new arbitration cases. As of December 31, 2007, the total number of cases instituted before the Centre stood at 259.

Twenty-two of the new arbitration proceedings are conducted under the ICSID Convention, and one under the ICSID Additional Facility Rules. Sixteen of the new cases were initiated on the basis of investor-State dispute settlement provisions of bilateral investment treaties. (In three of these proceedings, the parties invoked alternatively an ICSID arbitration clause contained in the host State's investment law.) In two cases, ICSID jurisdiction was asserted based on investment contracts with the host State. Three proceedings were instituted on the basis of the investor-State dispute settlement provision contained in the Energy Charter Treaty. One case was brought to ICSID under the Investment Chapter of the North American Free Trade Agreement (NAFTA). In one further case, the parties relied for the host State's consent to ICSID jurisdiction on the dispute settlement provision contained in the Dominican Republic-Central American-United States Free Trade Agreement (CAFTA).

The Centre also registered five applications for the institution of annulment proceedings. One of these applications sought the annulment of an award rendered in a resubmission proceeding. Further, the Centre registered one request for a supplementary decision, one request for a supplementary decision and/or rectification of an award, and two requests for the rectification of *ad hoc* committee decisions.

Thirteen original arbitration proceedings and one resubmission proceeding were concluded in the second half of 2007. Eleven awards were rendered. Five of these awards upheld the claims in part, while three awards dismissed all claims. Two further awards declined jurisdiction and one award embodied the parties' settlement agreement. Three arbitration proceedings were discontinued. Two of these were discontinued at the request of both parties, and one proceeding was discontinued by the arbitral tribunal pursuant to Article 44 of the ICSID Convention.

Since the publication of the last issue of *News from ICSID*, two annulment proceedings were concluded. In addition, two decisions on rectification of *ad hoc* committee decisions were issued. In one further proceeding, the arbitral tribunal issued a decision on a request for supplementary decision and rectification of an award previously rendered.

Eighteen tribunals and two *ad hoc* committees were constituted or reconstituted in the cases pending before the Centre during that period.

ICSID administered 136 pending cases during the period since the last *News from ICSID*. Developments in these proceedings during that period are set forth below. Procedural developments are also available on the Centre's website at <http://icsid.worldbank.org>.

■ **Compañía de Aguas del Aconquija S.A. and Vivendi Universal v. Argentine Republic (Case No. ARB/97/3)**

(a) Resubmission Proceeding

August 20, 2007

The Tribunal renders the award.

(b) Second Annulment Proceeding

December 19, 2007

The Deputy Secretary-General, on behalf of the Secretary-General, registers an application for the institution of annulment proceedings and on the same day notifies the parties of the registration and the provisional stay of the award.

■ **Víctor Pey Casado and President Allende Foundation v. Republic of Chile (Case No. ARB/98/2)**

July 18, 2007

The Tribunal requests the parties to file documents.

July 19, 2007

The Claimants file observations and the requested documents.

October 3, 2007

The Tribunal invites the Respondent to file observations on the documents and observations filed by the Claimants. The Tribunal also invites the parties to file submissions on costs. The Tribunal refuses to admit two awards produced by the Respondent on August 24, 2007.

October 18, 2007

The Respondent files observations and the documents requested by the Tribunal.

October 23, 2007

The Claimants file a submission on costs.

October 29, 2007

The Claimants reply to the Respondent's observations on the documents.

November 3, 2007

The Respondent files a submission on costs.

November 7, 2007

The Claimants file a correction of their submission on costs.

November 9, 2007

The Respondent files observations in response to the Claimants' reply of October 29, 2007.

November 20, 2007

The Respondent files observations on the Claimants' submission on costs.

■ **Antoine Goetz and others v. Republic of Burundi (Case No. ARB/01/2)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Enron Corporation and Ponderosa Assets, L.P. v. Argentine Republic (Case No. ARB/01/3) — Rectification**

July 16, 2007

The Secretary-General registers a request for rectification and/or supplementary decision of the award rendered on May 22, 2007.

July 31, 2007

The Respondent files observations on the Claimants' request for rectification.

August 3, 2007

Pursuant to ICSID Arbitration Rule 49(3), the Tribunal informs the parties that it will not be necessary to meet with the parties, nor for the parties to file any additional documents in connection with the Claimants' request for rectification.

October 25, 2007

The Tribunal issues a decision on the Claimants' request for rectification and/or supplementary decision of the award.

■ **CMS Gas Transmission Company v. Argentine Republic (Case No. ARB/01/8) — Annulment Proceeding**

September 21, 2007

The President of the *ad hoc* Committee declares the proceeding closed.

September 25, 2007

The *ad hoc* Committee issues a decision on the application for annulment.

■ **Azurix Corp. v. Argentine Republic (Case No. ARB/01/12) — Annulment Proceeding**

September 12, 2007

The parties file observations on the Argentine Republic's request to continue the stay of enforcement of the award.

September 20 – 21, 2007

The *ad hoc* Committee holds a first session in Washington, D.C.

December 28, 2007

The *ad hoc* Committee issues a decision on the continued stay of enforcement of the award.

■ **LG&E Energy Corp., LG&E Capital Corp. and LG&E International Inc. v. Argentine Republic (Case No. ARB/02/1)**

(a) *Original Arbitration Proceeding*

July 25, 2007

The Tribunal renders the award.

(b) *Supplementary Decision Proceeding*

September 24, 2007

The Secretary-General registers a request for a supplementary decision of the award rendered on July 25, 2007.

October 26, 2007

The Respondent files observations on the Claimants' request for a supplementary decision.

November 12, 2007

The Claimants file a reply to the Respondent's observations on the Claimants' request for a supplementary decision.

November 26, 2007

The Respondent files a rejoinder on the Claimants' request for a supplementary decision.

■ **SGS Société Générale de Surveillance S.A. v. Republic of the Philippines (Case No. ARB/02/6)**

September 21, 2007

The Tribunal provisionally lifts the stay of the proceedings.

December 4, 2007

The Tribunal holds a hearing on the further proceedings in Paris.

December 18, 2007

The Tribunal issues an order on further proceedings and confirms the lifting of the stay.

■ **Hussein Nuaman Soufraki v. United Arab Emirates (Case No. ARB/02/7) — Rectification Proceeding**

July 3, 2007

The Secretary-General registers a request for rectification of the *ad hoc* Committee's decision on the application for annulment.

August 13, 2007

The *ad hoc* Committee issues the decision on rectification.

■ **Siemens A.G. v. Argentine Republic (Case No. ARB/02/8) — Annulment Proceeding**

July 16, 2007

The Secretary-General registers an application for the institution of annulment proceedings.

October 4, 2007

The *ad hoc* Committee is constituted. Its members are: Gilbert Guillaume (French), President; Florentino P. Feliciano (Philippine); and Mohamed Shahabuddeen (Guyanese).

November 14, 2007

The Argentine Republic files observations on the continuation of the stay of enforcement of the award.

November 29, 2007

Siemens A.G. files observations on the continuation of the stay of enforcement of the award.

December 17, 2007

The *ad hoc* Committee holds a first session in Paris.

■ **Ahmonseto, Inc. and others v. Arab Republic of Egypt (Case No. ARB/02/15) — Annulment Proceeding**

November 2, 2007

The Deputy Secretary-General, on behalf of the Secretary-General, registers an application for the institution of annulment proceedings and on the same day notifies the parties of the registration and the provisional stay of the award.

■ **Sempra Energy International v. Argentine Republic (Case No. ARB/02/16)**

July 19, 2007

The Tribunal declares the proceeding closed in accordance with ICSID Arbitration Rule 38(1).

September 17, 2007

The Tribunal extends the period for the issuance of the award in accordance with ICSID Arbitration Rule 46.

September 28, 2007

The Tribunal renders the award. Attached to the award is a dissenting opinion by one of the arbitrators.

■ **AES Corporation v. Argentine Republic (Case No. ARB/02/17)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Tokios Tokelès v. Ukraine (Case No. ARB/02/18)**

July 26, 2007

The Tribunal renders the award. Attached to the award is a dissenting opinion by one of the arbitrators.

■ **Camuzzi International S.A. v. Argentine Republic (Case No. ARB/03/2)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Empresas Lucchetti, S.A. and Lucchetti Perú, S.A. v. Republic of Peru (Case No. ARB/03/4)**

(a) *Annulment Proceeding*

September 5, 2007

The *ad hoc* Committee issues the decision on annulment of the award. Attached to the decision is a dissenting opinion by one of the members of the *ad hoc* Committee.

(b) *Rectification Proceeding*

October 15, 2007

The Acting Secretary-General registers a request for rectification of the *ad hoc* Committee's decision on annulment of the award.

November 30, 2007

The *ad hoc* Committee issues a decision on rectification of the decision on annulment.

■ **Metalpar S.A. and Buen Aire S.A. v. Argentine Republic (Case No. ARB/03/5)**

July 12, 2007

The Tribunal issues Procedural Order No. 3 concerning the logistics of the hearing on the merits.

August 23, 2007

The Respondent files a request for production of documents.

August 28, 2007

The Claimants file observations on the request for production of documents.

September 3, 2007

The Tribunal issues a decision concerning the request for production of documents.

September 10 – 14, 2007

The Tribunal holds a hearing on the merits in Washington, D.C.

September 28, 2007

The parties file answers to questions posed by the Tribunal during the hearing.

■ **M.C.I. Power Group, L.C. and New Turbine, Inc. v. Republic of Ecuador (Case No. ARB/03/6)**

(a) *Original Arbitration Proceeding*

July 31, 2007

The Tribunal renders the award.

(b) *Annulment Proceeding*

November 17, 2007

The Secretary-General registers an application for the institution of annulment proceedings.

■ **Continental Casualty Company v. Argentine Republic (Case No. ARB/03/9)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Gas Natural SDG, S.A. v. Argentine Republic (Case No. ARB/03/10)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Pan American Energy LLC and BP Argentina Exploration Company v. Argentine Republic (Case No. ARB/03/13)**

July 27, 2007

The Tribunal, at the request of the parties, further suspends the proceeding for seven months from July 26, 2007 until February 26, 2008.

December 19, 2007

The parties jointly request a further extension of the suspension of the proceeding for three months to be counted from February 26, 2008. Unless otherwise agreed by the parties, the calculation of the terms shall recommence as from May 27, 2008 (except for the date of the hearing).

■ **Miminco LLC and others v. Democratic Republic of the Congo (Case No. ARB/03/14)**

August 3, 2007

The Claimants ask the Tribunal to resume the proceeding in the absence of any proposal from the Respondent to finalize the parties' settlement agreement.

August 28, 2007

The Tribunal issues Procedural Order No. 2 ordering the resumption of the proceeding and fixing a filing schedule.

October 15, 2007

The parties file observations on the status of the proceeding.

October 17, 2007

The Respondent informs the Tribunal that it has approved the parties' settlement agreement.

November 17, 2007

The Tribunal meets with the parties in Paris to finalize the parties' settlement agreement to be embodied in an award.

November 19, 2007

The Tribunal renders the award which embodies the parties' settlement agreement pursuant to ICSID Arbitration Rule 43(2).

■ **El Paso Energy International Company v. Argentine Republic (Case No. ARB/03/15)**

August 2, 2007

The parties file answers to questions posed by the Tribunal during the hearing on the merits.

■ **Suez, Sociedad General de Aguas de Barcelona, S.A. and Interagua Servicios Integrales de Agua, S.A. v. Argentine Republic (Case No. ARB/03/17)**

July 6, 2007

The parties file post-hearing briefs.

October 15, 2007

The Respondent files a proposal for the disqualification of an arbitrator. The proceeding is suspended in accordance with ICSID Arbitration Rule 9(6).

October 16, 2007

The arbitrator furnishes explanations in regard to the proposal for the disqualification in accordance with ICSID Arbitration Rule 9(3).

October 17, 2007

The Claimants file observations on the proposal for disqualification.

October 18, 2007

The Respondent files further comments on the proposal for disqualification.

October 22, 2007

The proposal for disqualification is declined. The proceeding is resumed in accordance with ICSID Arbitration Rule 9(6).

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November 29, 2007

The Respondent files a second proposal for the disqualification of the arbitrator. The proceeding is suspended in accordance with ICSID Arbitration Rule 9(6).

December 21, 2007

The arbitrator furnishes explanations in regard to the proposal for disqualification in accordance with ICSID Arbitration Rule 9(3).

December 24, 2007

The Claimants file observations on the proposal for disqualification.

■ **Suez, Sociedad General de Aguas de Barcelona, S.A. and Vivendi Universal, S.A. v. Argentine Republic (Case No. ARB/03/19)**

August 17, 2007

The Respondent files a rejoinder on the merits.

September 7, 2007

The Respondent files a request for production of documents and informs the Tribunal of alleged new facts.

September 24, 2007

The Claimants file objections to certain documents filed with the Respondent's rejoinder.

October 1, 2007

The Claimants file a response to the Respondent's submission of September 7, 2007. On the same day, the Respondent files a response to the Claimants' submission of September 24, 2007.

October 15, 2007

The Respondent files a proposal for the disqualification of an arbitrator. The proceeding is suspended in accordance with ICSID Arbitration Rule 9(6).

October 16, 2007

The arbitrator furnishes explanations in regard to the proposal for the disqualification in accordance with ICSID Arbitration Rule 9(3).

October 17, 2007

The Claimants file observations on the proposal for disqualification.

October 18, 2007

The Respondent files further comments on the proposal for disqualification.

October 22, 2007

The proposal for disqualification is declined. The proceeding is resumed in accordance with ICSID Arbitration Rule 9(6). On the same day, the Tribunal issues a decision on the procedural requests made by the parties in September 2007 and provides the parties with instructions for the forthcoming hearing on the merits.

October 29 – November 8, 2007

The Tribunal holds a hearing on the merits in Washington, D.C.

November 29, 2007

The Respondent files a second proposal for the disqualification of the arbitrator. The proceeding is suspended in accordance with ICSID Arbitration Rule 9(6).

December 21, 2007

The arbitrator furnishes explanations in regard to the proposal for disqualification in accordance with ICSID Arbitration Rule 9(3).

December 24, 2007

The Claimants file observations on the proposal for disqualification.

■ **Telefónica S.A. v. Argentine Republic (Case No. ARB/03/20)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Enersis, S.A. and others v. Argentine Republic (Case No. ARB/03/21)**

August 1, 2007

The Tribunal suspends the proceeding until January 8, 2008 following a request by the parties.

■ **Electricidad Argentina S.A. and EDF International S.A. v. Argentine Republic (Case No. ARB/03/22)**

September 13, 2007

Further to the agreement of the parties, the proceeding is suspended until December 31, 2007.

November 29, 2007

The Respondent files a proposal for the disqualification of an arbitrator.

December 21, 2007

The arbitrator furnishes explanations in regard to the proposal for disqualification in accordance with ICSID Arbitration Rule 9(3).

■ **EDF International S.A., SAUR International S.A. and León Participaciones Argentinas S.A. v. Argentine Republic (Case No. ARB/03/23)**

July 5, 2007

The Claimants file observations on the Respondent's proposal for disqualification of an arbitrator.

July 7, 2007

Following the resignation of one of the arbitrators, the Centre notifies the parties of the vacancy on the Tribunal and the proceeding is suspended pursuant to ICSID Arbitration Rule 10(2).

July 19, 2007

The Tribunal consents to the resignation of the arbitrator pursuant to ICSID Arbitration Rule 8(2) and the Centre notifies the parties thereof.

July 20, 2007

Pursuant to ICSID Arbitration Rule 11, the Respondent is invited to appoint a new arbitrator.

October 17, 2007

The Tribunal is reconstituted. Its members are: William W. Park (U.S.), President; Gabrielle Kaufmann-Kohler (Swiss); and Jesús Remón (Spanish). The proceeding is resumed pursuant to ICSID Arbitration Rule 12.

November 29, 2007

The Respondent files a proposal for the disqualification of an arbitrator.

December 21, 2007

The arbitrator furnishes explanations in regard to the proposal for disqualification in accordance with ICSID Arbitration Rule 9(3). On the same day, the Claimants submit observations on the proposal for disqualification.

■ **Plama Consortium Limited v. Republic of Bulgaria (Case No. ARB/03/24)**

July 27, 2007

The Respondent files a rejoinder on the merits.

October 22, 2007

The Tribunal holds a pre-hearing telephone conference with the parties.

October 30, 2007

The Tribunal issues Procedural Order No. 12 concerning procedural matters.

■ **Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines (Case No. ARB/03/25)**

August 16, 2007

The Tribunal renders the award. Attached to the award is a dissenting opinion by one of the arbitrators.

■ **Unisys Corporation v. Argentine Republic (Case No. ARB/03/27)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Duke Energy International Peru Investments No. 1 Ltd v. Republic of Peru (Case No. ARB/03/28)**

July 26, 2007

The parties file submissions on costs.

August 31, 2007

The Claimant files a supplement to its submission on costs.

■ **Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan (Case No. ARB/03/29)**

August 10, 2007

The parties file a joint report requesting the resumption of the proceeding.

August 22, 2007

The Tribunal holds a telephone conference with the parties regarding the further procedure.

September 27, 2007

The Tribunal issues Procedural Order No. 9 concerning the further procedure.

November 1, 2007

The Respondent files an application for the revision of the Tribunal's Procedural Order No. 1 concerning the Claimant's request for provisional measures.

November 30, 2007

The Claimant files a response to the Respondent's application of November 1, 2007 and an additional relief concerning its request for provisional measures.

December 19, 2007

The Respondent files a response to the Claimant's submission of November 30, 2007.

■ **Azurix Corp. v. Argentine Republic (Case No. ARB/03/30)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Corn Products International, Inc. v. United Mexican States (Case No. ARB(AF)/04/1)**

September 20, 2007

The Tribunal issues Procedural Order No. 6 concerning procedural matters.

December 18, 2007

The Tribunal issues Procedural Order No. 7 concerning the procedural calendar.

■ **Total S.A. v. Argentine Republic (Case No. ARB/04/1)**

September 26, 2007

The Respondent files a request for production of documents.

October 16, 2007

The Respondent files a rejoinder on the merits.

November 20, 2007

The Respondent files an expert report on damages and files its observations on this report.

December 4, 2007

The Claimant files a request for production of documents.

December 10, 2007

The Tribunal holds a telephone conference with the parties for the organization of the hearing.

December 13, 2007

The Tribunal issues procedural directions for the organization of the hearing on the merits.

December 14, 2007

The parties file documents pursuant to the Tribunal's directions of December 13, 2007.

December 19 – 28, 2007

The parties file submission correspondence on various procedural issues.

■ **SAUR International v. Argentine Republic (Case No. ARB/04/4)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Compagnie d'Exploitation du Chemin de Fer Transgabonais v. Gabonese Republic (Case No. ARB/04/5)**

November 30, 2007

The parties file submissions on costs.

■ **OKO Pankki Oyj and others v. Republic of Estonia (Case No. ARB/04/6)**

October 9, 2007

The Tribunal declares the proceeding closed in accordance with ICSID Arbitration Rule 38(1).

November 19, 2007

The Tribunal renders the award.

■ **Sociedad Anónima Eduardo Vieira v. Republic of Chile (Case No. ARB/04/7)**

August 21, 2007

The Tribunal renders the award. Attached to the award is a dissenting opinion by one of the arbitrators.

■ **BP America Production Company and others v. Argentine Republic (Case No. ARB/04/8)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **CIT Group Inc. v. Argentine Republic (Case No. ARB/04/9)**

July 12, 2007

The Claimant files observations on the Respondent's request for production of documents of June 27, 2007.

July 20, 2007

The Claimant files further observations on the Respondent's request for production of documents.

September 14, 2007

The Respondent files a counter-memorial on the merits.

■ **Russell Resources International Limited and others v. Democratic Republic of the Congo (Case No. ARB/04/11)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **ABCI Investments N.V. v. Republic of Tunisia (Case No. ARB/04/12)**

October 5, 2007

The Tribunal is constituted. Its members are: Francisco Orrego Vicuña (Chilean), President; Piero Bernardini (Italian); and Brigitte Stern (French).

December 3, 2007

The Tribunal holds a first session without the parties via telephone conference.

■ **Jan de Nul N.V. and Dredging International N.V. v. Arab Republic of Egypt (Case No. ARB/04/13)**

July 16, 2007

The Respondent files a rejoinder on the merits.

September 25 – 27, 2007

The Tribunal holds a hearing on the merits, witnesses, and experts in Paris.

October 3, 2007

The Tribunal issues Procedural Order No. 5 concerning the organization of the oral arguments.

October 18, 2007

The Tribunal hears oral arguments in Paris.

December 20, 2007

The parties file post-hearing briefs.

■ **Wintershall Aktiengesellschaft v. Argentine Republic (Case No. ARB/04/14)**

October 14 – 16, 2007

The Tribunal holds a hearing on jurisdiction in Paris.

October 30, 2007

The parties file post-hearing briefs on jurisdiction.

■ **Mobil Exploration and Development Inc. Suc. Argentina and Mobil Argentina S.A. v. Argentine Republic (Case No. ARB/04/16)**

October 23, 2007

The Claimants file a second ancillary claim.

■ **Gemplus, S.A., SLP, S.A. and Gemplus Industrial, S.A. de C.V. v. United Mexican States (Case No. ARB(AF)/04/3)**

July 27, 2007

The Respondent files a counter-memorial on damages.

September 14, 2007

The Claimant files a reply on quantum.

November 16, 2007

The Respondent files a rejoinder on quantum.

■ **Talsud, S.A. v. United Mexican States (Case No. ARB(AF)/04/4)**

July 27, 2007

The Respondent files a counter-memorial on damages.

September 14, 2007

The Claimant files a reply on quantum.

November 16, 2007

The Respondent files a rejoinder on quantum.

■ **Archer Daniels Midlands Company and Tate and Lyle Ingredients Americas, Inc. v. United Mexican States (Case No. ARB(AF)/04/5)**

September 20, 2007

The Tribunal declares the proceeding closed in accordance with Article 44(1) of the ICSID Additional Facility Arbitration Rules.

November 21, 2007

The Tribunal renders the award. Attached to the award is a separate opinion by one of the arbitrators.

■ **Duke Energy Electroquil Partners and Electroquil S.A. v. Republic of Ecuador (Case No. ARB/04/19)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Vannessa Ventures Ltd. v. Bolivarian Republic of Venezuela (Case No. ARB(AF)/04/6)**

October 29, 2007

The Tribunal is reconstituted. Its members are: Robert Briner (Swiss), President; Charles N. Brower (U.S.); and Brigitte Stern (French). The proceeding is resumed in accordance with Article 18 of the ICSID Additional Facility Arbitration Rules.

■ **DaimlerChrysler Services AG v. Argentine Republic (Case No. ARB/05/1)**

August 10, 2007

The Claimant files a memorial on the merits.

October 11, 2007

The Claimant files a request for production of documents.

October 27, 2007

The Respondent files observations on the Claimant's request for production of documents.

November 16, 2007

The Tribunal issues Procedural Order No. 1 concerning the request for production of documents.

■ **Compañía General de Electricidad S.A. and CGE Argentina S.A. v. Argentine Republic (Case No. ARB/05/2)**

August 7, 2007

The Respondent files a memorial on jurisdiction.

November 5, 2007

The Claimants file a counter-memorial on jurisdiction.

December 12, 2007

The Respondent files a reply on jurisdiction.

■ **LESI, S.p.A. and Astaldi, S.p.A. v. People's Democratic Republic of Algeria (Case No. ARB/05/3)**

November 5 – 7, 2007

The Tribunal holds a hearing on examination of witnesses and experts in Paris.

November 27 – 28, 2007

The Tribunal holds a hearing on the merits in Paris.

■ **I&I Beheer B.V. v. Bolivarian Republic of Venezuela (Case No. ARB/05/4)**

July 13, 2007

The Claimant files a request for the suspension of the proceeding while it retains services of new counsel.

October 23, 2007

The Tribunal issues Procedural Order No. 6 concerning procedural matters.

November 23, 2007

The Respondent files observations as requested by the Tribunal in Procedural Order No. 6.

November 25, 2007

The Claimant files observations as requested by the Tribunal in Procedural Order No. 6.

December 28, 2007

The Tribunal issues an order taking note of the discontinuance of the proceeding in accordance with Article 44 of the ICSID Convention.

■ **TSA Spectrum de Argentina, S.A. v. Argentine Republic (Case No. ARB/05/5)**

August 6, 2007

The Claimant files a counter-memorial on jurisdiction.

August 24, 2007

The Tribunal requests supplemental information and poses questions to the parties.

September 24, 2007

The parties file answers to the questions posed by the Tribunal on August 24, 2007.

October 15, 2007

The Tribunal issues Procedural Order No. 1 concerning the second round of pleadings on jurisdiction, the Respondent's request for production of documents and the Claimant's request to disregard some documentation contained in the parties' memorials.

November 29, 2007

The Respondent files a request for production of documents.

December 4, 2007

The Claimant files observations on the Respondent's request for production of documents.

December 6, 2007

The Tribunal issues Procedural Order No. 2 concerning the Respondent's request for production of documents.

December 26, 2007

The Respondent files a reply on jurisdiction.

■ **Bernardus Henricus Funnekotter and others v. Republic of Zimbabwe (Case No. ARB/05/6)**

July 6, 2007

The Respondent files a counter-memorial on the merits.

August 14, 2007

The Claimants file a reply on the merits.

September 18, 2007

The Tribunal holds a pre-hearing telephone conference with the parties.

October 24, 2007

The Respondent files a rejoinder on the merits.

October 29 – 31, 2007

The Tribunal holds a hearing on the merits in Paris.

■ **Saipem S.p.A. v. People's Republic of Bangladesh (Case No. ARB/05/7)**

July 16, 2007

The Claimant files observations on the Respondent's request for production of documents.

July 17, 2007

The Respondent files observations on the Claimant's request for production of documents.

August 9, 2007

The Tribunal issues a procedural order concerning the parties' requests for production of documents.

October 22, 2007

The Claimant files a reply on the merits.

■ **Parkerings-Compagniet AS v. Republic of Lithuania (Case No. ARB/05/8)**

September 11, 2007

The Tribunal renders the award.

■ **Empresa Eléctrica del Ecuador, Inc. (EMELEC) v. Republic of Ecuador (Case No. ARB/05/9)**

July 2, 2007

The Respondent files a memorial on jurisdiction.

August 28, 2007

The Claimant files a counter-memorial on jurisdiction.

September 28, 2007

The Respondent files a rejoinder on jurisdiction.

■ **Malaysian Historical Salvors, SDN, BHD v. Malaysia (Case No. ARB/05/10) — Annulment Proceeding**

September 17, 2007

The Secretary-General registers an application for the institution of annulment proceedings.

October 30, 2007

The *ad hoc* Committee is constituted. Its members are: Stephen M. Schwebel (U.S.), President; Mohamed Shahabuddeen (Guyanese); and Peter Tomka (Slovak).

■ **Asset Recovery Trust S.A. v. Argentine Republic (Case No. ARB/05/11)**

July 18, 2007

Following a request of the parties, the Tribunal suspends the proceeding for 120 days until November 5, 2007.

■ **Noble Energy Inc. and Machala Power Cía. Ltd. v. Republic of Ecuador and Consejo Nacional de Electricidad (Case No. ARB/05/12)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **EDF (Services) Limited v. Romania (Case No. ARB/05/13)**

July 2, 2007

The Claimant files a reply on the merits.

■ **RSM Production Corporation v. Grenada (Case No. ARB/05/14)**

July 9, 2007

The parties file submissions on costs.

August 2, 2007

The Tribunal issues a procedural order concerning a U.S. court proceeding.

September 3, 2007

The Claimant submits an additional expert report.

September 6, 2007

The Respondent objects to the submission of the Claimant's additional expert report.

■ **Waguih Elie George Siag and Clorinda Vecci v. Arab Republic of Egypt (Case No. ARB/05/15)**

July 30, 2007

The Claimants file a memorial on damages.

October 12, 2007

The Respondent files a counter-memorial on the merits.

December 21, 2007

The Claimants file a reply on the merits.

■ **Cargill, Incorporated v. United Mexican States (Case No. ARB(AF)/05/2)**

July 2, 2007

The Claimant files a reply on the merits.

July 6, 2007

The proceeding is suspended in accordance with Article 45(4) of the ICSID Additional Facility Arbitration Rules.

July 18, 2007

The Tribunal issues Procedural Order No. 3 joining jurisdiction to the merits. The proceeding on the merits is resumed.

August 20, 2007

The Respondent files a rejoinder on the merits.

October 1 – 5, 2007

The Tribunal holds a hearing on issues of state responsibility and damages in Washington, D.C.

■ **Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S. v. Republic of Kazakhstan (Case No. ARB/05/16)**

October 19 – 26, 2007

The Tribunal holds a hearing on the merits in Paris.

December 19, 2007

The parties file post-hearing briefs.

■ **Desert Line Projects LLC v. Republic of Yemen (Case No. ARB/05/17)**

July 6, 2007

The Respondent files a submission on costs.

July 8, 2007

The Claimant files a submission on costs.

September 18, 2007

The Tribunal declares the proceeding closed in accordance with ICSID Arbitration Rule 38(1).

■ **Ioannis Kardassopoulos v. Georgia (Case No. ARB/05/18)**

July 6, 2007

The Tribunal issues a decision on jurisdiction.

September 9, 2007

The Tribunal issues Procedural Order No. 1 concerning the procedural calendar.

November 19, 2007

Following the passing away of one of the arbitrators, the Centre notifies the parties of the vacancy on the Tribunal and the proceeding is suspended pursuant to ICSID Arbitration Rule 10(2).

■ **Helnan International Hotels A/S v. Arab Republic of Egypt (Case No. ARB/05/19)**

October 3, 2007

The Claimant files a request for production of documents.

October 5, 2007

The Tribunal issues a decision on the Claimant's production of documents.

October 8 – 12, 2007

The Tribunal holds a hearing on the merits in Paris.

November 29, 2007

The parties file post-hearing briefs.

December 3, 2007

The parties file submissions on costs.

December 14, 2007

The Claimant files an amended statement on costs.

December 15, 2007

The Respondent files observations on the Claimant's amended statement on costs.

■ **Ioan Micula, Viorel Micula and others v. Romania (Case No. ARB/05/20)**

September 10, 2007

The Respondent files objections to jurisdiction and admissibility.

October 9, 2007

The Tribunal suspends the proceeding on the merits following the parties' agreement to deal with the Respondent's objections as a preliminary question.

October 22, 2007

The Tribunal confirms the parties' agreement on the further procedure on jurisdiction and admissibility.

■ **African Holding Company of America, Inc. and Société Africaine de Construction au Congo S.A.R.L. v. Democratic Republic of the Congo (Case No. ARB/05/21)**

July 10, 2007

The Claimants file a rejoinder on jurisdiction.

October 2 – 3, 2007

The Tribunal holds a hearing on jurisdiction in Paris.

■ **Biwater Gauff (Tanzania) Limited v. United Republic of Tanzania (Case No. ARB/05/22)**

July 6, 2007

The Tribunal holds a hearing on jurisdiction and the merits in London.

October 9, 2007

The parties file submissions on costs.

■ **Ares International S.r.l. and MetalGeo S.r.l. v. Georgia (Case No. ARB/05/23)**

July 9 – 13, 2007

The Tribunal holds a hearing on jurisdiction and merits in London.

September 7, 2007

The parties file submissions on costs.

■ **Hrvatska Elektroprivreda d.d. v. Republic of Slovenia (Case No. ARB/05/24)**

July 6, 2007

The Respondent files a counter-memorial on the merits and a memorial on objections to jurisdiction and admissibility.

December 10, 2007

The Claimant files a reply on the merits and a counter-memorial on objections to jurisdiction and admissibility.

■ **Spyridon Roussalis v. Romania (Case No. ARB/06/1)**

October 2, 2007

The Claimant files a memorial on the merits.

■ **Quimica e Industrial del Borax Ltda. and others v. Republic of Bolivia (Case No. ARB/06/2)**

December 19, 2007

The Tribunal is constituted. Its members are: Gabrielle Kaufmann-Kohler (Swiss), President; Marc Lalonde (Canadian); and Brigitte Stern (French).

■ **The Rompetrol Group N.V. v. Romania (Case No. ARB/06/3)**

July 20, 2007

The Respondent files a memorial on preliminary objections.

August 20, 2007

The Claimants file a memorial in response on preliminary objections.

September 25 – 26, 2007

The Tribunal holds a hearing on jurisdiction in Paris.

■ **Vestey Group Ltd v. Bolivarian Republic of Venezuela (Case No. ARB/06/4)**

September 14, 2007

The Centre requests the parties to inform it whether the parties wish to continue the proceeding, in light of ICSID Arbitration Rule 45.

September 19, 2007

The Claimant files a request for the further suspension of the proceeding until March 19, 2008.

September 28, 2007

The Respondent is invited to file observations on the Claimant's request of September 19, 2007, by October 5, 2007.

December 14, 2007

The Respondent is invited again to file observations on the Claimant's request of September 19, 2007, by January 3, 2008.

■ **Phoenix Action Ltd v. Czech Republic (Case No. ARB/06/5)**

July 24, 2007

The Respondent files a memorial on jurisdiction.

September 25, 2007

The Claimant files a counter-memorial on jurisdiction.

October 11, 2007

The Tribunal issues Procedural Order No. 1 on bifurcation and the further procedure.

November 12, 2007

The Respondent files a reply on jurisdiction.

December 18, 2007

The proceeding is stayed in accordance with ICSID Administrative and Financial Regulation 14(3)(d).

■ **Togo Electricité and Suez Energie Services v. Republic of Togo (Case No. ARB/06/7)**

July 13, 2007

The Tribunal grants an extension of time for the parties to comply with the requirements of the Tribunal's order of April 13, 2007.

October 3, 2007

The Tribunal fixes a new deadline for the parties to confirm their compliance with the requirements of the Tribunal's order of April 13, 2007.

October 10 – 15, 2007

The Claimant and the third party file observations on the compliance with the Tribunal's order of April 13, 2007.

October 26, 2007

The Tribunal issues an order on provisional measures and the extension of the arbitration clause. Suez Energie Services is joined to the proceedings as co-Claimant.

December 4 and 10, 2007

The Claimants propose a schedule for the further procedure.

December 28, 2007

The Tribunal fixes a deadline for the Respondent to submit its observation on the Claimants' proposed schedule.

■ **Sistem Muhendislik Insaat Sanayi ve Ticaret A.S. v. Kyrgyz Republic (Case No. ARB(AF)/06/1)**

July 5, 2007

The Respondent files a post-hearing brief.

July 6, 2007

The Claimant files a post-hearing brief.

September 13, 2007

The Tribunal issues a decision on jurisdiction.

December 19, 2007

The Claimant files a memorial on the merits.

■ **Libananco Holdings Co. Limited v. Republic of Turkey (Case No. ARB/06/8)**

September 17, 2007

The Respondent files a response to the Claimant's request for production of documents.

October 12, 2007

The Claimant files a memorial on the merits and jurisdiction.

December 19, 2007

The Respondent files requests for the suspension of the proceeding, for production of documents, and for provisional measures.

■ **Branimir Mensik v. Slovak Republic (Case No. ARB/06/9)**

September 13, 2007

The Tribunal is constituted. Its members are: W. Michael Reisman (U.S.), President; Karl-Heinz Böckstiegel (German); and Bohuslav Klein (Czech).

December 10, 2007

The proceeding is stayed in accordance with ICSID Administrative and Financial Regulation 14(3)(d).

■ **Chevron Block Twelve and Chevron Blocks Thirteen and Fourteen v. People's Republic of Bangladesh (Case No. ARB/06/10)**

August 6, 2007

The Respondent files a reply on jurisdiction.

August 13, 2007

The Claimants file a rejoinder on jurisdiction.

August 20, 2007

The Tribunal holds a hearing on jurisdiction in Washington, D.C.

August 21, 2007

The Tribunal issues a decision on jurisdiction.

■ **Occidental Petroleum Corporation and Occidental Exploration and Production Company v. Republic of Ecuador (Case No. ARB/06/11)**

August 17, 2007

The Tribunal issues a decision on provisional measures.

■ **Scancem International ANS v. Republic of Congo (Case No. ARB/06/12)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Aguaytia Energy, LLC v. Republic of Peru (Case No. ARB/06/13)**

October 9, 2007

The Claimant files a memorial on the merits.

■ **Azpetrol International Holdings B.V., Azpetrol Group B.V. and Azpetrol Oil Services Group B.V. v. Republic of Azerbaijan (Case No. ARB/06/15)**

July 6, 2007

The Respondent files a reply to the Notice to Admit Facts of April 30, 2007.

July 27, 2007

The Respondent files a memorial on objections to jurisdiction and admissibility.

November 21, 2007

Following the passing away of one of the arbitrators, the Centre notifies the parties of the vacancy on the Tribunal and the proceeding is suspended pursuant to ICSID Arbitration Rule 10(2).

December 5, 2007

The Claimants file a counter-memorial on objections to jurisdiction and admissibility.

December 19, 2007

The parties agree to extend the time limit for the co-arbitrators to appoint a new President of the Tribunal.

■ **Barmek Holding A.S. v. Republic of Azerbaijan (Case No. ARB/06/16)**

August 29, 2007

The Tribunal issues a decision on provisional measures.

■ **Técnicas Reunidas, S.A. and Eurocontrol, S.A. v. Republic of Ecuador (Case No. ARB/06/17)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Cementownia "Nowa Huta" S.A. v. Republic of Turkey (Case No. ARB(AF)/06/2)**

August 23, 2007

The Tribunal holds a first session in Paris.

December 18, 2007

The Claimant files a request for provisional measures.

December 19, 2007

The Respondent files requests for the suspension of the proceeding, for production of documents, and for provisional measures.

- **Joseph C. Lemire v. Ukraine (Case No. ARB/06/18)**

July 23, 2007
The Tribunal holds a first session in Paris.

November 12, 2007
The Claimant files a memorial on the merits.
- **Nations Energy, Inc. and others v. Republic of Panama (Case No. ARB/06/19)**

November 28, 2007
The Tribunal is constituted. Its members are: Alexis Mourre (French), President; Jose Maria Chillón Medina (Spanish); and Claus von Wobeser (Mexican).
- **Newmont USA Limited and Newmont (Uzbekistan) Limited v. Republic of Uzbekistan (Case No. ARB/06/20)**

July 25, 2007
The Tribunal issues an order taking note of the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 43(1).
- **City Oriente Limited v. Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (Petroecuador) (Case No. ARB/06/21)**

October 4, 2007
The Tribunal is constituted. Its members are: Juan Fernández-Armesto (Spanish), President; J. Christopher Thomas (Canadian); and Horacio Grigera Naón (Argentine).

November 9, 2007
The Tribunal holds a hearing on provisional measures in Washington, D.C.

November 19, 2007
The Tribunal issues a decision on provisional measures.
- **Piero Foresti, Laura De Carli and others v. Republic of South Africa (Case No. ARB(AF)/07/1)**

September 18, 2007
The Tribunal is constituted. Its members are: Vaughan Lowe (British), President; Charles N. Brower (U.S.); and Joseph Matthews (U.S.).

December 11, 2007
The Tribunal holds a first session in London.
- **Fondel Metal Participations B.V. v. Republic of Azerbaijan (Case No. ARB/07/1)**

July 18, 2007
The Claimant files a request for production of documents and provisional measures.

July 19, 2007
The Tribunal holds a first session in London.

August 29, 2007
The Respondent files observations on the requests for production of documents and provisional measures.

September 12, 2007
The Claimant files a response to the Respondent's observations on the request for production of documents and provisional measures.

September 17, 2007
The Tribunal holds a hearing on production of documents and provisional measures in London.

October 11, 2007
The parties reach an agreement on the Claimant's request for production of documents and provisional measures.

December 12, 2007
The Claimant files a memorial on the merits.
- **RSM Production Corporation v. Central African Republic (Case No. ARB/07/2)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.
- **Government of the Province of East Kalimantan v. PT Kaltim Prima Coal and others (Case No. ARB/07/3)**

August 31, 2007
The Respondents file memorials on jurisdiction.

November 22, 2007
The Claimant files a counter-memorial on jurisdiction.

December 20, 2007
The Respondents file replies on jurisdiction.
- **Eni Dación B.V. v. Bolivarian Republic of Venezuela (Case No. ARB/07/4)**

November 16, 2007
The parties request to extend the time-frame to agree on the constitution of the Tribunal until January 31, 2008.

■ **Giovanna a Beccara and others v. Argentine Republic (Case No. ARB/07/5)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Tza Yap Shum v. Republic of Peru (Case No. ARB/07/6)**

October 1, 2007

The Tribunal is constituted. Its members are: Judd Kessler (U.S.), President; Juan Fernández-Armesto (Spanish); and Hernando Otero (Colombian).

November 26, 2007

The Tribunal holds a first session in Washington, D.C.

■ **Global Gold Mining LLC v. Republic of Armenia (Case No. ARB/07/7)**

September 3, 2007

The parties file a request for the suspension of the proceeding.

■ **Europe Cement Investment and Trade S.A. v. Republic of Turkey (Case No. ARB(AF)/07/2)**

September 13, 2007

The Tribunal is constituted. Its members are: Donald McRae (Canadian), President; Julian Lew (British); and Laurent Lévy (Swiss/Brazilian).

November 16, 2007

The parties file a joint submission on procedural matters.

November 21, 2007

The Tribunal holds a first session without the parties by telephone conference.

December 19, 2007

The Respondent files requests for the suspension of the proceeding, for production of documents, and for provisional measures. On the same day, the Claimant files a request for provisional measures.

■ **Alasdair Ross Anderson and others v. Republic of Costa Rica (Case No. ARB(AF)/07/3)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Giovanni Alemanni and others v. Argentine Republic (Case No. ARB/07/8)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Bureau Veritas, Inspection, Valuation, Assessment and Control, BIVAC B.V. v. Republic of Paraguay (Case No. ARB/07/9)**

There have been no new developments to report in this case since the last issue of *News from ICSID*.

■ **Meerapfel Söhne AG v. Central African Republic (Case No. ARB/07/10)**

December 17, 2007

The Tribunal is constituted. Its members are: Azzedine Kettani (Moroccan), President; François T'Kint (Belgian); and Marie-Madeleine Mborantsuo (Gabonese).

■ **ALAS International Baustoffproduktions AG v. Bosnia and Herzegovina (Case No. ARB/07/11)**

September 14, 2007

The Tribunal is constituted. Its members are Prosper Weil (French), President; Stephen M. Schwebel (U.S.); and Mirko Vasiljevic (Serbian).

November 27, 2007

The Respondent confirms a proposal for disqualification of an arbitrator and the proceeding is suspended pursuant to ICSID Arbitration Rule 9(6).

December 4, 2007

The proposal for disqualification of an arbitrator is withdrawn and the proceeding is resumed.

December 5, 2007

The parties request the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 43(1).

December 27, 2007

The Tribunal issues an order taking note of the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 43(1).

■ **Toto Costruzioni Generali S.p.A. v. Republic of Lebanon (Case No. ARB/07/12)**

July 3, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

October 30, 2007

The Tribunal is constituted. Its members are: Hans van Houtte (Belgian), President; Alberto Feliciani (Italian); and Fadi Moghaizel (Lebanese).

December 13, 2007

The Tribunal holds a first session in Paris.

■ **S&T Oil Equipment v. Romania**
(Case No. ARB/07/13)

July 16, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

November 2, 2007

The Tribunal is constituted. Its members are: Hans van Houtte (Belgian), President; John Savage (U.K.); and Brigitte Stern (French).

December 17, 2007

The Tribunal holds a first session via telephone conference.

■ **Liman Caspian Oil BV & NCL Dutch Investement BV v. Republic of Kazakhstan** (Case No. ARB/07/14)

July 16, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

■ **Ron Fuchs v. Georgia** (Case No. ARB/07/15)

July 16, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

September 14, 2007

The Tribunal is constituted. Its members are: L. Yves Fortier (Canadian), President; Francisco Orrego Vicuña (Chilean); and Arthur Watts (British).

November 5, 2007

The Tribunal holds a first session by telephone conference.

November 19, 2007

Following the passing away of one of the arbitrators, the Centre notifies the parties of the vacancy on the Tribunal and the proceeding is suspended pursuant to ICSID Arbitration Rule 10(2).

■ **Alpha Projektholding GmbH v. Ukraine**
(Case No. ARB/07/16)

July 25, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

■ **Impregilo S.p.A. v. Argentine Republic**
(Case No. ARB/07/17)

July 25, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

■ **Shell Nigeria Ultra Deep Limited (SNUD) v. Nigeria**
(Case No. ARB/07/18)

July 26, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

■ **Shareholders of SESAM v. Central African Republic**
(Case No. CONC/07/1)

August 13, 2007

The Secretary-General registers a request for the institution of conciliation proceedings.

■ **Electrabel S.A. v. Republic of Hungary**
(Case No. ARB/07/19)

August 13, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

December 5, 2007

The Tribunal is constituted. Its members are: V.V. Veeder (British), President; Gabrielle Kaufmann-Kohler (Swiss); and Brigitte Stern (French).

December 21, 2007

The Claimant files a proposal for the disqualification of an arbitrator. The proceeding is suspended in accordance with ICSID Arbitration Rule 9(6).

■ **Saba Fakes v. Republic of Turkey**
(Case No. ARB/07/20)

August 13, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

■ **Pantehniki S.A. Contractors & Engineers v. Republic of Albania** (Case No. ARB/07/21)

August 13, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

December 3, 2007

The Tribunal is constituted. The Sole Arbitrator is Jan Paulsson (French).

■ **AES Summit Generation Limited and AES-Tisza Erömü Kft. v. Republic of Hungary**
(Case No. ARB/07/22)

August 13, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

November 21, 2007

The Tribunal is constituted. Its members are: Claus von Wobeser (Mexican), President; J. William Rowley (Canadian); and Brigitte Stern (French).

- **Railroad Development Corporation (RDC) v. Republic of Guatemala (Case No. ARB/07/23)**

August 20, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

- **Gustav F W Hamester GmbH & Co. KG v. Republic of Ghana (Case No. ARB/07/24)**

September 24, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

- **Trans-Global Petroleum, Inc. v. Hashemite Kingdom of Jordan (Case No. ARB/07/25)**

September 24, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

- **Urbaser v. Argentine Republic (Case No. ARB/07/26)**

October 1, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

- **Mobil Corporation and others v. Bolivarian Republic of Venezuela (Case No. ARB/07/27)**

October 10, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

- **E.T.I. Euro Telecom International N.V. v. Republic of Bolivia (Case No. ARB/07/28)**

October 31, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

- **Société Générale de Surveillance S.A. v. Republic of Paraguay (Case No. ARB/07/29)**

November 19, 2007

The Deputy Secretary-General, on behalf of the Secretary-General, registers a request for the institution of arbitration proceedings.

- **ConocoPhillips Company and others v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/07/30)**

December 13, 2007

The Secretary-General registers a request for the institution of arbitration proceedings.

- **HOCHTIEF Aktiengesellschaft v. Argentine Republic (ICSID Case No. ARB/07/31)**

December 18, 2007

The Deputy Secretary-General, on behalf of the Secretary-General, registers a request for the institution of arbitration proceedings.

- **Astaldi S.p.A. v. Republic of Honduras (ICSID Case No. ARB/07/32)**

December 19, 2007

The Deputy Secretary-General, on behalf of the Secretary-General, registers a request for the institution of arbitration proceedings.

- **Mobil Investments Canada Inc. and Murphy Oil Corporation v. Canada (ICSID Case No. ARB(AF)/07/4)**

December 19, 2007

The Deputy Secretary-General, on behalf of the Secretary-General, registers a request for the institution of arbitration proceedings.

NASSIB G. ZIADÉ ELECTED ICSID DEPUTY SECRETARY-GENERAL

(continued from page 1)

involved in all subsequent reviews of the System. In addition, he advised the Government of Bahrain on, and played an important role in, the establishment of Bahrain's Constitutional Court. Mr. Ziadé is a former Counsel at ICSID.

Mr. Ziadé has published numerous studies in international law, organized several high-level international colloquia and spoken at numerous conferences. He is a Patron of the American Society of International Law and a member of its Executive Council. He is also a member of the Société française pour le droit international and of the Swiss Arbitration Association. He is the Editor-in-Chief of the *ICSID Review—Foreign Investment Law Journal* and was for a number of years a member of its Board of Editors. He has since 1991 been a member of the Editorial Advisory Committee of *International Legal Materials* and since 1987 its Corresponding Editor for the Middle East. He has been invited by The Hague Curatorium to deliver a course on public international law at The Hague Academy of International Law.

Mr. Ziadé studied private and public law, international law, administrative and political science, and business administration at the Saint-Joseph (French) University in Beirut, the American University of Beirut, Cambridge University and the Sorbonne.

Mr. Ziadé is fluent in Arabic, English and French, and has a working knowledge of Spanish. ■

NEW ICSID WEBSITE

chronological and country data on bilateral investment treaties, which is now also fully searchable on the new website.

The Secretariat invites all ICSID website users to submit feedback or suggestions for improvements by email to ICSIDsecretariat@worldbank.org. ■

COLLOQUIUM ON INTERNATIONAL ARBITRATION HELD IN PARIS

The 24th in the series of annual joint colloquia on international arbitration, co-sponsored by the International Court of Arbitration at the International Chamber of Commerce (ICC), ICSID and the American Arbitration Association (AAA) was hosted by the ICC in Paris on November 16, 2007.

The heads of the three institutions, Pierre Tercier, Chairman of the ICC International Court of Arbitration, Ana Palacio, Secretary-General of ICSID, and William K. Slate II, President and CEO of the AAA, provided at the outset an overview on recent developments at the three institutions.

The next session, moderated by William K. Slate II, addressed the topic of efficiency in international arbitration. Richard Naimark, Senior Vice President at the AAA's International Centre for Dispute Resolution, Nassib G. Ziadé, Deputy Secretary-General of ICSID, and Jason A. Fry, Secretary General of the ICC International Court of Arbitration, explored what role the three arbitral institutions may play to achieve this goal.

Subsequently, Antonio R. Parra, Secretary General of the International Council for Commercial Arbitration (ICCA), Piero Bernardini, Of Counsel, Studio Legale Ughi E Nunziante in Rome, and Claudia T. Salomon, Co-Chair, DLA Piper International Arbitration Practice Group in New York, focused on specific aspects of State-party arbitration. The session was moderated by Ana Palacio, Secretary-General of ICSID.

The final session dealt with the extension of proceedings beyond the original parties and was moderated by Pierre Tercier, Chairman of the ICC International Court of Arbitration. Pierre Mayer, Partner, Dechert LLP and Professor at the University of Paris I, Panthéon-Sorbonne, John M. Townsend, Partner, Hughes Hubbard & Reed LLP, Washington, D.C., and Eloïse M. Obadia, Senior Counsel at ICSID, discussed various aspects related to this topic. The closing remarks were delivered by Pierre Tercier. ■

RECENT INSTITUTIONAL DEVELOPMENTS

By Ana Palacio, Secretary-General, ICSID

This speech was delivered during the session “Recent Institutional Developments” at the 24th ICC/AAA/ICSID Joint Colloquium on International Arbitration, held in Paris on November 16, 2007.

I would first of all like to thank the ICC International Court of Arbitration, Professor Tercier and his team, for hosting this event.

A year ago, I had the pleasure of opening the 23rd Joint Colloquium on International Arbitration hosted by ICSID in Washington, D.C., my first as Secretary-General of ICSID. ICSID has experienced an extremely prolific and busy year since then. I will today first give you a short overview of our increasing case load and of our other activities and events during the past year. I will then mainly focus on new developments of the arbitral procedure and of substantive international law on investment and mention some consequences and challenges that have emerged as a result. I will explain how these developments have affected ICSID as an institution and mention some issues that I believe need to be discussed collectively. This event is a perfect forum for such discussions and I welcome during the day your views and ideas.

The past year has presented challenges in terms of the work load of the Centre. These challenges concerned not only the growing number of cases before ICSID, but also other important institutional undertakings, such as a major information technology upgrade project.

During the past fiscal year, the number of ICSID pending cases reached an all-time high of 130. So far this year ICSID has registered 32 cases. As you know, all of these cases involve States as one of the parties. Twenty-nine of these are arbitration proceedings under the ICSID Convention, three are arbitration proceedings under the Additional Facility and one is a conciliation proceeding.

In all, since its inception, the Centre has registered 254 cases. One hundred and thirty-four of them have so far been concluded. About 40 percent of the concluded proceedings were amicably settled or otherwise discontinued by the parties. The remainder led to final awards, which were fairly evenly divided between awards ordering the respondent government to pay compensation to the claimant investor and awards dismissing the claims on the merits or on jurisdictional grounds.

Since I joined ICSID a year ago and with the new Deputy Secretary-General, Nassib G. Ziadé, the Secretariat has been addressing the challenges that have arisen as a result of the increasing work load, particularly concerning case management. ICSID is fortunate to have a team of dedicated professionals who are committed to providing first-class services to the users of the Centre’s dispute resolution facilities. Having succeeded in boosting our budget, we now strive to enhance efficiency both in terms of knowledge resources and technology. We are working to put in place a digitalized system which will improve case management, and will soon release a new website with advanced navigation and search capabilities. For example, there will be guidelines for the filing of a request for arbitration and hyperlinked Arbitration Rules with explanatory notes.

While the past year has been one of the most demanding in ICSID’s history, it has also been a year of reflection. One of the challenges was Bolivia’s denunciation of the ICSID Convention. ICSID is an arbitration institution created by a treaty. Under the ICSID Convention, each Contracting State has the prerogative to denounce the Convention. In accordance with Article 71 of the Convention, the denunciation takes effect six months after receipt of the notice. In Bolivia’s case, the denunciation took effect on November 3, 2007. The Centre registered an arbitration request under the Convention against Bolivia which was brought to ICSID after the denunciation was notified but before the expiry of the six-month period. It is the first time that such a situation has occurred. Under Article 36(3) of the Convention the powers of the Secretary-General to refuse registration are limited, indeed only when the dispute is manifestly outside the jurisdiction of the Centre. In this connection, the Centre received numerous petitions from civil society organizations and political pressure not to proceed with the registration. This is but an example of the critical public opinion which is now present in investment arbitration.

ICSID is the World Bank’s legal tool for fulfilling its mission. However, ICSID is also very much a part of the

arbitration community. Let me address now some matters as a member of the arbitration community.

Arbitration has traditionally been used by private parties for the resolution of commercial disputes. However, the proliferation of bilateral and multilateral investment treaties containing investor-State dispute resolution mechanisms has brought about a sudden, unprecedented number of investment disputes and, consequently, a new role for arbitration that goes beyond private users and private interests. The increase in cases has led to a growing number of issues that touch upon matters of public policy and complex questions of international law on the treatment of foreign investment. A number of such issues are being addressed today by numerous ICSID tribunals under investment promotion and protection treaties. The *ius standi* of minority shareholders, the scope of the fair and equitable treatment standard, the applications of most favored nation and umbrella clauses are being argued before and decided by these tribunals.

The issues before tribunals are increasingly attracting public interest and, as a consequence, also critical public opinion. By defining the scope of the principles, the decisions and awards rendered by ICSID tribunals are, in addition to settling important and large disputes, contributing to the emergence of a new international juridical order concerning substantive foreign investment law and the development of procedural law for the settlement of investment disputes.

It has often been suggested that there is no formal system of precedent in international investment arbitration. However, it is undeniable that a special jurisprudence is developing from the leading awards in the domain of investment arbitration. In turn, this special jurisprudence has also contributed to the development of general international law. An example of this is the area of the international law on state responsibility. A number of ICSID awards are cited in the International Law Commission's (ILC's) commentaries to the draft articles on state responsibility.

Similarly, the procedural framework of investor-State arbitration has been considerably developed. One example is a recent change of ICSID's rules authorizing tribunals to accept and consider written submissions of third parties — *amicus curiae*. This amendment arose as a result of two investor-State arbitration precedents governed by the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL) and administered by ICSID. Procedural law thus evolved as a result of an already established practice. Several ICSID cases have since this amendment of the

ICSID Rules accepted the participation of third parties under certain conditions. This is but one way how the arbitral institution can contribute to ensuring consistency and coherence of the developing international arbitration practice.

In which other ways can and must the institution contribute to the formation of a new international legal order? This is where I believe the leading international arbitration institutions, like those represented here today, could make joint efforts and collectively discuss the issues. We have a responsibility to ensure that the users of the dispute resolution systems continue to have trust in an efficient, just and equitable process, and that the result is a fair and good award. This might at first sight seem like a task for the arbitrators resolving the disputes, but our institutions also have an important role to play in this regard. Allow me to identify a few of these challenges. Some are specific to ICSID while others are shared by all arbitral institutions.

The first is to maintain the highest possible level of ethics within the institution and *vis-à-vis* arbitrators serving under our rules. As arbitration has in many respects become part of the public domain, there is an increasing importance of perception concerning the actors involved. There is for example a legitimate perception that has led to a real appearance that arbitrators who also act as counsel could have a conflict of interest concerning the issues pending in the cases that they are involved in. This is a rather new phenomenon that previously did not present a real problem. Another perception as regards investor-State disputes is that arbitration is a tool of multinational corporations against developing countries. We have to acknowledge that disputes are being decided upon by arbitrators predominantly from industrialized countries. This has created an appearance that the arbitrators sympathize with the corporations.

It is crucial that parties have confidence in the neutrality and independence of arbitrators and that the institutions pay due respect to any concern in this regard. In addition to researching any potential conflict of interest situation, ICSID has recently strengthened its rules to require greater and more exhaustive disclosures by arbitrators regarding potential causes of conflict of interests or perceptions of conflict. The Centre has also decided to now give reasons to decisions on challenges of arbitrators which fall upon the Centre to decide.

Another area concerns the appointment of arbitrators. ICSID is frequently asked to appoint arbitrators, sometimes more than one for the same case. This is therefore an important function with a two-fold significance.

The first concerns the arbitrators' availability to participate in an efficient process and to render a timely award. ICSID now ascertains with all arbitrator candidates that their schedules are not overburdened before they take on a case.

The second concerns the nationality and legal background of the appointee. If an international legal order on the treatment of foreign investments is to represent the principal legal systems of the world, the Centre has a duty to assure representation from these systems on its Panels of Conciliators and of Arbitrators, as well as on tribunals where it is asked to make appointments. There is thus a need to expand and diversify the pool of arbitrators in particular by candidates from developing countries. This is all the more important as the number of ICSID cases continues to grow. As ICSID is often limited to appointing persons who have been designated to the ICSID Panels, it is in turn of vital importance that ICSID Member States ensure that the appointees on their lists are the best qualified, versatile and most experienced professionals.

Finally, a third area in which the institution plays a central role is to raise awareness about investment arbitration and arbitration in general. ICSID frequently participates in training sessions for practitioners, government officials and the business community. In addition to the arbitral institutions' efforts, knowledge could further be enhanced in particular by strengthening the curricula of law schools on arbitration and international law.

As a final remark, I want to stress again the importance of ICSID as one of the World Bank's tools for development. The mission through ICSID is to promote international investment into its member countries and thus stimulate economic growth. I wish to emphasize the importance that the rule of law has in providing the legal security needed in this regard. In this big picture, the institution has an important role to play that goes beyond the administration of the dispute resolution process. ■

DESIGNATIONS TO THE PANELS OF CONCILIATORS AND OF ARBITRATORS

During the period July 1 – December 31, 2007, the governments of Germany, Guatemala, Guyana, Italy and New Zealand made designations to the ICSID Panels. The names of the recently nominated appointees are set forth below. A complete list of members of the ICSID Panels of Conciliators and of Arbitrators is provided on the ICSID website at <http://icsid.worldbank.org>.

Germany

Panel of Arbitrators

Designations effective August 23, 2007:
Karl-Heinz Böckstiegel, Stephan Hobe, Sabine Konrad, Patricia Nacimiento

Panel of Conciliators

Designation effective August 23, 2007:
Jens Bredow
Designations effective December 11, 2007
Anke Sessler, Jürgen Voss, Norbert Wühler

Guatemala

Panel of Arbitrators

Designations effective October 5, 2007:
José Eduardo Quiñones León, José Alberto Orive Vides, Álvaro Rodrigo Castellanos Howell, Milton Estuardo Argueta Pinto

Panel of Conciliators

Designations effective October 5, 2007:
Claudia Caterina Maselli Loaiza de Godoy, Ana Elizabeth Mancur Milián, Francisco José Castillo Love, Julio Roberto Bermejo

Guyana

Panels of Arbitrators and of Conciliators

Designation effective August 3, 2007:
Mohamed Shahabuddeen

Italy

Panels of Arbitrators and of Conciliators

Designations effective September 25, 2007:
Guido Carducci, Giorgio Sacerdoti, Andrea Giardina, Piero Bernardini

New Zealand

Panel of Arbitrators

Designation effective November 12, 2007:
Campbell Alan McLachlan

ICSID PUBLICATIONS

The Centre recently prepared for print the 45th issue of the *ICSID Review—Foreign Investment Law Journal* (Spring 2007). The issue contained an article by Abby Cohen Smutny on principles relating to compensation in the investment treaty context, and an article by Jean Kalicki and Suzana Medeiros on fair and equitable treatment in international investment law. Further, the issue included an article by Antonio R. Parra on the development of the regulations and rules of ICSID and an article by Anne K. Hoffmann on the investor's right to waive access to protection under bilateral investment treaties.

In addition, the issue reproduced the texts of the Decision on Jurisdiction and Recommendation on Provisional Measures issued in *Saipem S.p.A. v. People's Republic of Bangladesh* (ICSID Case No. ARB/05/7) and three procedural orders issued in *Biwater Gauff (Tanzania) Limited v. United Republic of Tanzania* (ICSID Case No. ARB/05/22).

In the second half of 2007, the ICSID Secretariat prepared a new release for the collection of *Investment Laws of the World* for print. The release contained new or revised investment legislation passed by Bulgaria, the Dominican Republic, Gambia, Guyana and Seychelles.

Other recent publications of the Centre include a new release for the Centre's collection of *Investment Treaties*. The release, which was issued in November 2007, contains the texts of twenty bilateral investment treaties concluded by some twenty-five countries in the period 1995–2005. With this new release, the collection now contains texts of some 1,160 bilateral investment treaties from all major regions of the world.

During the period July–December 2007, the ICSID Secretariat also updated its compilation of chronological and country data on bilateral investment treaties based on information provided to ICSID by governments. In contrast to the lists of bilateral investment treaties previously published by the Centre in 1989, 1992 and 1996, the updated data on bilateral investment treaties has been made available on the ICSID website. The information is organized alphabetically by signatory state and may be further searched by selecting two specific states, or the year of signature. In addition, the Centre has also updated its bibliography on bilateral investment treaties and the bibliography which the Centre maintains on publications written on ICSID. ■

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