



MEMBERSHIP NEWS

On June 29, 2009, the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the ICSID Convention) was signed on behalf of the Republic of Kosovo by His Excellency Fatmir Sejdiu, President of the Republic of Kosovo, and by His Excellency Hashim Thaçi, Prime Minister of the Republic of Kosovo. On the same day, the Republic of Kosovo deposited its instrument of acceptance of the ICSID Convention.

Article 67 of the ICSID Convention provides that the Convention is open for signature to States members of the International Bank for Reconstruction and Development (IBRD). Prior to signing the ICSID Convention, the Republic of Kosovo became a member of the IBRD, thus fulfilling the requirement established by Article 67 of the Convention.

The ICSID Convention entered into force for the Republic of Kosovo on July 29, 2009. ■



MEG KINNEAR ELECTED ICSID SECRETARY-GENERAL

By resolution adopted on February 17, 2009, the Administrative Council of ICSID elected Meg Kinnear, a Canadian national, as the Centre's new Secretary-General. Ms. Kinnear, who is ICSID's first full-time Secretary-General, took office on June 22, 2009.

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MEG KINNEAR ELECTED ICSID SECRETARY-GENERAL

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From 1999, Ms. Kinneer served as General Counsel (Senior General Counsel since 2006) and Director General of the Trade Law Bureau of Canada, a joint legal unit of the Departments of Justice and of Foreign Affairs and International Trade Canada. In that capacity, she was responsible for the conduct of all international investment and trade litigation involving Canada. Ms. Kinneer also supervised the provision of advice on Canada's international investment and trade obligations to Canadian government departments and agencies. Further, Ms. Kinneer was in charge of the legal support for negotiations and implementation of international agreements on investment and trade. At the Trade Law Bureau, Ms. Kinneer managed a group of approximately 65–70 staff, including lawyers, paralegals and administrative assistants. She has appeared as counsel before international investment tribunals and participated in the negotiation of bilateral and multilateral investment and trade treaties. In November 2002, Ms. Kinneer was named Chair of the Negotiating Group on Dispute Settlement for the Free Trade of the Americas Agreement. In 2008, Ms. Kinneer received the Justice Canada Excellence in Leadership Award.

From October 1996 to April 1999, Ms. Kinneer served as Executive Assistant to the Deputy Minister of Justice of Canada. Prior to that, Ms. Kinneer was Counsel at the Civil Litigation Section of the Canadian Department of Justice (from June 1984 to October 1996), where she appeared before federal and provincial courts as well as domestic arbitration panels.

Ms. Kinneer was called to the Bar of Ontario in 1984 and the Bar of the District of Columbia in 1982. She received a Bachelor of Arts (B.A.) from Queen's University in 1978, a Bachelor of Laws (LL.B.) from McGill University in 1981, and a Master of Laws (LL.M.) from the University of Virginia in 1982.

Ms. Kinneer has published numerous articles on international investment law and procedure, and is a frequent speaker on these topics. She is a co-author of *Investment Disputes under NAFTA* (published in 2006 and updated in 2008 and 2009). She has also co-authored texts on Canadian legal procedure including *Federal Court Practice* (1988–1990, 1991–1992, and 1993–2009 annually), and the *1995 Crown Liability and Proceedings Act Annotated* (1994).

TWENTY-SIXTH AAA/ICC/ ICSID JOINT COLLOQUIUM ON INTERNATIONAL ARBITRATION

On Friday, November 20, 2009, the ICSID Secretariat will host the 26th AAA/ICC/ICSID Joint Colloquium on International Arbitration in Washington, D.C. As in previous years, the Colloquium will be co-sponsored by the International Centre for Dispute Resolution (ICDR) of the American Arbitration Association (AAA), the International Court of Arbitration of the International Chamber of Commerce (ICC) and ICSID. This conference offers a unique forum for arbitrators, legal practitioners and academics to discuss topics pertinent to international arbitration.

In keeping with tradition, the first session of this year's colloquium will be dedicated to recent developments at the three arbitral institutions, followed by a discussion about the challenges facing arbitration institutions in today's world. In a second session, a panel will address issues concerning the players in international arbitration, focusing on (i) parties' expectations of arbitrators and arbitrators' expectations of parties; (ii) the often overlapping roles of arbitrator, practitioner and expert; and (iii) issues related to the evolution of new players in the arbitral process, such as non-disputing party participation and third-party funding. The third session will be devoted to substantive issues, addressing corruption and human rights, as well as the role of arbitration vis-à-vis the global financial crisis and the arbitrability of political questions. In the last session, a panel will discuss various questions related to the adequacy of the legal instruments available in international arbitration, e.g., multilateral treaties, arbitration rules and model bilateral investment agreements. The event will conclude with an evening reception.

The day following the Joint Colloquium, i.e., on Saturday, November 21, 2009, the London Court of International Arbitration (LCIA), in co-operation with ICSID, will hold a Symposium in Washington, D.C. In traditional LCIA style, the symposium will address current issues of interest in the field of international arbitration and alternative dispute settlement, proposed in advance by delegates and debated from the floor under the expert guidance of co-chairs. Symposium participants will thus have an opportunity to continue the discussions arising at the Joint Colloquium.

Brochures and registration forms for both events will be available on the ICSID website. ■

DISPUTES BEFORE THE CENTRE

During the first half of 2009, the Centre registered twelve new arbitration proceedings, bringing the total number of cases registered with ICSID since its establishment to 292. Of the twelve new cases, four cases involve respondent States from Eastern Europe and Central Asia, and three cases were initiated against States from Central America and the Caribbean region. The remaining cases involve respondent States from South America, South East Asia and Western Europe. One of the recently registered proceedings involves an investor and a State party from high-income economies.

All of the new cases are being conducted under the ICSID Convention, and the majority were instituted on the basis of dispute settlement provisions in bilateral or multilateral investment agreements. In nine cases, ICSID jurisdiction was asserted under bilateral investment treaties. Two further cases invoked the investor-State dispute settlement provision of the Energy Charter Treaty, and one case was brought under the Investment Chapter of the Dominican Republic-Central America-United States Free Trade Agreement (DR-CAFTA). In one case, the parties relied on an investment contract between the investor and the host State, and one further case sought to establish ICSID jurisdiction on the basis of an investment law. Two of the twelve new cases invoked ICSID jurisdiction on an alternative basis.

In addition, the Centre registered two applications for annulment of an award rendered in one case, with each party to the dispute submitting one application.

Eleven arbitration proceedings were concluded during the period from January 1 – June 30, 2009. Awards were rendered in seven of these proceedings. In one case, the tribunal upheld all of the investor's claims, and in another case, the tribunal dismissed all claims. Two awards upheld the investor's claims in part, and two further awards declined ICSID jurisdiction. Four arbitration proceedings were discontinued; three of these at the request of one or both of the parties, and one for lack of payment of the required advances.

Since the last issue of *News from ICSID*, two proceedings in which the parties had sought post-award remedies were also concluded. A decision on an application for annulment was issued in one case, and a decision on rectification of the award was issued in the other.

During the first half of 2009, 17 tribunals or *ad hoc* committees were constituted or reconstituted, and 39 hearings and first sessions were held either at the seat of the Centre in Washington, D.C., or at other venues as agreed to by the parties.

Selected procedural developments in the proceedings pending before the Centre during the period under review are set forth below. Further procedural developments are available on the Centre's website at <http://icsid.worldbank.org>.

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

January 5, 2009

Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. file observations on the Argentine Republic's request of December 30, 2008.

January 14, 2009

The Argentine Republic files a response to Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A.'s observations of January 5, 2009.

January 15, 2009

Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. file a counter-memorial on annulment.

February 4, 2009

The *ad hoc* Committee issues a decision on the Argentine Republic's request of December 30, 2008.

March 6, 2009

The Argentine Republic files a reply on annulment.

April 24, 2009

Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. file a rejoinder on annulment.

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

March 10–11, 2009

The Tribunal holds a hearing in Paris.

March 31, 2009

The parties file observations on various procedural matters.

April 15, 2009

The parties file statements of costs.

April 17, 2009

The Claimants file observations on the Respondent's statement of costs.

April 21, 2009

The Tribunal invites the Respondent to file a response to the Claimants' observations of April 17, 2009.

April 22, 2009

The Respondent files a response to the Claimants' observations of April 17, 2009.

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■ **Tanzania Electric Supply Company Limited v. Independent Power Tanzania Limited (Case No. ARB/98/8) — Interpretation Proceeding**

March 28, 2009

The suspension of the proceeding is extended, pursuant to the parties' agreement.

April 16, 2009

The Tribunal further suspends the proceeding.

■ **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 Creditors Recovery Corporation (formerly Enron Corporation) and Ponderosa Assets, L.P. v. Argentine Republic (Case No. ARB/01/3) — Annulment Proceeding**

February 19, 2009

Enron Corporation and Ponderosa Assets, L.P. file a counter-memorial on annulment.

March 9, 2009

The *ad hoc* Committee holds a hearing on the stay of enforcement of the award in Paris.

March 30, 2009

Enron Corporation and Ponderosa Assets, L.P. file suggestions on conditions for the stay of enforcement of the award.

Enron Corporation further informs the *ad hoc* Committee of a change in its corporate name to Enron Creditors Recovery Corporation.

April 7, 2009

The Argentine Republic files observations on the suggestions filed by Enron Creditors Recovery Corporation and Ponderosa Assets, L.P. on March 30, 2009.

April 13, 2009

Enron Creditors Recovery Corporation and Ponderosa Assets, L.P. file a response to the Argentine Republic's observations of April 7, 2009.

April 17, 2009

The Argentine Republic files a reply on annulment.

April 21, 2009

The Argentine Republic files a reply on conditions of the stay of enforcement of the award.

April 27, 2009

Enron Creditors Recovery Corporation and Ponderosa Assets, L.P. file a rejoinder on the stay of enforcement of the award.

May 20, 2009

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

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

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

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

March 11, 2009

The suspension of the proceeding is extended, pursuant to the parties' agreement.

June 12, 2009

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

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

(a) Annulment Proceeding

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

(b) Revision Proceeding

February 5, 2009

The Tribunal issues a procedural order concerning suspension of the proceeding and production of documents.

February 12, 2009

The Argentine Republic files a memorial on revision.

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

March 2, 2009

The Arab Republic of Egypt files a rejoinder on annulment.

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

January 30, 2009

The Argentine Republic files a request to admit further evidence.

February 6, 2009

Sempra Energy International files observations on the Argentine Republic's request to admit further evidence.

March 3, 2009

The Argentine Republic files a memorial on annulment.

March 5, 2009

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

March 31, 2009

The *ad hoc* Committee issues a procedural order concerning admissibility of evidence.

May 4, 2009

Sempra Energy International files a counter-memorial on annulment.

May 13, 2009

Sempra Energy International files a request to terminate the stay of enforcement of the award.

June 1, 2009

The Argentine Republic files observations on Sempra Energy International's request to terminate the stay of enforcement of the award.

June 10, 2009

Sempra Energy International files a response to the Argentine Republic's observations of June 1, 2009.

June 29, 2009

The Argentine Republic files a reply on annulment.

■ **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*.

■ **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*.

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

February 6, 2009

M.C.I. Power Group, L.C. and New Turbine, Inc. file a reply on annulment.

April 27, 2009

The Republic of Ecuador files a rejoinder on annulment.

June 8, 2009

The *ad hoc* Committee holds a hearing on annulment in Washington, D.C.

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

(a) Rectification and Supplementary Decision Proceeding

February 23, 2009

The Tribunal issues a decision on rectification.

(b) Annulment Proceeding

January 14, 2009

The Acting Secretary-General registers an application for annulment of the award submitted by Continental Casualty Company.

March 19, 2009

The *ad hoc* Committee considering the application submitted by Continental Casualty Company is constituted. Its members are: Gavan Griffith (Australian), President; Mohamed Shahabuddeen (Guyanese); and Christer Söderlund (Swedish).

April 22, 2009

The *ad hoc* Committee holds a first session by telephone conference.

May 13, 2009

Following the resignation of *ad hoc* Committee member Mohamed Shahabuddeen, the Centre notifies the parties of a vacancy on the *ad hoc* Committee and of the suspension of the proceeding.

June 3, 2009

The *ad hoc* Committee considering the application submitted by Continental Casualty Company is reconstituted. Its members are: Gavan Griffith (Australian), President; Bola A. Ajibola (Nigerian); and Christer Söderlund (Swedish).

June 8, 2009

The Acting Secretary-General registers an application for partial annulment of the award submitted by the Argentine Republic, and notifies the parties of the provisional stay of enforcement of the award.

June 10, 2009

The *ad hoc* Committee considering the application submitted by the Argentine Republic is constituted. Its members are: Gavan Griffith (Australian), President; Bola A. Ajibola (Nigerian); and Christer Söderlund (Swedish).

■ **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*.

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

June 15, 2009

The Tribunal appoints an independent expert.

■ **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)**

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

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

June 18, 2009

The parties file post-hearing briefs.

■ **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)**

February 9, 2009

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

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

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

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

January 7, 2009

The parties produce documents as requested by the Tribunal in its procedural order of December 4, 2008.

January 26, 2009

The Respondent files a counter-memorial on the merits.

February 19, 2009

The Tribunal issues a further procedural order concerning production of documents.

February 26 – March 9, 2009

The parties file observations on production of documents as requested by the Tribunal in its procedural order of February 19, 2009.

March 12, 2009

The Claimants produce documents as requested by the Tribunal in its procedural order of February 19, 2009.

April 1, 2009

The Claimants file a request for production of documents.

April 13, 2009

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

April 15, 2009

The Claimants file a response to the Respondent's observations of April 13, 2009.

April 22, 2009

The Tribunal issues a further procedural order concerning production of documents.

April 30, 2009

The Claimants file a reply on the merits.

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

January 15, 2009

The Republic of the Philippines files a counter-memorial on annulment.

April 2, 2009

Fraport AG Frankfurt Airport Services Worldwide files a request for an order of protection pursuant to Article 44 of the ICSID Convention.

April 8, 2009

The *ad hoc* Committee invites the Republic of the Philippines to file observations on the request for an order of protection.

April 15, 2009

Fraport AG Frankfurt Airport Services Worldwide files a reply on annulment.

The Republic of the Philippines files observations on the request for an order of protection.

April 16, 2009

The *ad hoc* Committee invites the parties to file further observations on the request for an order of protection.

April 21 and 24, 2009

The parties file further observations on the request for an order of protection.

June 3, 2009

The *ad hoc* Committee issues a decision on the request for an order of protection.

■ **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) — Annulment Proceeding**

March 4, 2009

The *ad hoc* Committee is constituted. Its members are: Campbell McLachlan (New Zealand), President; Dominique Hascher (French); and Peter Tomka (Slovak).

April 17, 2009

The parties file observations on the stay of enforcement of the award.

April 27, 2009

The *ad hoc* Committee holds a first session at The Hague.

June 23, 2009

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

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

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

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

February 9, 2009

The Respondent files a memorial on jurisdiction.

May 14, 2009

The Claimant files a counter-memorial on jurisdiction.

June 2, 2009

The Tribunal invites the parties to file further submissions on jurisdiction.

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

February 20, 2009

The Claimant files a request for production of documents.

March 20, 2009

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

April 9, 2009

The Tribunal issues a further decision on production of documents.

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

January 13, 2009

The Respondent files a revised statement of costs.

■ **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) — Annulment Proceeding**

January 6, 2009

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

January 14, 2009

The parties file observations on the stay of enforcement of the award.

March 13, 2009

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

March 18, 2009

Compagnie d'Exploitation du Chemin de Fer Transgabonais files a memorial on annulment.

May 28, 2009

The Gabonese Republic files a counter-memorial on annulment.

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

January 3, 2009

The Republic of Chile files a counter-memorial on annulment.

March 16, 2009

Sociedad Anónima Eduardo Vieira files a reply on annulment.

May 25, 2009

The Republic of Chile files a rejoinder on annulment.

June 17, 2009

The *ad hoc* Committee holds a hearing on annulment in Paris.

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

March 20, 2009

The Claimant files a request for discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44. The Respondent informs the Centre that it does not object to the Claimant's request for discontinuance of the proceeding.

May 12, 2009

The Tribunal issues an order taking note of the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44.

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

February 10, 2009

The Tribunal issues an order for the discontinuance of the proceeding for lack of payment of the required advances, pursuant to ICSID Administrative and Financial Regulation 14(3)(d).

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

March 30, 2009

The Claimant files a counter-memorial on jurisdiction.

May 19, 2009

The Respondent files a reply on jurisdiction

June 19, 2009

The Acting Secretary-General moves that the Tribunal stay the proceeding for lack of payment of the required advances, pursuant to ICSID Administrative and Financial Regulation 14(3)(d).

June 23, 2009

The Tribunal stays the proceeding for lack of payment of the required advances pursuant to ICSID Administrative and Financial Regulation 14(3)(d).

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

February 16, 2009

The Claimants file a memorial on the merits.

May 14, 2009

The Respondent files a memorial on jurisdiction.

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

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

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

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)**

March 13, 2009

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

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

January 30, 2009

The Tribunal issues a further procedural order concerning production of documents and confidentiality.

February 3, 2009

The Claimant produces documents as requested by the Tribunal in its procedural order of January 30, 2009.

February 26, 2009

The Respondent files observations on the documents produced by the Claimant on February 3, 2009.

March 6, 2009

The Claimant files a response to the Respondent's observations of February 26, 2009.

March 10–27, 2009

The parties file observations on the documents produced by the Claimant on February 3, 2009.

April 17, 2009

The Respondent files a counter-memorial on the merits.

May 21, 2009

The Claimant files a further request for production of documents.

June 3, 2009

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

June 19, 2009

The Claimant files a response to the Respondent's observations of June 3, 2009.

June 24, 2009

The Tribunal decides on production of documents.

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

May 13, 2009

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

June 19, 2009

The Claimants file a request for discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44.

June 25, 2009

The Respondent informs the Centre that it does not object to the Claimants' request for discontinuance of the proceeding.

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

February 25, 2009

The Tribunal declares the proceeding closed.

April 22, 2009

The Tribunal renders its award.

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

June 3, 2009

The Tribunal declares the proceeding closed.

June 30, 2009

The Tribunal renders its award.

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

June 2, 2009

The Tribunal renders its award.

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

April 16, 2009

The *ad hoc* Committee issues a decision on annulment.

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

January 15, 2009

The Claimant files a memorial on the merits.

May 1, 2009

The Respondent files a memorial on jurisdiction.

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

May 1, 2009

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

May 20, 2009

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

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

February 6, 2009

The parties file reply post-hearing briefs.

March 27, 2009

The parties file statements of costs.

June 8, 2009

The Tribunal declares the proceeding closed.

June 11, 2009

The Claimant files a request to reopen the proceeding.

June 26, 2009

The Respondent files observations on the Claimant's request to reopen the proceeding.

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

January 15, 2009

The Tribunal declares the proceeding closed.

February 4, 2009

The Claimant files a request to reopen the proceeding.

February 24, 2009

The Tribunal issues a procedural order concerning the Claimant's request to reopen the proceeding.

March 13, 2009

The Tribunal renders its award.

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

March 10, 2009

The Tribunal declares the proceeding closed.

June 1, 2009

The Tribunal renders its award; attached to the award is a dissenting opinion by one of the arbitrators.

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

April 17, 2009

The parties file submissions on costs.

April 21, 2009

The Tribunal declares the proceeding closed.

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

January 22, 2009

Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S. file observations on the provisional stay of enforcement of the award.

January 30, 2009

The Republic of Kazakhstan files a response to Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S.'s observations of January 22, 2009.

February 9, 2009

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

March 19, 2009

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

April 9, 2009

The Republic of Kazakhstan files a memorial on annulment.

June 9, 2009

Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S. file a counter-memorial on annulment.

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

January 10–19, 2009

The Tribunal holds a hearing on the merits in London.

March 12–14, 2009

The Tribunal holds a hearing on quantum in London.

May 22, 2009

The parties file post-hearing briefs.

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

February 6, 2009

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

April 22, 2009

Helnan International Hotels A/S files a memorial on annulment.

June 22, 2009

The Arab Republic of Egypt files a counter-memorial on annulment.

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

April 2, 2009

A non-disputing party applies to file a written submission.

April 6, 2009

The Respondent files a counter-memorial on the merits.

May 7, 2009

The parties file observations on the non-disputing party's application.

May 15, 2009

The Tribunal decides on the non-disputing party's application and invites the parties to file observations on the modalities of the non-disputing party's participation.

May 22, 2009

The parties file observations on the modalities of the non-disputing party's participation.

May 26, 2009

Following the resignation of arbitrator Claus-Dieter Ehlermann the Acting Secretary-General notifies the parties of a vacancy on the Tribunal and of the suspension of the proceeding. The Tribunal consents to the resignation of arbitrator Claus-Dieter Ehlermann and the Acting Secretary-General notifies the parties thereof.

June 25, 2009

Pursuant to the parties' agreement, the suspension of the proceeding is partially lifted, with respect to the Tribunal's decision on the modalities of the non-disputing party's participation. The Tribunal decides on the modalities of the non-disputing party's participation.

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

June 12, 2009

The Tribunal issues a decision on treaty interpretation; attached to the decision is an individual opinion by one of the arbitrators.

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

March 31, 2009

The Tribunal issues a decision on the Respondent's counter-claim.

April 29, 2009

The Respondent files a request for production of documents.

May 12, 2009

The Respondent files a request for provisional measures.

May 19, 2009

The Claimant files observations on the Respondent's requests for provisional measures and for production of documents.

May 29, 2009

The Respondent files a response to the Claimant's observations of May 19, 2009.

June 23, 2009

The Claimant files a reply on provisional measures.

■ **Química e Industrial del Bórax Ltda. and others v. Plurinational State of Bolivia (Case No. ARB/06/2)**

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

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

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

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

March 23, 2009

Referring to an agreement by the parties, the Claimant files a request for further suspension of the proceeding.

April 13, 2009

The suspension of the proceeding is further extended.

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

April 15, 2009

The Tribunal renders its award.

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

January 9, 2009

GDF-Suez Energie Services files a reply on the merits and a counter-memorial on counter-claims.

January 12, 2009

Togo Electricité files a reply on the merits and a counter-memorial on counter-claims.

March 11, 2009

The Respondent files a rejoinder on the merits and a reply on counter-claims.

March 26, 2009

The Centre holds a telephone conference with the parties concerning various procedural matters.

March 27, 2009
The Respondent files witness statements.

April 20, 2009
Each Claimant files a rejoinder on counter-claims.

May 11–14, 2009
The Tribunal holds an evidentiary hearing in Paris.

June 29 – July 1, 2009
The Tribunal holds a hearing on the merits in Paris.

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

May 5 and 6, 2009
The parties file statements of costs.

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

February 25, 2009
The Claimant files a further request for production of documents.

March 3, 2009
The Respondent files a supplement to its counter-memorial on the merits and a request to modify the Tribunal's decision of December 17, 2008.

March 6, 2009
The Claimant files observations on the Respondent's request to modify the Tribunal's decision.

March 9, 2009
The Respondent files observations on the Claimant's further request for production of documents.

March 20, 2009
The Claimant files a response to the Respondent's observations of March 9, 2009, and further observations on the Respondent's request of March 3, 2009.

March 27, 2009
The Claimant files a further request for production of documents and a notification of a change of ownership. The Respondent files a reply on production of documents and a response to the Claimant's further observations of March 20, 2009.

April 3, 2009
The Claimant files a rejoinder on production of documents and a reply to the Respondent's request of March 3, 2009. The Respondent files observations on the Claimant's further request of March 27, 2009.

April 10 and 16, 2009
The parties file observations on production of documents.

April 21, 2009
The Respondent files a response to the Claimant's observations on production of documents.

April 27, 2009
The Tribunal issues a procedural order concerning production of documents.

May 3, 2009
The Claimant files a counter-memorial on preliminary objections to jurisdiction.

May 12, 2009
The Tribunal issues a further procedural order concerning production of documents.

June 4, 2009
The Claimant files observations on the Respondent's supplement to its counter-memorial on the merits, and on the Respondent's request of March 3, 2009.

June 19, 2009
The Respondent files a reply on preliminary objections to jurisdiction.

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

May 18–19, 2009
The Tribunal holds a hearing on the merits in London.

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

February 13, 2009
The parties file post-hearing briefs.

March 9, 2009
The Respondent files a counter-memorial on quantum and a further counter-claim.

March 20–21, 2009
The Tribunal holds a hearing on liability in Paris.

June 12, 2009
The Claimants file a reply on quantum and a counter-memorial on the Respondent's further counter-claim.

■ **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)**

January 2, 2009

The Respondent files an application concerning its request for discontinuance of the proceeding of December 31, 2008.

January 6, 2009

The Claimants file observations on the Respondent's application to dismiss the claims of August 28, 2008.

January 7, 2009

The Tribunal issues a procedural order concerning the Respondent's request for discontinuance of the proceeding.

January 8 and 14, 2009

The Claimants file observations on the Respondent's application of January 2, 2009.

January 30, 2009

The Respondent files a request for production of documents.

February 6, 2009

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

February 10 and March 18, 2009

The Respondent files further observations on its application of January 2, 2009.

February 13, 2009

The Respondent files a reply on production of documents.

April 17, 2009

The Claimants file witness statements in support of their further observations of January 14, 2009.

May 1, 2009

The Claimants file a rejoinder to the Respondent's application of January 2, 2009.

May 19, 2009

The Respondent files witness statements in support of its application of January 2, 2009.

June 6–7, 2009

The Tribunal holds a hearing on the Respondent's application of January 2, 2009, in Washington, D.C.

June 17 and 23, 2009

The parties file statements of costs.

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

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)**

January 22, 2009

The Tribunal issues a procedural order deciding to address the objections to jurisdiction as a preliminary question; as a result the proceeding on the merits is suspended.

February 9, 2009

The Respondent files a memorial on jurisdiction.

April 15, 2009

The Respondent files a supplement to its memorial on jurisdiction.

May 6, 2009

The Tribunal holds a hearing on jurisdiction in Paris.

May 27 and June 8, 2009

The parties file statements of costs.

June 26, 2009

The Tribunal issues a procedural order concerning the admissibility of certain documents.

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

March 4, 2009

The parties file post-hearing briefs.

March 20, 2009

The parties file statements of costs.

■ **Nations Energy, Inc. and others v. Republic of Panama (Case No. ARB/06/19)**

April 30, 2009

The Claimants file a reply on the merits.

■ **Piero Foresti, Laura de Carli and others v. Republic of South Africa (Case No. ARB(AF)/07/1)**

March 9, 2009

The Respondent files a request for production of documents.

March 19, 2009

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

March 23, 2009

The Respondent files a response to the Claimants' observations of March 19, 2009.

March 25, 2009

The Claimants produce certain documents.
The Respondent files observations on the documents produced by the Claimants.

March 27, 2009

The Respondent files objections to jurisdiction and admissibility, and a counter-memorial on the merits. The Claimants file a response to the Respondent's observations of March 25, 2009.

March 28, 2009

Pursuant to the parties' agreement, the proceeding is suspended.

■ **Fondel Metal Participations B.V. v. Republic of Azerbaijan (Case No. ARB/07/1)**

January 13, 2009

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

January 23, 2009

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

■ **RSM Production Corporation v. Central African Republic (Case No. ARB/07/2)**

May 20, 2009

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

June 4, 2009

The Tribunal invites the Claimant to file observations on whether the objections to jurisdiction should be addressed as a preliminary question.

June 11, 2009

The Claimant files observations on the Respondent's counter-memorial on jurisdiction and the merits.

June 17, 2009

The Tribunal decides to join the Respondent's objections to jurisdiction to the merits.

■ **Government of the Province of East Kalimantan v. PT Kaltim Prima Coal and others (Case No. ARB/07/3)**

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

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

February 23, 2009

The Respondent files a reply on jurisdiction and admissibility.

May 6, 2009

The Claimants file a rejoinder on jurisdiction and admissibility.

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

June 19, 2009

The Tribunal issues a decision on jurisdiction.

June 26, 2009

The Respondent files a request for correction of the decision on jurisdiction.

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

January 30, 2009

The Respondent files a memorial on jurisdiction.

April 17, 2009

The Respondent files documentary evidence in support of its memorial on jurisdiction.

May 3, 2009

The Tribunal holds a hearing on jurisdiction in Paris.

June 3, 2009

The Respondent files a submission on costs.

June 23, 2009

The Tribunal issues a procedural order concerning the admissibility of certain documents.

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

January 13, 2009

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

April 10, 2009

The Respondent files a reply on jurisdiction and admissibility.

June 15, 2009

The Claimants file a rejoinder on jurisdiction and admissibility.

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

May 21, 2009

The Respondent files a memorial on jurisdiction and admissibility.

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

May 29, 2009

The Tribunal issues a decision on jurisdiction.

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

January 19, 2009

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

March 27, 2009

The Claimant files a reply on jurisdiction and the merits.

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

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

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

March 9, 2009

The Claimant files a request for production of documents.

March 18–27, 2009

The Respondent produces documents.

March 31, 2009

The Claimant files a reply on the merits.

April 9, 2009

The Respondent files a proposal for disqualification of an arbitrator; the proceeding is suspended.

April 24, 2009

Following the resignation of arbitrator John Savage, the Acting Secretary-General notifies the parties of a vacancy on the Tribunal and of the suspension of the proceeding. The Tribunal consents to the resignation of arbitrator John Savage and the Acting Secretary-General notifies the parties thereof.

April 28, 2009

The Tribunal is reconstituted. Its members are: Hans van Houtte (Belgian), President; Horacio A. Grigera Naón (Argentine); and Brigitte Stern (French).

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

January 26, 2009

The Claimants file a reply on the merits.

April 24, 2009

The Respondent files a rejoinder on the merits.

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

January 10–19, 2009

The Tribunal holds a hearing on the merits in London.

March 12–14, 2009

The Tribunal holds a hearing on quantum in London.

March 22, 2009

The parties file post-hearing briefs.

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

January 21, 2009

The Respondent files a rejoinder on jurisdiction and the merits.

March 23–27, 2009

The Tribunal holds an evidentiary hearing in Paris.

May 18, 2009

The parties file post-hearing briefs.

June 18, 2009

The parties file reply post-hearing briefs.

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

January 16, 2009

The Respondent files a memorial on jurisdiction.

March 16, 2009

The Claimant files a counter-memorial on jurisdiction.

May 4–6, 2009

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

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

January 21, 2009

The Tribunal is constituted. Its members are: Nabil Elaraby (Egyptian), President; Hamid G. Gharavi (Iranian/French); and William W. Park (U.S.).

March 5, 2009

The Tribunal holds a first session in Paris.

April 30, 2009

The Claimant files a memorial on the merits.

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

January 30, 2009

The Claimant files an amendment to its memorial on the merits.

April 28, 2009

The Tribunal issues a procedural order concerning the non-disputing party's application.

May 15, 2009

The Respondent files a counter-memorial on the merits.

June 12, 2009

The non-disputing party files a written submission pursuant to ICSID Arbitration Rule 37(2).

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

January 31, 2009

The Claimant files a memorial on the Respondent's objections to jurisdiction.

April 30, 2009

The Respondent files a response on jurisdiction.

June 30, 2009

The Claimant files a reply to the Respondent's response on jurisdiction.

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

May 11–12, 2009

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

June 5, 2009

The parties file submissions on costs.

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

January 5, 2009

The Tribunal issues a further procedural order concerning production of documents.

January 7, 2009

The Claimants file a further request for production of documents.

January 8, 2009

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

January 12, 2009

The Claimant files a response to the Respondent's observations of January 8, 2009.

January 13, 2009

The Respondent files a reply on production of documents. The Tribunal issues a procedural order concerning production of documents.

January 15, 2009

The non-disputing party files a written submission pursuant to ICSID Arbitration Rule 37(2).

January 26, 2009

The Claimants file a further request for production of documents.

January 27, 2009

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

January 28, 2009

The Claimants file a response to the Respondent's observations of January 27, 2009.

January 29, 2009

The Respondent files a reply on production of documents.

February 4, 2009

The Tribunal issues a procedural order concerning production of documents.

February 13, 2009

The parties file observations on the non-disputing party's written submission of January 15, 2009. The Respondent files a rejoinder on the merits.

March 9–13, 2009

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

April 20, 2009

The Respondent files a request to admit evidence.

April 22, 2009

The Claimants file observations on the Respondent's request to admit evidence. The Respondent files a response to the Claimants' observations.

April 23, 2009

The Claimants file a reply on admissibility of evidence.

May 13, 2009

The Tribunal issues a procedural order concerning the Respondent's request to admit evidence.

May 29, 2009

The parties file post-hearing briefs.

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

January 13, 2009

The Tribunal issues a decision on the Respondent's request for clarification of the decision on jurisdiction.

June 26, 2009

The Claimant files a memorial on the merits.

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

February 2, 2009

The Respondent files a counter-memorial on the merits, including objections to jurisdiction.

March 16, 2009

The Tribunal issues a decision joining the objections to jurisdiction to the merits.

April 17, 2009

The Respondent files a request for provisional measures.

April 30, 2009

The Claimant files a reply on jurisdiction and the merits.

June 9, 2009

The Respondent files a rejoinder on jurisdiction and the merits.

June 11, 2009

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

June 16, 2009

The parties file observations on certain procedural matters.

June 23, 2009

The Tribunal issues a procedural order concerning production of documents and admissibility of an expert report.

June 24, 2009

The Tribunal issues a procedural order concerning various provisional measures.

June 29 – July 3, 2009

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

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

January 23, 2009

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

January 29, 2009

The Tribunal issues a procedural order concerning production of documents and procedural matters.

April 8, 2009

The Tribunal renders its award embodying the parties' settlement agreement, pursuant to ICSID Arbitration Rule 43(2).

■ **Urbaser S.A. and Consorcio de Aguas Bilbao Biskaia, Bilbao Biskaia Ur Partzuergoa v. Argentine Republic (Case No. ARB/07/26)**

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

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

January 15, 2009

The Respondent files a memorial on jurisdiction.

April 16, 2009

The Claimant files a counter-memorial on jurisdiction.

June 15, 2009

The Respondent files a reply on jurisdiction.

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

March 20, 2009

The Respondent files a memorial on jurisdiction.

June 24, 2009

The Claimant files a counter-memorial on jurisdiction.

■ **SGS Société Générale de Surveillance S.A. v. Paraguay (Case No. ARB/07/29)**

March 9, 2009

The Claimant files a rejoinder on jurisdiction.

April 6, 2009

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

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

January 23, 2009

The Tribunal issues a procedural order joining the objections to jurisdiction to the merits.

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

April 30, 2009

The Tribunal is constituted. Its members are: Vaughan Lowe (British), President; Charles N. Brower (U.S.); and J. Christopher Thomas (Canadian).

June 19, 2009

The Tribunal holds a telephone conference with the parties concerning various procedural matters.

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

March 9, 2009

The Tribunal is constituted. Its members are: Hans van Houtte (Belgian), President; Merit Janow (U.S.); and Philippe Sands (British/French).

May 6, 2009

The Tribunal holds a first session in New York and issues a procedural order concerning confidentiality.

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

January 23, 2009

The Sole Arbitrator requests the parties to produce certain documents.

February 5 and 9, 2009

The parties produce documents as requested by the Sole Arbitrator.

May 29, 2009

The Tribunal issues a decision on jurisdiction.

June 1, 2009

The Respondent files a counter-memorial on the merits.

June 29, 2009

The Claimant files a reply on the merits.

■ **Marion Unglaube v. Republic of Costa Rica (Case No. ARB/08/1)**

January 23, 2009

The Respondent files preliminary objections, and a request to address the objections to jurisdiction as a preliminary question.

March 9, 2009

The Claimant files observations on the Respondent's request to address the objections to jurisdiction as a preliminary question.

April 6, 2009

The Respondent files a response to the Claimant's observations of March 9, 2009.

April 27, 2009

The Claimant files a reply to the Respondent's request to address the objections to jurisdiction as a preliminary question.

June 11, 2009

The Tribunal issues a decision joining the objections to jurisdiction to the merits.

■ **ATA Construction, Industrial and Trading Company v. Hashemite Kingdom of Jordan (Case No. ARB/08/2)**

February 13, 2009

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

April 10, 2009

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

June 5, 2009

The Respondent files a reply on jurisdiction and a rejoinder on the merits.

■ **Quadrant Pacific Growth Fund L.P. and Canasco Holdings Inc. v. Republic of Costa Rica (Case No. ARB(AF)/08/1)**

March 16, 2009

The Claimants file a memorial on the merits.

June 15, 2009

The Respondent files a counter-memorial on the merits.

■ **Brandes Investment Partners, LP v. Bolivarian Republic of Venezuela (Case No. ARB/08/3)**

January 13, 2009

The Claimant files observations on the Respondent's preliminary objections.

January 29, 2009

The Tribunal holds a first session in Paris.

February 2, 2009

The Tribunal issues a decision on the Respondent's preliminary objections pursuant to ICSID Arbitration Rule 41(5).

April 15, 2009

The Respondent files a memorial on jurisdiction.

June 30, 2009

The Claimant files a counter-memorial on jurisdiction.

■ **Murphy Exploration and Production Company International v. Republic of Ecuador (Case No. ARB/08/4)**

March 13, 2009

The Claimant withdraws its request for provisional measures.

April 30, 2009

The Claimant files a memorial on the merits.

■ **Burlington Resources, Inc. and others v. Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (Petroecuador) (Case No. ARB/08/5)**

January 20, 2009

The Tribunal holds a first session in Paris.

February 20, 2009

The Claimants file a request for provisional measures.

March 17, 2009

The Respondents file observations on the Claimants' request for provisional measures.

March 27, 2009

The Claimants file a response to the Respondent's observations of March 17, 2009.

April 6, 2009

The Respondents file a reply on provisional measures.

April 17, 2009

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

April 20, 2009

The Claimants file a memorial on the merits.

June 29, 2009

The Tribunal issues a procedural order concerning provisional measures.

■ **Perenco Ecuador Limited v. Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (Petroecuador) (Case No. ARB/08/6)**

February 7, 2009

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

February 19, 2009

The Claimant files a request for provisional measures.

February 20, 2009

The Respondents file observations on the Claimant's request for provisional measures.

February 21, 2009

The Claimant files a response to the Respondents' observations of February 20, 2009.

February 26, 2009

The Respondents file a reply on provisional measures.

March 19, 2009

The Tribunal holds a hearing on provisional measures in Paris.

April 10, 2009

The Claimant files a memorial on liability.

May 8, 2009

The Tribunal issues a decision on provisional measures.

■ **Itera International Energy LLC and Itera Group NV v. Georgia (Case No. ARB/08/7)**

January 26, 2009

The Tribunal holds a first session by telephone conference.

April 15, 2009

The Claimants file a memorial on the merits and jurisdiction.

May 4, 2009

The Respondent files a request to address certain objections to jurisdiction as a preliminary question.

May 15, 2009

The Claimants file observations on the Respondent's request to address certain objections to jurisdiction as a preliminary question.

June 22, 2009

The Tribunal invites the parties to file further observations on the Respondent's request of May 4, 2009 and decides on the procedural schedule.

■ **Inmaris Perestroika Sailing Maritime Services GmbH and others v. Ukraine (Case No. ARB/08/8)**

January 23, 2009

The Respondent files a memorial on jurisdiction.

March 23, 2009

The Claimants file a counter-memorial on jurisdiction.

May 18, 2009

The Respondent files a reply on jurisdiction.

■ **Giordano Alpi and others v. Argentine Republic (Case No. ARB/08/9)**

February 24, 2009

The Tribunal holds a first session by telephone conference.

April 13, 2009

The Respondent files a request for production of documents.

April 17, 2009

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

June 11, 2009

The Respondent files a memorial on jurisdiction and admissibility.

June 29, 2009

The Tribunal issues a procedural order concerning production of documents.

■ **Repsol YPF Ecuador, S.A. and others v. Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (PetroEcuador) (Case No. ARB/08/10)**

February 6, 2009

The Tribunal is constituted. Its members are: Rodrigo Oreamuno (Costa Rican), President; Horacio A. Grigera Naón (Argentine); and Raúl E. Vinuesa (Argentine).

February 16, 2009

The Claimants file a request for provisional measures.

April 1, 2009

The Respondents file observations on the Claimants' request for provisional measures.

April 10, 2009

The Tribunal holds a first session and a hearing on provisional measures in Washington, D.C.

June 17, 2009

The Tribunal issues a procedural order concerning provisional measures.

■ **Bosh International, Inc. and B&P, LTD Foreign Investments Enterprise v. Ukraine (Case No. ARB/08/11)**

April 22, 2009

The Tribunal is constituted. Its members are: Gavan Griffith (Australian), President; Donald McRae (Canadian); and Philippe Sands (British/French).

■ **Caratube International Oil Company LLP v. Republic of Kazakhstan (Case No. ARB/08/12)**

February 23, 2009

The Tribunal is constituted. Its members are: Karl-Heinz Böckstiegel (German), President; Gavan Griffith (Australian); and Kamal Hossain (Bangladeshi).

April 14, 2009

The Claimant files a request for provisional measures.

April 16, 2009

The Tribunal holds a first session in Frankfurt.

April 29, 2009

The Claimant files an amended request for provisional measures.

June 15, 2009

The Respondent files observations on the Claimant's amended request on provisional measures

June 30, 2009

The Tribunal holds a hearing on provisional measures in London.

■ **Alapli Elektrik B.V. v. Republic of Turkey (Case No. ARB/08/13)**

March 2, 2009

The Tribunal is constituted. Its members are: William W. Park (U.S.), President; Marc Lalonde (Canadian); and Brigitte Stern (French).

May 18, 2009

The Tribunal holds a first session in Paris.

■ **Impregilo S.p.A. v. Argentine Republic (Case No. ARB/08/14)**

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

■ **CEMEX Caracas Investments B.V. and CEMEX Caracas II Investments B.V. v. Bolivarian Republic of Venezuela (Case No. ARB/08/15)**

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

■ **GEA Group Aktiengesellschaft v. Ukraine (Case No. ARB/08/16)**

March 20, 2009

The Tribunal is constituted. Its members are: Albert Jan van den Berg (Dutch), President; Toby Landau (British); and Brigitte Stern (French).

May 12, 2009

The Tribunal holds a first session in Paris.

■ **Participaciones Inversiones Portuarias SARL v. Gabonese Republic (Case No. ARB/08/17)**

June 9, 2009

The Tribunal is constituted. Its members are: Jan Paulsson (French), President; Ibrahim Fadlallah (Lebanese/French); and Brigitte Stern (French).

■ **Malicorp Limited v. Arab Republic of Egypt (Case No. ARB/08/18)**

June 2, 2009

The Tribunal is constituted. Its members are: Pierre Tercier (Swiss), President; Luiz Olavo Baptista (Brazilian); and Pierre-Yves Tschanz (Swiss/Irish).

■ **Karmer Marble Tourism Construction Industry and Commerce Limited Liability Company v. Georgia (Case No. ARB/08/19)**

June 11, 2009

The Tribunal is constituted. Its members are: Marc Lalonde (Canadian), President; Francisco Orrego Vicuña (Chilean); and Eric Schwartz (U.S.).

■ **Millicom International Operations B.V. and Sentel GSM S.A. v. Republic of Senegal (Case No. ARB/08/20)**

June 12, 2009

The Tribunal is constituted. Its members are: Pierre Tercier (Swiss), President; Ronny Abraham (French); and Kaj Hobér (Swedish).

■ **Teinver S.A., Transportes de Cercanías S.A. and Autobuses Urbanos del Sur S.A. v. Argentine Republic (Case No. ARB/09/1)**

January 30, 2009

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

■ **Deutsche Bank AG v. Democratic Socialist Republic of Sri Lanka (Case No. ARB/09/2)**

March 24, 2009

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

■ **Holcim Limited, Holderfin B.V. and Caricement B.V. v. Bolivarian Republic of Venezuela (Case No. ARB/09/3)**

April 10, 2009

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

■ **Elsamex, S.A. v. Republic of Honduras (Case No. ARB/09/4)**

April 15, 2009

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

■ **Iberdrola Energía, S.A. v. Republic of Guatemala (Case No. ARB/09/5)**

April 17, 2009

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

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- **Vattenfall AB, Vattenfall Europe AG, Vattenfall Europe Generation AG v. Federal Republic of Germany (Case No. ARB/09/6)**

April 17, 2009

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

- **MTN (Dubai) Limited and MTN Yemen for Mobile Telephones v. Republic of Yemen (Case No. ARB/09/7)**

May 1, 2009

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

- **KT Asia Investment Group B.V. v. Republic of Kazakhstan (Case No. ARB/09/8)**

May 20, 2009

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

- **Adem Dogan v. Turkmenistan (Case No. ARB/09/9)**

May 22, 2009

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

- **EVN AG v. Macedonia, former Yugoslav Republic of (Case No. ARB/09/10)**

June 3, 2009

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

June 4, 2009

Following a request for provisional measures by the Claimant, the Acting Secretary-General fixes time limits for the parties to present observations on the Claimant's request pursuant to ICSID Arbitration Rule 39(5).

June 18, 2009

The Claimant files observations on its request for provisional measures.

- **Global Trading Resource Corp. and Globex International, Inc. v. Ukraine (Case No. ARB/09/11)**

June 11, 2009

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

- **Pac Rim Cayman LLC v. Republic of El Salvador (Case No. ARB/09/12)**

June 15, 2009

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

TENTH BIENNIAL IFCAI CONFERENCE: CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION

The International Federation of Commercial Arbitration Institutions (IFCAI), together with the Centre de Conciliation et d'Arbitrage de Tunis (CCAT), organized the tenth in the series of IFCAI's biennial international arbitration conferences, on May 28–29, 2009 in Carthage, Tunisia. This year's conference was dedicated to contemporary issues in international arbitration, with specific emphasis on the Arab region.

Nassib G. Ziadé, Deputy Secretary-General of ICSID, and Nabil Elaraby, Director of the Cairo Regional Center for International Commercial Arbitration (CRCICA), moderated a session that focused on arbitral procedures and issues pertinent to specific industry sectors. The panel was composed of Mohamed Abdel Raouf, Secretary General of the CRCICA, Marc Frilet of the Société d'Avocats of France, Kaj Hobér, Professor of Law at the University of Uppsala, and Moheddine Kaissi, Secretary General of the Arbitration Center of the Beirut Chamber of Commerce. At the outset, the panelists focused on investment arbitration involving parties from the Arab world, before addressing questions emerging from arbitration proceedings in the construction industry. Issues surrounding arbitral proceedings in the oil and gas sector were also discussed. ■

INTERNATIONAL COMMERCIAL ARBITRATION AND ADR IN A CHALLENGING WORLD ... CROSS CULTURAL PERSPECTIVES

On March 29–30, 2009, the Cairo Regional Center for International Commercial Arbitration (CRCICA), the United Nations Commission on International Trade Law (UNCITRAL), the International Federation of Commercial Arbitration Institutions (IFCAI), and the Arab Union of International Arbitration (AUIA), organized a conference focusing on "International Commercial Arbitration and Alternative Dispute Resolution (ADR) in a Challenging World ... Cross Cultural Perspectives." The Conference was held to celebrate the thirtieth anniversary of the CRCICA.

Nassib G. Ziadé, Deputy Secretary-General of ICSID, delivered a speech during the first session devoted to the role of institutional arbitration between the present and the future. Besides Mr. Ziadé, Ulf Franke, President of IFCAI and Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce, Jason Fry, Secretary General of the International Court of Arbitration of the International Chamber of Commerce (ICC), and William Slate, President and Chief Executive Officer of the American Arbitration Association (AAA), also shared their views on the future of institutional arbitration. The session was chaired by Nabil Elaraby, Director of the CRCICA.

In his speech, Mr. Ziadé indicated that efficiency and legitimacy would determine any future role for arbitration institutions. He pointed out that while efficiency was the prerequisite, addressing threats to legitimacy was the biggest challenge that arbitration institutions would face in the future. Mr. Ziadé's speech is published in the third issue of *Arbitration International* for 2009.

On the same day, Mr. Ziadé participated as a panelist in a session on current key issues in investment arbitration. Mr. Ziadé's presentation focused on the latest developments and key issues related to investment arbitration proceedings conducted under the ICSID Convention. The panel was co-chaired by Professor Ahmed S. El-Kosheri, Senior Partner at Kosheri, Rashed and Riad, and Professor Bernardo Cremades, President of the Spanish Court of Arbitration and Senior Partner at B. Cremades & Asociados. ■

ICSID PUBLICATIONS

In the period from January 1 – June 30, 2009, the ICSID Secretariat published one new release in its loose-leaf collection *Investment Treaties*. The release contains the texts of 20 bilateral investment treaties concluded by 25 countries from all major regions of the world between 1997 and 2007. The Centre also prepared for print a new release for its *Investment Laws of the World* collection, which will feature new or revised investment legislation passed by Algeria, the Central African Republic, Niger, Malaysia and Turkmenistan.

Investment Laws of the World (ten loose-leaf volumes) and *Investment Treaties* (ten loose-leaf volumes) are available from Oxford University Press, Order Department, 2001 Evans Road, Cary, NC 27513, U.S.A.; Ph: 800-624-0153; Fax: 919-677-8877; Email: library.sales@oup.com; at US\$2,330 for both sets and US\$1,165 for each individual loose-leaf collection.

During the first half of 2009, the Centre also prepared an issue of the *ICSID Review—Foreign Investment Law Journal* for publication. This issue contains the following articles:

ICSID's Contribution to the Development of Investment Arbitration in the Arab World

Nassib G. Ziadé

Arab States have participated in the ICSID system of dispute settlement since its inception. This article examines the influence ICSID has had in the Arab region. After reviewing landmark ICSID cases involving Arab parties, the article explores the effects of the evolving international investment arbitration process on legislative and treaty-making activity in the Arab region at both the bilateral and multilateral levels. The article emphasizes that arbitration is embedded in the legal traditions of these States and acknowledges recent efforts to strengthen its role in investment and commercial matters.

A BIT about ICSID

Stephen M. Schwebel

This article offers a retrospective view of ICSID's history in the context of important political and legal developments during the past 50 years. Central among these developments is the proliferation of bilateral investment treaties (BITs), which fueled ICSID's jurisdictional reach. The article addresses individual critiques of the ascendancy of ICSID and of BITs, and maintains that the processes and principles of international investment arbitration law have been beneficent and progressive.

The Relationship between Diplomatic Protection and Investment Treaties

Ben Juratowitch

This article considers the relationship between the customary international law concept of diplomatic protection and investment treaties. It highlights the distinctions and overlaps between the law of diplomatic protection and the protections accorded under such treaties. Among the issues considered are whether investment treaties confer rights directly on individual investors or whether such rights are exercised by investors as subrogees of their home State. The article concludes that while treaty-based mechanisms may render diplomatic protection increasingly redundant, in a number of factual situations diplomatic protection remains important, especially where coverage by an investment treaty regime is absent or only partially available.

Using Treaties to Define Rules of Procedure in Investor-State Arbitration: The CAFTA Example

Ucheora Onwuamaegbu

Arbitration of disputes between investors and host governments are conducted either *ad hoc* (typically under the UNCITRAL Rules), or under the auspices of an arbitration institution such as ICSID. This article presents an overview of the ICSID Arbitration Rules from the point of view of their flexibility. Using CAFTA as a main reference, it examines treaty provisions that take advantage of the flexibility to vary procedural rules in advance of actual proceedings. The article further considers departures from the ICSID Arbitration Rules that parties have in the past agreed to in the course of their proceedings, and looks at other variations that could be agreed on by the parties or addressed by the Centre through amendments of the Rules.

ICSID's Nationality Requirements

Anthony C. Sinclair

Over the past years a number of ICSID tribunals have dealt with complex and frequently controversial issues of the investor's nationality in ICSID arbitration. This article reviews recent practice and discusses the interactions between the "nationality" and "consent" conditions of investment treaties and the objective jurisdictional requirements of the ICSID Convention; the protection of natural persons and the applicability of the doctrine of dominant and effective nationality; the protection of juridical persons; and questions of assignment of claims and changes in nationality.

Annulment and Enforcement Review of Treaty Awards: To ICSID or Not to ICSID

Gaetan Verhoosel

Considerations about the ultimate enforceability of an award are pivotal when parties choose between ICSID and non-ICSID investment treaty arbitration. Based on a report delivered at the International Council for Commercial Arbitration (ICCA) 2008 Conference in Dublin, this article explores the relevance of the choice between ICSID and non-ICSID alternatives with respect to enforcement. Challenges to the enforcement of an award by annulment review under the ICSID Convention or enforcement review under the New York Convention are considered on the basis of a comparative survey of ICSID and non-ICSID awards.

This issue of the *ICSID Review* includes summaries of decisions on the stay of enforcement of the awards issued in *Azurix Corp. v. Argentine Republic* (Case No. ARB/01/12) and *Enron Corporation and Ponderosa Assets, L.P. v. Argentine Republic* (Case No. ARB/01/3). It also contains a summary of the award rendered in *Desert Line Projects LLP v. Republic of Yemen* (Case No. ARB/05/17), and excerpts of the award rendered in *Ares International S.r.l. and MetalGeo S.r.l. v. Georgia* (Case No. ARB/05/23).

The *ICSID Review* is available on a subscription basis, at US\$90 per year for those with a mailing address in an OECD country, and US\$45 for others, plus postal charges, from Journals Publishing Division, The Johns Hopkins University Press, 2715 North Charles Street, Baltimore, MD 21218-4363, U.S.A.; Ph: 410-516-6987; Fax: 410-516-6968; Email: jnlcirc@press.jhu. ■

DESIGNATIONS TO THE ICSID PANELS OF CONCILIATORS AND OF ARBITRATORS

Pursuant to the ICSID Convention, the Centre maintains a Panel of Conciliators and a Panel of Arbitrators. In accordance with Article 13 of the Convention, each Contracting State may designate up to four persons to each Panel, and the Chairman of the Administrative Council may designate up to ten persons to each Panel. All designees serve for renewable six-year terms.

During the period January 1 – June 30, 2009, the governments of Argentina, Cambodia, the Republic of Korea and the United States of America made designations to the ICSID Panels. The names of these designees are listed below. A complete list of members of the ICSID Panels of Conciliators and of Arbitrators is available on the ICSID website at <http://icsid.worldbank.org>.

Argentina

Panels of Conciliators and of Arbitrators

Designations effective May 18, 2009:

Aníbal Aterini, Raúl Etcheverry, Susana Ruiz Cerutti and Raúl E. Vinuesa

Cambodia

Panel of Conciliators and of Arbitrators

Designation effective June 6, 2009:

Hamid G. Gharavi

Republic of Korea

Panel of Conciliators

Designations effective March 4, 2009:

Sung Phil Hong, Kyung Geun Lee, Eun-Young Park and Yong Suk Yoon

Panel of Arbitrators

Designations effective March 4, 2009:

Kap-You (Kevin) Kim, Hi-Taek Shin and Byung Chol Yoon

United States of America

Panel of Conciliators

Designations effective January 16, 2009:

J. Caleb Boggs III, William Burck, Ronald A. Cass and Emmet Flood

Panel of Arbitrators

Designations effective January 16, 2009:

Fred F. Fielding and Daniel M. Price

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