

I C S I D

1993 ANNUAL REPORT



International Centre for
Settlement of Investment Disputes

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International Centre for
Settlement of Investment Disputes

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International Centre for Settlement of
Investment Disputes

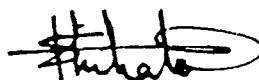
September 8, 1993

Dear Mr. Chairman:

Pursuant to Administrative and Financial Regulation 5(4), I hereby submit to the Administrative Council for its approval the Annual Report on the Operation of the International Centre for Settlement of Investment Disputes required by Article 6(1)(g) of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. This Annual Report covers the fiscal year July 1, 1992 to June 30, 1993.

The Report includes the audited financial statements of the Centre, presented pursuant to Administrative and Financial Regulation 19.

Sincerely yours,



Ibrahim F.I. Shihata
Secretary-General

Mr. Lewis T. Preston
Chairman
Administrative Council
International Centre for Settlement of Investment Disputes

Introduction by the Secretary-General

With the ratification of the ICSID Convention by ten more countries, the Centre's membership grew to 109 during fiscal 1993. A further three countries signed the Convention during the year, bringing the total number of signatories to 123. The increase in the number of Contracting States during the past year surpassed that of any single year since the Convention came into force 26 years ago. However, looking beyond the mere numbers, the geographical diversity in the recent accessions to ICSID membership may be even more significant. New Contracting States include China as well as Eastern European and Central Asian countries. Also joining in the past year was one further Latin American country, thereby continuing a trend that began only 10 years ago when the Convention was ratified by the first country from that part of the world.

The expansion in ICSID's membership is evidence of continued strong confidence in the Centre's dispute settlement facilities. A further manifestation of such confidence is the interest member States have shown over a number of years in incorporating references to ICSID arbitration in national investment legislation and in bilateral investment treaties. In the course of the last three years the number of laws and treaties containing such references to ICSID has nearly doubled. Thus 27 national investment laws and 286 bilateral investment treaties now refer in one form or another to the Centre's dispute settlement facilities. In addition, the North American Free Trade Agreement, which was signed by Canada, Mexico and the United States during the period under review, incorporates references to ICSID in its provisions on the resolution of investment disputes.

Two new requests for arbitration were registered during the year. Developments in other

cases included the discontinuance of three proceedings following amicable settlements by the parties of their disputes. This brought to 16 the number of ICSID cases that have come to a conclusion on the basis of agreed settlements as compared to only nine that have ended in final awards. At the close of the fiscal year, three cases were pending before the Centre.

The past year saw a solid continuation of ICSID's research and publications program as well as an expansion in the informational and advisory services offered by the Centre. Research activities included staff assisting in the preparation of the World Bank Group Report on the Legal Framework for the Treatment of Foreign Investment which resulted in the issuance by the Development Committee in September 1992 of a set of "Guidelines on the Treatment of Foreign Direct Investment." The staff also undertook advisory work on draft legislation both in the areas of arbitration and investment. As in previous years, many requests were received for information specifically on ICSID and for assistance in the drafting of ICSID clauses. In this connection a revised set of *Model Clauses* was published during the year. Other publications issued during fiscal 1993 included two further issues of the *ICSID Review* and four new releases in ICSID's collections of *Investment Laws of the World* and *Investment Treaties*. Those releases added to the collections the basic investment laws of twelve countries and over 100 new bilateral investment treaties. Finally, the Centre took part in a number of arbitration conferences, and co-sponsored, for the ninth time, with the ICC International Court of Arbitration and the American Arbitration Association, a colloquium on international arbitration.

This year's Annual Report offers me an opportunity to look back on ten years of service as

ICSID's Secretary-General. In doing so I recall the aspirations that I had for ICSID at the outset of my first term in office. One was for ICSID to assume a more important role in improving the investment climate at large, and in developing countries in particular. I emphasized, however, in my first Annual Report, that ICSID could play that role only to the extent that its potential clients, investors and host countries, would consent to resort to ICSID's dispute settlement facilities. Over the past decade, such consents have proliferated as ICSID clauses have been included not only in individual investment contracts but also in laws and treaties covering most investment flows among large numbers of countries. This and the continuing expansion of ICSID's membership attest to the important position that the Centre has come to occupy in the promotion of international investment.

Ibrahim F.I. Shihata
Secretary-General

Membership

In the past fiscal year, the Convention was signed by Armenia, Azerbaijan, Belarus, Colombia, the Czech Republic, Georgia, Kazakhstan, Lithuania, Micronesia, Moldova and Turkmenistan. Instruments of ratification were deposited by Armenia, Azerbaijan, Belarus, China, Costa Rica, the Czech Republic, Georgia, Lithuania, Micronesia, and Turkmenistan. As of June 30, 1993, there were 123 signatory States of the Convention; of these, 109 had also ratified the Convention. A complete list of Contracting States and Other Signatories of the Convention as of June 30, 1993 appears in Annex 1.

Disputes before the Centre

During the year, there were seven cases before the Centre. Developments in these cases are summarized below.

- (1) *Amco Asia et al. v. Republic of Indonesia — Annulment II (Case ARB/81/1)*

November 13–16, 1992—The Committee meets in San Francisco and declares the proceeding closed in accordance with Arbitration Rule 38(1).

December 17, 1992—The Decision of the ad hoc Committee is rendered. The Decision rejects the parties' applications for annulment of the Award of June 5, 1990 and annuls the October 17, 1990 Decision on Supplemental Decisions and Rectification of the Award.

- (2) *S.P.P. (Middle East) Limited v. Arab Republic of Egypt (Case ARB/84/3)*

July 2, 1992—The ad hoc Committee, consisting of Professor A.A. Fatouros, Judge Kéba Mbaye and Professor Claude Reymond, elects Professor Reymond as its President.

September 11, 1992—The Committee meets with the parties in Paris on matters of procedure.

September 29, 1992—The Committee issues a procedural order on the request for a stay of enforcement of the Award.

December 11, 1992—The parties inform the Committee that they have settled the dispute and request it to issue an order taking note of the discontinuance of the proceeding under Arbitration Rule 43(1).

March 9, 1993—The order of the Committee taking note of the discontinuance of the proceeding is notified to the parties.

- (3) *Société d'Etudes de Travaux et de Gestion SETIMEG S.A. v. Republic of Gabon (Case ARB/87/1)*

November 5, 1992—The parties inform the Tribunal that they have settled the dispute and request it to issue an order taking note of the discontinuance of the proceeding under Arbitration Rule 43(1).

January 21, 1993—The order of the Tribunal taking note of the discontinuance of the proceeding is notified to the parties.

- (4) *Manufacturers Hanover Trust Company v. Arab Republic of Egypt and General Authority for Investment and Free Zones (Case ARB/89/1)*

March 29, 1993—The Claimant notifies the Centre of the formal termination of the related court proceedings in Egypt.

June 24, 1993—The order of the Tribunal taking note of the discontinuance of the arbitration proceeding is notified to the parties.

- (5) *Vacuum Salt Products Limited v. Government of the Republic of Ghana (Case ARB/92/1)*

October 15, 1992—The Tribunal is constituted. Its members are: Sir Robert Jennings (British), President, appointed by the two party-appointed arbitrators; Mr. Charles N. Brower (U.S.), appointed by the Claimant; and Dr. Kamal Hossain (Bangladeshi), appointed by the Respondent.

October 22, 1992—The Claimant submits a request for provisional measures.

November 27, 1992—The Respondent submits its observations on the request for provisional measures and raises objections to jurisdiction.

December 1–3, 1992—The Tribunal meets with the parties at The Hague and issues a decision regarding provisional measures and a decision on procedures relating to objections to jurisdiction.

December 24, 1992—The Claimant files observations on jurisdiction.

January 7, 1993—The Respondent files observations on jurisdiction.

February 1–March 12, 1993—The parties file supplementary observations on jurisdiction and other issues.

June 7–10, 1993—The Tribunal holds hearings at The Hague.

June 14, 1993—The Tribunal issues a further decision regarding provisional measures.

- (6) *Scimitar Exploration Limited v. People's Republic of Bangladesh and Bangladesh Oil, Gas and Mineral Corporation (Case ARB/92/2)*

November 3, 1992—The Secretary-General registers a request for the institution of arbitration proceedings.

Panels of Conciliators and of Arbitrators

February 16, 1993—The Tribunal is constituted. Its members are: Mr. Keith Highet (U.S.), President, appointed by the two party-appointed arbitrators; Professor Ian Brownlie, Q.C. (British), appointed by the Respondents; and Mr. Edward C. Chiasson, Q.C. (Canadian), appointed by the Claimant.

March 29, 1993—The Respondents submit objections to jurisdiction.

April 2, 1993—The Claimant files observations on jurisdiction.

April 6, 1993—The Tribunal holds its first session with the parties in Washington, D.C.

April 27, 1993—The Tribunal issues a procedural order.

June 14, 1993—The Respondents file observations on jurisdiction and on the request for a stay of the arbitral proceedings.

June 21, 1993—The Claimant files observations on jurisdiction.

(7) *American Manufacturing & Trading, Inc. v. Republic of Zaire (Case ARB/93/1)*

February 2, 1993—The Secretary-General registers a request for the institution of arbitration proceedings.

Pursuant to Article 3 of the Convention, the Centre maintains a Panel of Conciliators and a Panel of Arbitrators. Each Contracting State may designate to each Panel up to four persons, and the Chairman of the Administrative Council may designate up to ten persons to each Panel.

In the course of the fiscal year, designations to the Panels have been made as follows:

CHAIRMAN'S LIST

Panel of Arbitrators - designation effective as of October 4, 1992:

Mr. Aron Broches (re-appointment).

DENMARK

Panels of Conciliators and of Arbitrators - designations effective as of September 1, 1992:

Messrs. Frank Poulsen, Per Magid, and Prof. Isi Foighel (re-appointments) and Mr. Peer Lorenzen.

ECUADOR

Panel of Conciliators - designations effective as of August 26, 1992:

Dr. Fabian Corral Burbano, Dr. Francisco Diaz Garaicoa, Dr. Galo Leoro Franco (re-appointments) and Dr. Juan Paez Teran.

Panel of Arbitrators - designations effective as of August 26, 1992:

Dr. Julio Corral Borrero, Dr. Alejandro Ponce Martinez, Dr. Alfonso Trujillo Bustamante (re-appointments) and Dr. Patricio Pefia Romero.

Legal Framework for the Treatment of Foreign Investment

SINGAPORE

Panels of Conciliators and of Arbitrators - designations effective as of October 1, 1992: Mrs. Sook Yee Tan (re-appointment) and Judge Warren Khoo.

SRI LANKA

Panel of Arbitrators - designations effective as of January 4, 1993: Hon. Justice Asoka de Z. Gunawardana and Mr. Balakumara Mahadeva.

SWITZERLAND

Panel of Conciliators - designations effective as of May 4, 1993:

Mr. Matthias Kummer (re-appointment) and Mr. Jacques-Michel Grossen.

- designation effective as of June 24, 1993: Ambassador Marino Baldi.

Panel of Arbitrators - designations effective as of May 4, 1993:

Prof. Pierre A. Lalive and Prof. Dietrich Schindler (re-appointments).

- designation effective as of June 24, 1993: Prof. Walter A. Stoffel.

A complete list of members of the Panels is contained in Document ICSID/10.

As noted in last year's Annual Report, the Joint Ministerial Development Committee of the Boards of Governors of the World Bank and IMF requested, in April 1991, a report on "an overall legal framework which would embody the essential legal principles so as to promote FDI [foreign direct investment]." Preparation of the requested report was entrusted by the President of the World Bank to a task force chaired by the Vice President and General Counsel of the Bank (Secretary-General of ICSID), and consisting also of the General Counsel of the International Finance Corporation and the General Counsel of the Multilateral Investment Guarantee Agency.

To carry out its mandate, the task force developed a set of "Guidelines on the Treatment of Foreign Direct Investment." These Guidelines were based on trends identified in surveys of existing legal instruments and also incorporated policies that the World Bank Group institutions have been advocating in recent years. After extensive consultations, the Guidelines as thus prepared were submitted to the Development Committee. At its September 1992 meeting, the Development Committee issued the Guidelines and called them to the attention of member countries. In so doing, the Committee noted that the Guidelines should "serve as an important step in the progressive development of international practice in this area."

The staff of the Centre assisted the task force with its work. As noted below, an updated version of the documentation prepared in this connection was published in the Fall 1992 issue of the *ICSID Review—Foreign Investment Law Journal*.

Publications

News from ICSID

This newsletter provides information on activities of the Centre and on disputes pending before ICSID, as well as articles on topics of current interest. During the fiscal year, two issues of *News from ICSID* were published: Vol. 9, No.2 (Summer 1992) and Vol. 10, No.1 (Winter 1993). These issues included articles on the World Bank Group's "Guidelines on the Treatment of Foreign Direct Investment" and on "ICSID and New Trends in International Dispute Settlement."

ICSID Review—Foreign Investment Law Journal

Appearing twice yearly, the *ICSID Review* publishes materials on domestic and international law relating to foreign investments. The fourteenth (Fall 1992) and fifteenth (Spring 1993) issues of the *Review* were completed during the year. The Fall 1992 issue reproduced, with updating, the extensive background surveys, reports and other documentation prepared in connection with the World Bank Group's development of a "Legal Framework for the Treatment of Foreign Investment," described elsewhere in this Annual Report.

The Spring 1993 issue included articles on the regulation of the Korean Stock Exchange and a comparative study of ICSID and Iran-United States Claims Tribunal case law. Further articles discussed enforcement of state contract awards and arbitration and developing countries.

Investment Laws of the World

A new release of the ten-volume *Investment Laws of the World* collection was issued in June 1993 (Release 93-1). It contains the texts of the basic investment legislation of Belize, Colombia, El Salvador, Ethiopia, Honduras, Malawi, Mauritania, Nicaragua, Philippines, Sudan, Syria and Zambia.

Investment Treaties

Over one hundred new bilateral investment treaties have been published in the course of the year in ICSID's collection of *Investment Treaties* (Releases 92-4, 93-2 and 93-3). These releases comprise agreements entered into by 61 countries during the period 1989-1992. The expansion of the Centre's treaty collection during the fiscal year has resulted in the issuance of a fifth volume of the collection.

Other Publication Activities

Among the other publications issued by the Centre during the year was a new edition of its booklet of *ICSID Model Clauses*. In addition to proposed texts for submission to conciliation and arbitration under the ICSID Convention, the booklet contains the Centre's first model clauses for use in conjunction with the ICSID Additional Facility Rules and an example of a clause referring to the ICSID Secretary-General as appointing authority of ad hoc arbitrators.

Also issued during the year was the Spanish version of *Towards a Greater Depoliticization of Investment Disputes: The Roles of ICSID and MIGA* by Ibrahim F.I. Shihata.

Conferences

Conferences in which the Centre participated during the year included the ninth in a series of colloquia on international arbitration sponsored by ICSID, the American Arbitration Association and the International Court of Arbitration of the International Chamber of Commerce. Hosted by the ICC International Court of Arbitration, on November 6, 1992 at the ICC headquarters in Paris, the colloquium examined conservatory and provisional measures in international arbitration. The colloquium was attended by about 100 participants from the legal profession and the business community.

The Centre participated in the 87th Annual Meeting of the American Society of International Law held in Washington, D.C. on March 31–April 3, 1993. At that conference, the Legal Adviser, ICSID submitted a paper on ICSID for a panel discussion on new trends in international dispute settlement. At the annual session in New York of the U.N. Commission on Transnational Corporations, held on April 7, 1993, the Secretary-General presented a paper on the World Bank Group's new "Guidelines on the Treatment of Foreign Direct Investment." On April 29, 1993, in Washington, D.C., the Secretary-General introduced a "show case" program on ICSID arbitration organized by the American Bar Association's Committee on International Commercial Arbitration. The Centre also participated in a symposium on ICSID arbitration organized in Dallas, Texas on June 24–25, 1993 by the Southwestern Legal Foundation. At that conference the Secretary-General presented a paper on "ICSID Arbitration: Resolving Disputes Between Foreign Investors and Sovereign States."

Twenty-Sixth Annual Meeting of the Administrative Council

The Twenty-Sixth Annual Meeting of the Administrative Council took place on September 24, 1992, in Washington, D.C. on the occasion of the Annual Meeting of the Board of Governors of the World Bank.

At the Meeting, the Council considered a report by the Secretary-General on recent developments in ICSID and approved the Centre's 1992 Annual Report and its Budget for fiscal year 1993. The Resolutions adopted at the Meeting are set forth in Annex 2.

Finance

The Financial Statements of ICSID for the fiscal year 1993 are set forth in Annex 3.

The administrative expenditures of ICSID were, again, entirely covered by the World Bank pursuant to the Memorandum of Administrative Arrangements concluded between the World Bank and ICSID in February 1967, and by income from the sale of publications.

It was, therefore, not necessary to assess any excess expenditures on Contracting States pursuant to Article 17 of the Convention.

ICSID expenditures relating to pending arbitration proceedings are borne by the parties in accordance with ICSID's Administrative and Financial Regulations.

Annexes

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Annex 1

Contracting States and Other Signatories of the Convention

(As of June 30, 1993)

The 123 States listed below have signed the Convention on the Settlement of Investment Disputes between States and Nationals of Other States on the dates indicated. The names of the 109 States that have deposited instruments of ratification are in bold face, and the dates of such deposit and of the attainment of the status of Contracting State by the entry into force of the Convention for each of them are also indicated.

State	Signature	Deposit of Ratification	Entry into Force of Convention
Afghanistan	Sep. 30, 1966	June 25, 1968	July 25, 1968
Albania	Oct. 15, 1991	Oct. 15, 1991	Nov. 14, 1991
Argentina	May 21, 1991		
Armenia	Sep. 16, 1992	Sep. 16, 1992	Oct. 16, 1992
Australia	Mar. 24, 1975	May 2, 1991	June 1, 1991
Austria	May 17, 1966	May 25, 1971	June 24, 1971
Azerbaijan	Sep. 18, 1992	Sep. 18, 1992	Oct. 18, 1992
Bangladesh	Nov. 20, 1979	Mar. 27, 1980	Apr. 26, 1980
Barbados	May 13, 1981	Nov. 1, 1983	Dec. 1, 1983
Belarus	July 10, 1992	July 10, 1992	Aug. 9, 1992
Belgium	Dec. 15, 1965	Aug. 27, 1970	Sep. 26, 1970
Belize	Dec. 19, 1986		
Benin	Sep. 10, 1965	Sep. 6, 1966	Oct. 14, 1966
Bolivia	May 3, 1991		
Botswana	Jan. 15, 1970	Jan. 15, 1970	Feb. 14, 1970
Burkina Faso	Sep. 16, 1965	Aug. 29, 1966	Oct. 14, 1966
Burundi	Feb. 17, 1967	Nov. 5, 1969	Dec. 5, 1969
Cameroon	Sep. 23, 1965	Jan. 3, 1967	Feb. 2, 1967
Central African Republic	Aug. 26, 1965	Feb. 23, 1966	Oct. 14, 1966
Chad	May 12, 1966	Aug. 29, 1966	Oct. 14, 1966
Chile	Jan. 25, 1991	Sep. 24, 1991	Oct. 24, 1991
China	Feb. 9, 1990	Jan. 7, 1993	Feb. 6, 1993
Colombia	May 18, 1993		
Comoros	Sep. 26, 1978	Nov. 7, 1978	Dec. 7, 1978
Congo	Dec. 27, 1965	June 23, 1966	Oct. 14, 1966
Costa Rica	Sep. 29, 1981	Apr. 27, 1993	May 27, 1993
Côte d'Ivoire	June 30, 1965	Feb. 16, 1966	Oct. 14, 1966
Cyprus	Mar. 9, 1966	Nov. 25, 1966	Dec. 25, 1966
Czech Republic	Mar. 23, 1993	Mar. 23, 1993	Apr. 22, 1993
Denmark	Oct. 11, 1965	Apr. 24, 1968	May 24, 1968 ¹
Ecuador	Jan. 15, 1986	Jan. 15, 1986	Feb. 14, 1986
Egypt, Arab Republic of	Feb. 11, 1972	May 3, 1972	June 2, 1972
El Salvador	June 9, 1982	Mar. 6, 1984	Apr. 5, 1984
Estonia	June 23, 1992	June 23, 1992	July 23, 1992
Ethiopia	Sep. 21, 1965		
Fiji	July 1, 1977	Aug. 11, 1977	Sep. 10, 1977
Finland	July 14, 1967	Jan. 9, 1969	Feb. 8, 1969
France	Dec. 22, 1965	Aug. 21, 1967	Sep. 20, 1967
Gabon	Sep. 21, 1965	Apr. 4, 1966	Oct. 14, 1966
Gambia, The	Oct. 1, 1974	Dec. 27, 1974	Jan. 26, 1975
Georgia	Aug. 7, 1992	Aug. 7, 1992	Sep. 6, 1992
Germany	Jan. 27, 1966	Apr. 18, 1969	May 18, 1969 ²

¹ Denmark excluded, by a notification received on May 15, 1968, the Faroe Islands; by a notification received on October 30, 1968, Denmark extended the application of the Convention to the Faroe Islands as of January 1, 1969.

² On October 3, 1990, Germany notified the Centre "that, through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State, which as a single member of the International Centre for Settlement of Investment Disputes remains bound by the provisions of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. As from the date of unification, the Federal Republic of Germany will act in the International Centre for Settlement of Investment Disputes under the designation of 'Germany'."

State	Signature	Deposit of Ratification	Entry into Force of Convention
Ghana	Nov. 26, 1965	Jul. 13, 1966	Oct. 14, 1966
Greece	Mar. 16, 1966	Apr. 21, 1969	May 21, 1969
Grenada	May 24, 1991	May 24, 1991	June 23, 1991
Guinea	Aug. 27, 1968	Nov. 4, 1968	Dec. 4, 1968
Guinea-Bissau	Sep. 4, 1991		
Guyana	July 3, 1969	July 11, 1969	Aug. 10, 1969
Haiti	Jan. 30, 1985		
Honduras	May 28, 1986	Feb. 14, 1989	Mar. 16, 1989
Hungary	Oct. 1, 1986	Feb. 4, 1987	Mar. 6, 1987
Iceland	July 25, 1966	July 25, 1966	Oct. 14, 1966
Indonesia	Feb. 16, 1968	Sep. 28, 1968	Oct. 28, 1968
Ireland	Aug. 30, 1966	Apr. 7, 1981	May 7, 1981
Israel	June 16, 1980	June 22, 1983	July 22, 1983
Italy	Nov. 18, 1965	Mar. 29, 1971	Apr. 28, 1971
Jamaica	June 23, 1965	Sep. 9, 1966	Oct. 14, 1966
Japan	Sep. 23, 1965	Aug. 17, 1967	Sep. 16, 1967
Jordan	July 14, 1972	Oct. 30, 1972	Nov. 29, 1972
Kazakhstan	July 23, 1992		
Kenya	May 24, 1966	Jan. 3, 1967	Feb. 2, 1967
Korea, Republic of	Apr. 18, 1966	Feb. 21, 1967	Mar. 23, 1967
Kuwait	Feb. 9, 1978	Feb. 2, 1979	Mar. 4, 1979
Lesotho	Sep. 19, 1968	July 8, 1969	Aug. 7, 1969
Liberia	Sep. 3, 1965	June 16, 1970	July 16, 1970
Lithuania	July 6, 1992	July 6, 1992	Aug. 5, 1992
Luxembourg	Sep. 28, 1965	July 30, 1970	Aug. 29, 1970
Madagascar	June 1, 1966	Sep. 6, 1966	Oct. 14, 1966
Malawi	June 9, 1966	Aug. 23, 1966	Oct. 14, 1966
Malaysia	Oct. 22, 1965	Aug. 8, 1966	Oct. 14, 1966
Mali	Apr. 9, 1976	Jan. 3, 1978	Feb. 2, 1978
Mauritania	July 30, 1965	Jan. 11, 1966	Oct. 14, 1966
Mauritius	June 2, 1969	June 2, 1969	July 2, 1969 ³
Micronesia	June 24, 1993	June 24, 1993	July 24, 1993
Moldova	Aug. 12, 1992		
Mongolia	June 14, 1991	June 14, 1991	July 14, 1991
Morocco	Oct. 11, 1965	May 11, 1967	June 10, 1967
Nepal	Sep. 28, 1965	Jan. 7, 1969	Feb. 6, 1969
Netherlands	May 25, 1966	Sep. 14, 1966	Oct. 14, 1966 ⁴
New Zealand	Sep. 2, 1970	Apr. 2, 1980	May 2, 1980 ⁵
Niger	Aug. 23, 1965	Nov. 14, 1966	Dec. 14, 1966
Nigeria	July 13, 1965	Aug. 23, 1965	Oct. 14, 1966
Norway	June 24, 1966	Aug. 16, 1967	Sep. 15, 1967
Pakistan	July 6, 1965	Sep. 15, 1966	Oct. 15, 1966
Papua New Guinea	Oct. 20, 1978	Oct. 20, 1978	Nov. 19, 1978
Paraguay	July 27, 1981	Jan. 7, 1983	Feb. 6, 1983
Peru	Sep. 4, 1991		
Philippines	Sep. 26, 1978	Nov. 17, 1978	Dec. 17, 1978
Portugal	Aug. 4, 1983	July 2, 1984	Aug. 1, 1984
Romania	Sep. 6, 1974	Sep. 12, 1975	Oct. 12, 1975
Russian Federation	Jun. 16, 1992		
Rwanda	Apr. 21, 1978	Oct. 15, 1979	Nov. 14, 1979
Saudi Arabia	Sep. 28, 1979	May 8, 1980	June 7, 1980
Senegal	Sep. 26, 1966	Apr. 21, 1967	May 21, 1967

³ Until Mauritius attained its independence on March 12, 1968, it was covered by the ratification of the United Kingdom.

⁴ On depositing its instrument of ratification, the Netherlands restricted the application of the Convention to the Kingdom in Europe, by a notification received on May 22, 1970, the Netherlands withdrew that restriction and thus extended the application of the Convention to Suriname and the Netherlands Antilles; Suriname having attained independence on November 25, 1975, the Convention ceased to be applicable to Suriname as of that date.

⁵ On depositing its instrument of ratification, New Zealand, pursuant to Article 70 of the Convention, excluded from its coverage the Cook Islands, Niue and Tokelau.

State	Signature	Deposit of Ratification	Entry into Force of Convention
Seychelles	Feb. 16, 1978	Mar. 20, 1978	Apr. 19, 1978
Sierra Leone	Sep. 27, 1965	Aug. 2, 1966	Oct. 14, 1966
Singapore	Feb. 2, 1968	Oct. 14, 1968	Nov. 13, 1968
Solomon Islands	Nov. 12, 1979	Sep. 8, 1981	Oct. 8, 1981
Somalia	Sep. 27, 1965	Feb. 29, 1968	Mar. 30, 1968
Sri Lanka	Aug. 30, 1967	Oct. 12, 1967	Nov. 11, 1967
St. Lucia	June 4, 1984	June 4, 1984	July 4, 1984 ⁶
Sudan	Mar. 15, 1967	Apr. 9, 1973	May 9, 1973
Swaziland	Nov. 3, 1970	June 14, 1971	July 14, 1971 ⁷
Sweden	Sep. 25, 1965	Dec. 29, 1966	Jan. 28, 1967
Switzerland	Sep. 22, 1967	May 15, 1968	June 14, 1968
Tanzania	Jan. 10, 1992	May 18, 1992	June 17, 1992
Thailand	Dec. 6, 1985		
Togo	Jan. 24, 1966	Aug. 11, 1967	Sep. 10, 1967
Tonga	May 1, 1989	Mar. 21, 1990	Apr. 20, 1990
Trinidad and Tobago	Oct. 5, 1966	Jan. 3, 1967	Feb. 2, 1967
Tunisia	May 5, 1965	June 22, 1966	Oct. 14, 1966
Turkey	June 24, 1987	Mar. 3, 1989	Apr. 2, 1989
Turkmenistan	Sep. 26, 1992	Sep. 26, 1992	Oct. 26, 1992
Uganda	June 7, 1966	June 7, 1966	Oct. 14, 1966
United Arab Emirates	Dec. 23, 1981	Dec. 23, 1981	Jan. 22, 1982
United Kingdom of Great Britain and Northern Ireland			
Ireland	May 26, 1965	Dec. 19, 1966	Jan. 18, 1967 ⁸
United States of America	Aug. 27, 1965	June 10, 1966	Oct. 14, 1966
Uruguay	May 28, 1992		
Western Samoa	Feb. 3, 1978	Apr. 25, 1978	May 25, 1978
[Yugoslavia, Socialist Federal Republic of]			
Republic of	Mar. 21, 1967	Mar. 21, 1967	Apr. 20, 1967]
Zaire	Oct. 29, 1968	Apr. 29, 1970	May 29, 1970
Zambia	June 17, 1970	June 17, 1970	July 17, 1970
Zimbabwe	Mar. 25, 1991		

⁶ Until St. Lucia attained its independence on February 22, 1979, it was covered by the ratification of the United Kingdom.

⁷ Until Swaziland attained its independence on September 6, 1968, it was covered by the ratification of the United Kingdom.

⁸ The United Kingdom, pursuant to Article 70 of the Convention, excluded from its coverage the following territories for whose international relations it is responsible: Jersey, Isle of Man, British Indian Ocean Territory, Pitcairn Islands, British Antarctic Territory, Sovereign Base Areas of Cyprus. By notifications received on June 27, 1979, and November 17, 1983, respectively, the United Kingdom extended the application of the Convention to Jersey as of July 1, 1979, and to the Isle of Man as of November 1, 1983.

Annex 2**Resolutions of the Administrative Council**

The following resolutions were adopted by the Administrative Council at its Twenty-Sixth Annual Meeting on September 24, 1992:

AC(26)/RES/75 - Approval of the Annual Report

The Administrative Council
RESOLVES

To approve the 1992 Annual Report on the Operation of the Centre as set forth in the attachment to Document AC/92/3.

AC(26)/RES/76 - Adoption of Budget for Fiscal Year 1993

The Administrative Council
RESOLVES

To adopt, for the period July 1, 1992 to June 30, 1993 the budget set forth in paragraph 2 of Document AC/92/2.

Annex 3**Report and Financial Statements**

Expressed in United States dollars

Statement of Changes in Fund Balance

	<i>For the year ended June 30</i>	
	<i>1993</i>	<i>1992</i>
Contribution of services to Centre by International Bank for Reconstruction and Development	\$ 670,898	\$ 618,131
Expenditures on behalf of Centre by International Bank for Reconstruction and Development	(670,898)	(618,131)
Excess of contribution over expenditures	—	—
Net Advances to Centre from parties to arbitration proceedings	298,000	90,000
Investment income earned	7,930	15,559
Investment income refunded to parties to arbitration proceedings	—	(2,829)
Disbursements by Centre for fees and expenses for arbitration proceedings	(366,328)	(210,730)
Excess of disbursements	(60,398)	(108,000)
Decrease in advances from and investment income due to parties to arbitration proceedings	60,398	108,000
Change in fund balance	<u>\$ —</u>	<u>\$ —</u>

Statement of Composition of Fund Balance

	<i>June 30, 1993</i>	<i>June 30, 1992</i>
Cash and investments	\$ 216,639	\$ 283,133
Advances from parties to arbitration proceedings	(91,402)	(159,730)
Payable to International Bank for Reconstruction and Development	(33,100)	(39,196)
Investment income due to parties to arbitration proceedings	(92,137)	(84,207)
Fund balance	<u>\$ —</u>	<u>\$ —</u>

Annex 3 (continued)

Note to Financial Statements

June 30, 1993 and June 30, 1992

The Memorandum of Administrative Arrangements between the Centre and the International Bank for Reconstruction and Development (the Bank) which became effective as of October 14, 1966, provides, that, except to the extent that the Centre may be reimbursed by the parties to proceedings for fees and expenses of members of Conciliation Commissions, Arbitral Tribunals or ad hoc Committees, the Bank shall provide the following services and facilities to the Centre:

- (1) the services of staff members and consultants; and
- (2) other administrative services and facilities, such as travel, communications, office accommodations, furniture, equipment, supplies and printing.

The Centre does not have resources of its own. The reported expenditures on behalf of the Centre represent the value of services provided by the Bank and include only those amounts identified by the Bank as being directly related to the Centre; accordingly, reported expenditures do not include any indirect or overhead costs of the Bank. The reported contributions of \$670,898 and \$618,131 for the years ended June 30, 1993 and June 30, 1992, respectively, are equal to the value of services provided by the Bank, less reimbursements by the Centre from its sale of publications and registration fees. The expenditures made on behalf of the Centre by the Bank are shown below:

	<i>For the years ended June 30</i>	
	<i>1993</i>	<i>1992</i>
Staff personal services (including benefits)	\$ 570,654	\$ 511,477
Travel	7,350	21,424
Contractual services	77,771	69,533
Administrative services and facilities	<u>30,705</u>	<u>23,613</u>
	686,480	626,047
Less: Reimbursement by Centre from sale of publications and registration fees	<u>15,582</u>	<u>7,916</u>
Total	<u>\$ 670,898</u>	<u>\$ 618,131</u>

The Centre's expenses which are attributable to arbitration proceedings are borne by the parties in accordance with the Centre's Administrative and Financial Regulations. In accordance with these Regulations, the Secretary-General calls on the parties to make advance deposits with the Centre from time to time to defray these expenses. The cash and investment balances included in the statement of composition of fund balance represent advances from parties to arbitration proceedings, amounts due to the Bank and investment income earned.

Price Waterhouse**Report of Independent Accountants**

July 27, 1993

To International Centre for Settlement
of Investment Disputes

In our opinion, the accompanying statement of changes in fund balance and the related statement of composition of fund balance present fairly, in all material respects, the changes in fund balance of the International Centre for Settlement of Investment Disputes for the years ended June 30, 1993 and June 30, 1992, and the composition of fund balance at June 30, 1993 and 1992, in conformity with generally accepted accounting principles in the United States and with International Accounting Standards, and in accordance with the Administrative Arrangements between the International Bank for Reconstruction and Development and the International Centre for Settlement of Investment Disputes. These financial statements are the responsibility of the Bank and the Centre's management; our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits of these statements in accordance with generally accepted auditing standards, including International Auditing Guidelines, which require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, and evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for the opinion expressed above.

Price Waterhouse
(International Firm)

Annex 4

Publications of ICSID

(Publications available from the Centre free of charge unless otherwise indicated)

Convention on the Settlement of Investment Disputes between States and Nationals of Other States, and Accompanying Report of the Executive Directors of the International Bank for Reconstruction and Development, Doc. ICSID/2 (English, French and Spanish)

List of Contracting States and Signatories of the Convention, Doc. ICSID/3 (periodic updates) (English, French and Spanish)

ICSID Regulations and Rules, Doc. ICSID/4/Rev. 1 (May 1975) (contains the texts of the Centre's Regulations and Rules in effect from January 1, 1968 to September 26, 1984) (English, French and Spanish)

ICSID Model Clauses, Doc. ICSID/5/Rev. 2 (February 1, 1993) (English)

Contracting States and Measures Taken by Them for the Purpose of the Convention, Doc. ICSID/8 (periodic updates) (English, French and Spanish)

Members of the Panels of Conciliators and of Arbitrators, Doc. ICSID/10 (periodic updates) (English)

ICSID Additional Facility for the Administration of Conciliation, Arbitration and Fact-Finding Proceedings, Doc. ICSID/11 (June 1979) (English, French and Spanish)

ICSID Bibliography, Doc. ICSID/13/Rev. 2 (March 1, 1992) (English)

ICSID Basic Documents, Doc. ICSID/15 (January 1985) (contains the texts of the Centre's Regulations and Rules in effect from September 26, 1984 and the text of the ICSID Convention) (English, French and Spanish)

ICSID Cases, Doc. ICSID/16/Rev. 2 (November 15, 1991) (English)

ICSID Annual Report (1967-) (English, French and Spanish)

News from ICSID (semi-annual) (English)

Arbitration under the ICSID Convention by Aron Broches (October 1991) (English)

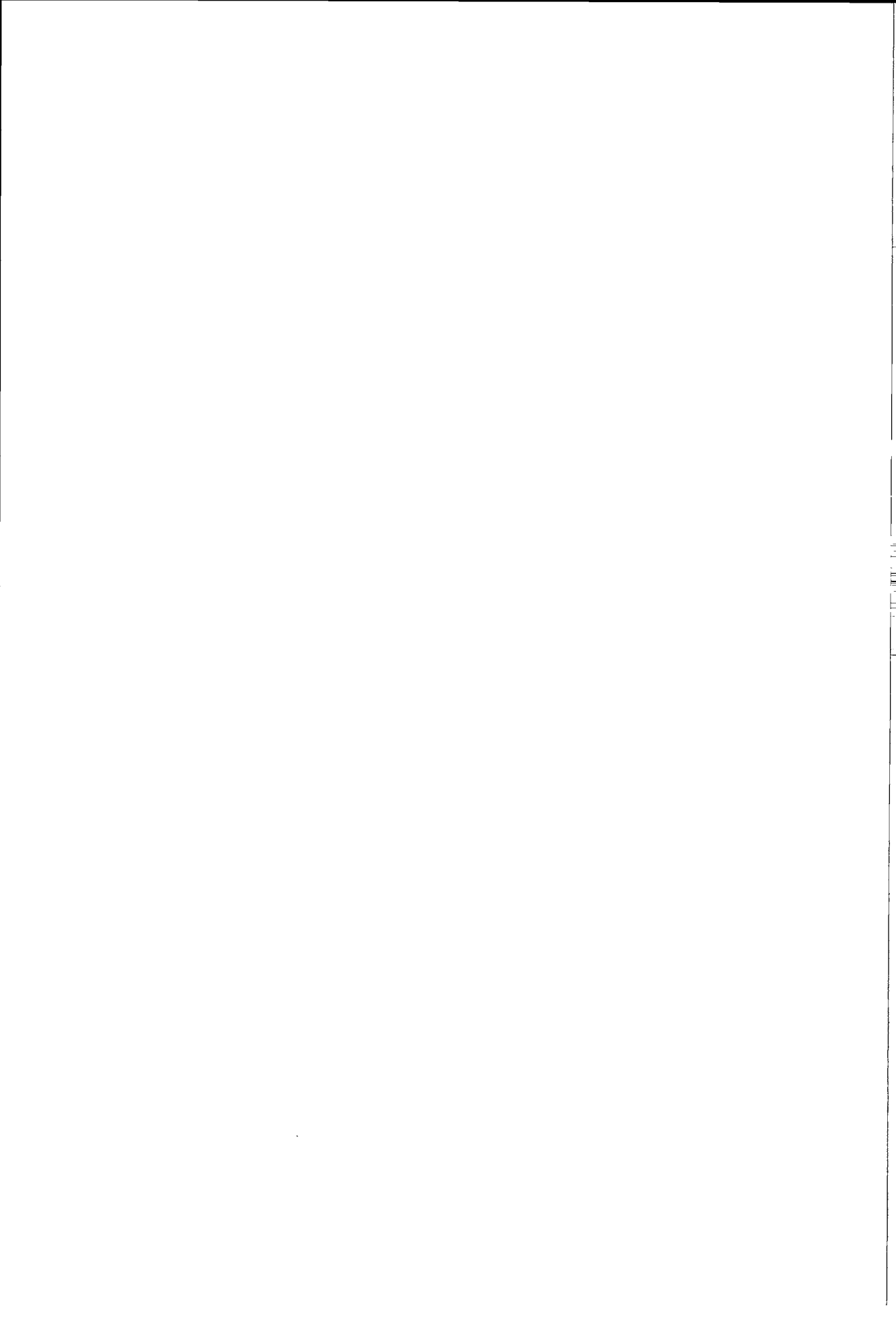
Towards A Greater Depoliticization of Investment Disputes: The Roles of ICSID and MIGA by Ibrahim F.I. Shihata (January 1992) (English and Spanish)

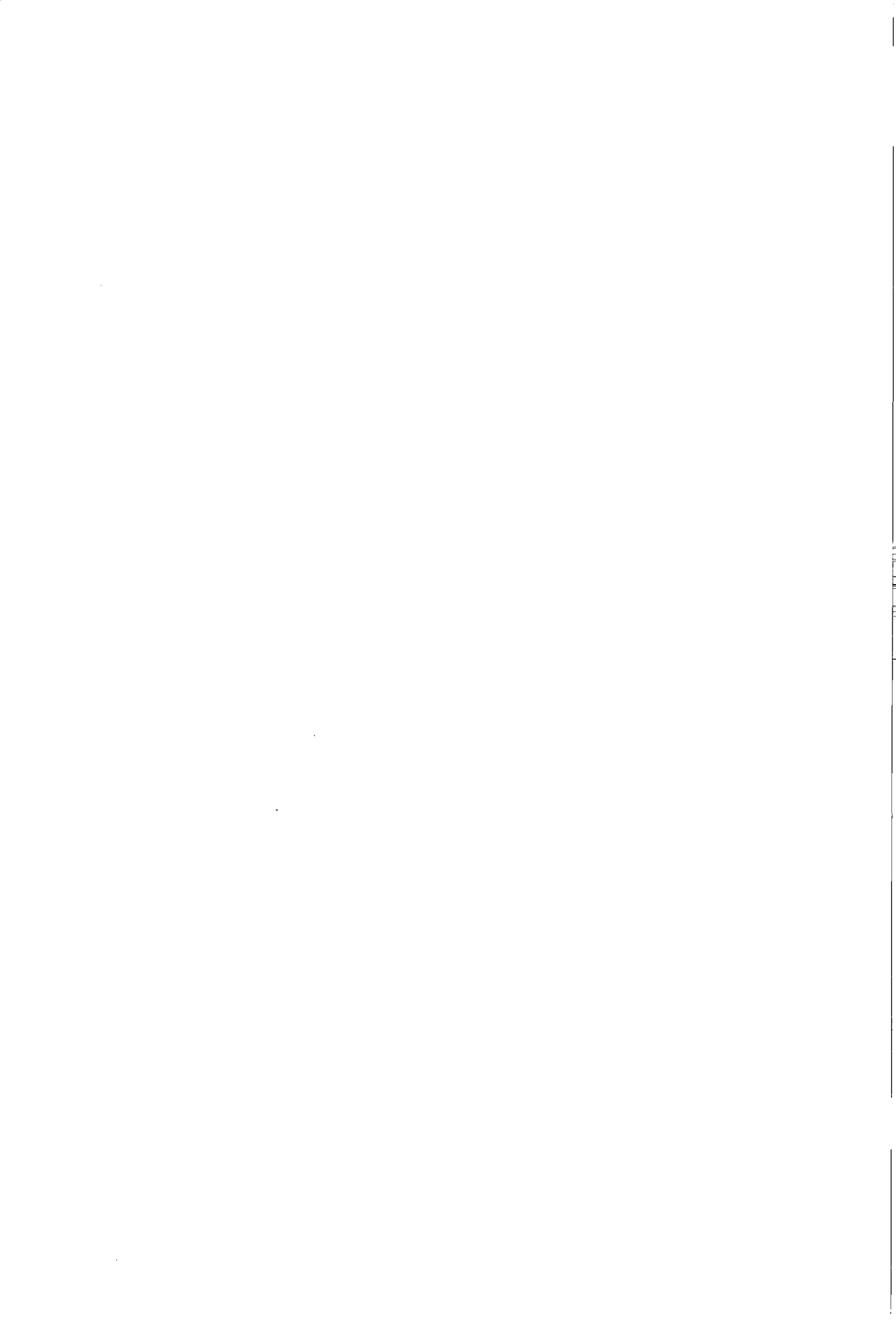
Annex 4 (continued)

Documents Concerning the Origin and Formulation of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (1967) (English, French and Spanish) (available from the Centre at US\$40)

Investment Laws of the World (ten looseleaf volumes) and Investment Treaties (five looseleaf volumes) (available from Oceana Publications, Inc., 75 Main Street, Dobbs Ferry, N.Y. 10522, U.S.A. at US\$1,200 for both sets of volumes, US\$950 for the ten Investments Laws of the World volumes only and US\$450 for the five Investment Treaties volumes only)

ICSID Review—Foreign Investment Law Journal (semi-annual) (available on a subscription basis, at US\$50 per year for those with a mailing address in an OECD country and US\$25 for others, plus postal charges, from Journals Publishing Division, The Johns Hopkins University Press, 2715 North Charles Street, Baltimore, Maryland 21218-4319, U.S.A.)





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