THE ICSID CASELOAD — STATISTICS
The ICSID Caseload – Statistics
(Issue 2010-1)

This document is intended to provide a profile of the ICSID caseload, historically and for 2009. It is based on cases registered or administered by ICSID as of December 31, 2009. The analysis examines: (1) the number of cases registered under the ICSID Convention and Additional Facility Rules; (2) the number of other cases administered by ICSID; (3) the basis of consent to ICSID jurisdiction invoked in registered arbitration and conciliation cases; (4) the geographic distribution of ICSID cases by the State party to the dispute; (5) the economic sectors involved in ICSID disputes; (6) the outcomes in ICSID cases; and (7) the nationality and geographic origins of arbitrators, conciliators and ad hoc committee members appointed in ICSID cases.

The ICSID Secretariat will update this information on a bi-annual basis. Any comments or suggestions are welcome and should be addressed to the Secretariat by email to ICSIDsecretariat@worldbank.org.
TABLE OF CONTENTS

PART I – ALL CASES REGISTERED AND ADMINISTERED BY ICSID

1. Map of the ICSID Contracting States and Other Signatories to the ICSID Convention  
2. Cases Registered by ICSID  
   Chart 1: Total Number of ICSID Cases Registered by Year  
   Chart 2: Number of Cases Registered by Year under the ICSID Convention and Additional Facility Rules  
   Chart 3: Type of Proceeding Registered under the ICSID Convention and Additional Facility Rules  
3. Non-ICSID Cases Administered by the ICSID Secretariat  
   Chart 4: Number of Non-ICSID Cases Administered by the ICSID Secretariat over the Past Ten Fiscal Years  
4. Basis of Consent Invoked to Establish ICSID Jurisdiction in Registered ICSID Cases  
   Chart 5: Basis of Consent Invoked to Establish ICSID Jurisdiction in Registered ICSID Cases  
5. Geographic Distribution of All ICSID Cases by State Party Involved  
   Chart 6: Geographic Distribution of All ICSID Cases by State Party Involved  
6. Distribution of All ICSID Cases by Economic Sector  
   Chart 7: Distribution of All ICSID Cases by Economic Sector  
7. ICSID Proceedings – Outcomes  
   Chart 8: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – Outcomes  
   Chart 9: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – Awards  
   Chart 10: Conciliation Proceedings under the ICSID Convention – Outcomes  
   Chart 11: Conciliation Proceedings under the ICSID Convention – Commission Reports  
8. Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases  
   Chart 12: Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases – Distribution of Appointments by Geographic Region  
   Chart 13: Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases – Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators) by Geographic Region  
   Chart 14: Nationality of Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases

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1 The data is based on ICSID statistics as of December 31, 2009.
2 The ICSID Fiscal Year covers the period July 1 to June 30.
PART II – CASES REGISTERED AND ADMINISTERED BY ICSID IN 2009

1. Cases Registered by ICSID in 2009
   Chart 1: Number of Cases Registered under the ICSID Convention and Additional Facility Rules in 2009

2. Non-ICSID Cases Administered by the ICSID Secretariat in Fiscal Year 2009
   Chart 2: Number of Non-ICSID Cases Administered by the ICSID Secretariat in Fiscal Year 2009

3. Basis of Consent Invoked to Establish ICSID Jurisdiction in Cases Registered in 2009
   Chart 3: Basis of Consent Invoked to Establish ICSID Jurisdiction in Cases Registered in 2009

4. Geographic Distribution of ICSID Cases Registered in 2009 by State Party Involved
   Chart 4: Geographic Distribution of ICSID Cases Registered in 2009 by State Party Involved

5. Distribution of ICSID Cases Registered in 2009 by Economic Sector
   Chart 5: Distribution of ICSID Cases Registered in 2009 by Economic Sector

6. ICSID Cases Concluded in 2009 – Outcomes
   Chart 6: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules concluded in 2009 – Outcomes
   Chart 7: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules concluded in 2009 – Awards

7. Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases in 2009
   Chart 8: Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases in 2009 – Distribution of Appointments by Geographic Region
   Chart 9: Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases in 2009 – Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators) by Geographic Region
   Chart 10: Nationality of Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases in 2009

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3 The ICSID Fiscal Year covers the period July 1 to June 30.
PART I

ALL CASES REGISTERED AND ADMINISTERED
BY ICSID
1. Map of the ICSID Contracting States and Other Signatories to the ICSID Convention
2. Cases Registered by ICSID

Chart 1: Total Number of ICSID Cases Registered by Year:

As of December 31, 2009, ICSID had registered 305 cases under the ICSID Convention and Additional Facility Rules.
Chart 2: Number of Cases Registered by Year under the ICSID Convention and Additional Facility Rules:

- ICSID Convention Arbitration Cases
- ICSID Convention Conciliation Cases
- ICSID Additional Facility Arbitration Cases

Chart 3: Type of Proceeding Registered under the ICSID Convention and Additional Facility Rules:

- ICSID Convention Arbitration Cases: 271 (89%)
- ICSID Convention Conciliation Cases: 6 (2%)
- ICSID Additional Facility Arbitration Cases: 28 (9%)
3. Non-ICSID Cases Administered by the ICSID Secretariat

Chart 4: Number of Non-ICSID Cases Administered by the ICSID Secretariat over the Past Ten Fiscal Years:

The ICSID Secretariat provides various levels of administrative support for non-ICSID dispute settlement in State-State or investor-State proceedings. The Centre also frequently acts as an appointing authority for arbitrator appointments, and decides proposals for disqualification of an arbitrator in proceedings conducted under the UNCITRAL arbitration rules.

Among the cases the Centre administered in the past decade are the *Southern Bluefin Tuna* case (Australia and New Zealand v. Japan), an expert determination proceeding under the Indus Waters Treaty of 1960, and an arbitration under the Softwood Lumber Agreement of 2006 (United States v. Canada).
4. Basis of Consent Invoked to Establish ICSID Jurisdiction in Registered ICSID Cases

Chart 5: Basis of Consent Invoked to Establish ICSID Jurisdiction in Registered ICSID Cases:
5. Geographic Distribution of All ICSID Cases by State Party Involved

Chart 6: Geographic Distribution of All ICSID Cases by State Party Involved*:

* The classification of the geographic regions above is based on the World Bank’s regional system, available at http://web.worldbank.org/WEBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html, and also includes World Bank donor countries.
6. Distribution of All ICSID Cases by Economic Sector

Chart 7: Distribution of All ICSID Cases by Economic Sector*:

* This sector classification is based on the World Bank’s sector codes, which are available at http://siteresources.worldbank.org/PROJECTS/Resources/SectorCodesLists.pdf.
7. ICSID Proceedings – Outcomes

Chart 8: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – Outcomes:

- Award rendered by Tribunal: 66%
- Proceeding Discontinued: 34%

Chart 9: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – Awards:

- Award on the merits: 69%
- Award embodying the parties’ settlement agreement: 10%
- Award declining ICSID jurisdiction: 21%
**Chart 10:** Conciliation Proceedings under the ICSID Convention – Outcomes:

- Conciliation Commission Report issued: 67%
- Proceeding Discontinued: 33%

**Chart 11:** Conciliation Proceedings under the ICSID Convention – Commission Reports:

- Report recording failure of the parties to reach agreement: 75%
- Report recording agreement of the parties: 25%
8. Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases

*Chart 12:* Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases – Distribution of Appointments by Geographic Region*:

* The classification of the geographic regions above is based on the World Bank’s regional system, available at http://web.worldbank.org/WEBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html, and also includes World Bank donor countries.
Chart 13: Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases – Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators) by Geographic Region*:

Chart 14: Nationality of Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases *:

Nationality of Appointee

Number of Appointments

*Chart updated in August 2010.
PART II

CASES REGISTERED AND ADMINISTERED
BY ICSID IN 2009
1. Cases Registered by ICSID in 2009

Chart 1: Number of Cases Registered under the ICSID Convention and Additional Facility Rules in 2009:

<table>
<thead>
<tr>
<th>ICSID Convention Arbitration Cases</th>
<th>ICSID Additional Facility Arbitration Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>2</td>
</tr>
</tbody>
</table>

2. Non-ICSID Cases Administered by the ICSID Secretariat in Fiscal Year 2009

Chart 2: Number of Non-ICSID Cases Administered by the ICSID Secretariat in Fiscal Year 2009:

<table>
<thead>
<tr>
<th>UNCITRAL Cases</th>
<th>Other Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>1</td>
</tr>
</tbody>
</table>
3. Basis of Consent Invoked to Establish ICSID Jurisdiction in Cases Registered in 2009

Chart 3: Basis of Consent Invoked to Establish ICSID Jurisdiction in Cases Registered in 2009:
4. Geographic Distribution of ICSID Cases Registered in 2009 by State Party Involved

Chart 4: Geographic Distribution of ICSID Cases Registered in 2009 by State Party Involved*:

* The classification of the geographic regions above is based on the World Bank’s regional system, available at http://web.worldbank.org/WSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html, and also includes World Bank donor countries.
5. Distribution of ICSID Cases Registered in 2009 by Economic Sector

Chart 5: Distribution of ICSID Cases Registered in 2009 by Economic Sector*:

* The sector classification is based on the World Bank’s sector codes, which are available at http://siteresources.worldbank.org/PROJECTS/Resources/SectorCodesLists.pdf.
6. ICSID Cases Concluded in 2009 – Outcomes

Chart 6: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules concluded in 2009 – Outcomes:

- Award rendered by Tribunal: 72%
- Proceeding Discontinued: 28%

Chart 7: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules concluded in 2009 – Awards:

- Award on the merits: 56%
- Award embodying the parties’ settlement agreement: 11%
- Award declining ICSID jurisdiction: 33%
7. Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases in 2009

Chart 8: Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases in 2009 – Distribution of Appointments by Geographic Region*:

Chart 9: Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases in 2009 – Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators) by Geographic Region*:

Chart 10: Nationality of Arbitrators, Conciliators and ad hoc Committee Members Appointed in ICSID Cases in 2009*:

* Chart updated in August 2010.