

An Introduction to ICSID Process

Workshop on ISDS provisions in the EU's International Investment Agreements European Parliament

**Meg Kinnear
ICSID Secretary-General
April 1, 2014**

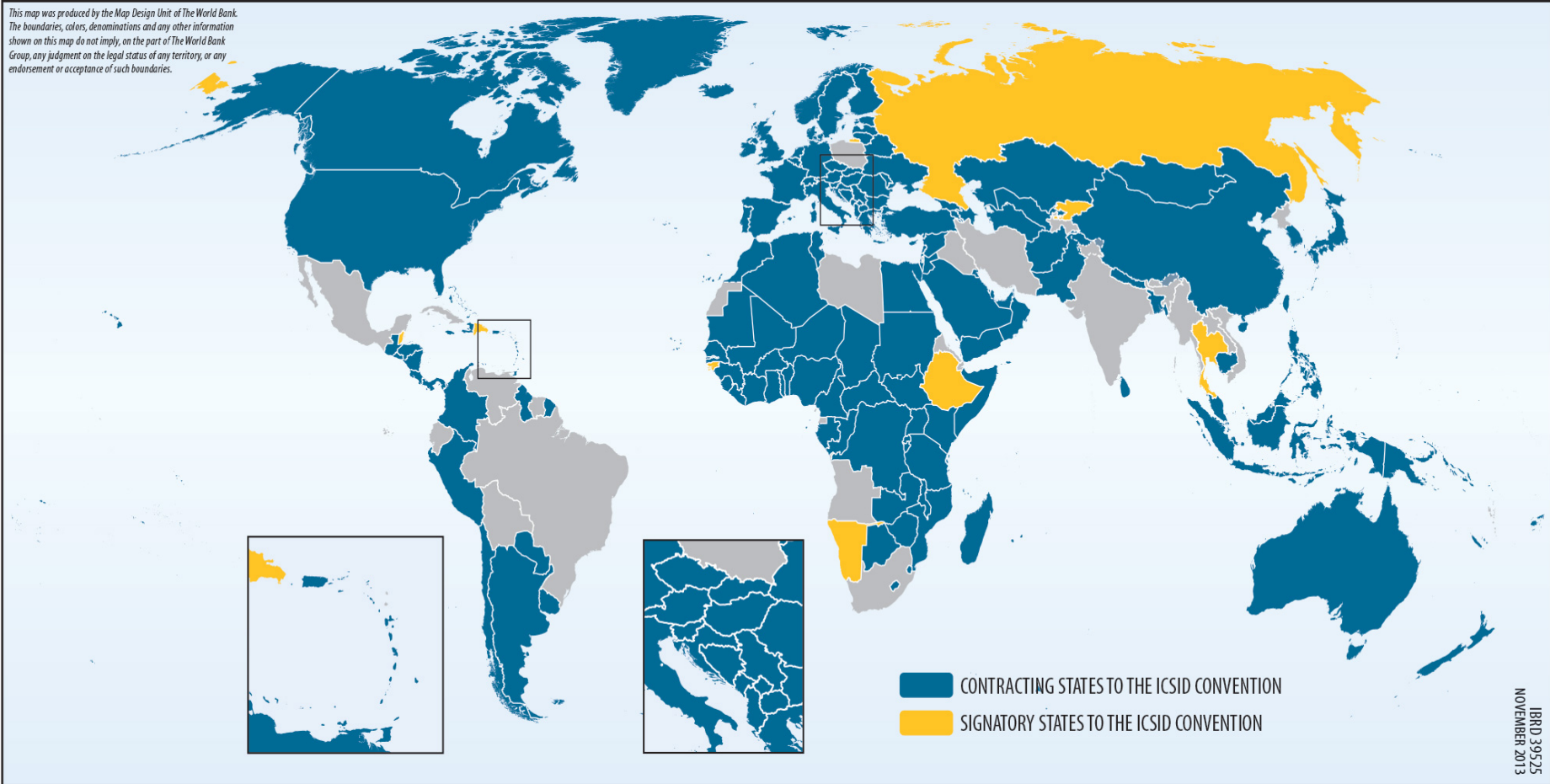


The World Bank Group

ICSID	IBRD	IDA	IFC	MIGA
International Centre for Settlement of Investment Disputes	International Bank for Reconstruction and Development	International Development Association	International Financial Corporation	Multilateral Investment Guarantee Agency
<p>MISSION:</p> <ul style="list-style-type: none"> ➤ Provides facilities for conciliation and arbitration of international investment disputes 	<p>MISSION:</p> <ul style="list-style-type: none"> ➤ Lends funds to governments of middle and low-income countries 	<p>MISSION:</p> <ul style="list-style-type: none"> ➤ Provides interest-free loans and grants to governments of poorest countries 	<p>MISSION:</p> <ul style="list-style-type: none"> ➤ Provides loans, equity and technical assistance to stimulate private sector investment in developing countries 	<p>MISSION:</p> <ul style="list-style-type: none"> ➤ Guarantees for investors in developing countries against non-commercial risk

ICSID Membership

150 Members



ICSID Proceedings

Convention

(Both disputing parties from ICSID Contracting States)

- **Conciliation**
- **Arbitration**

Additional Facility

(One disputing party from Contracting States)

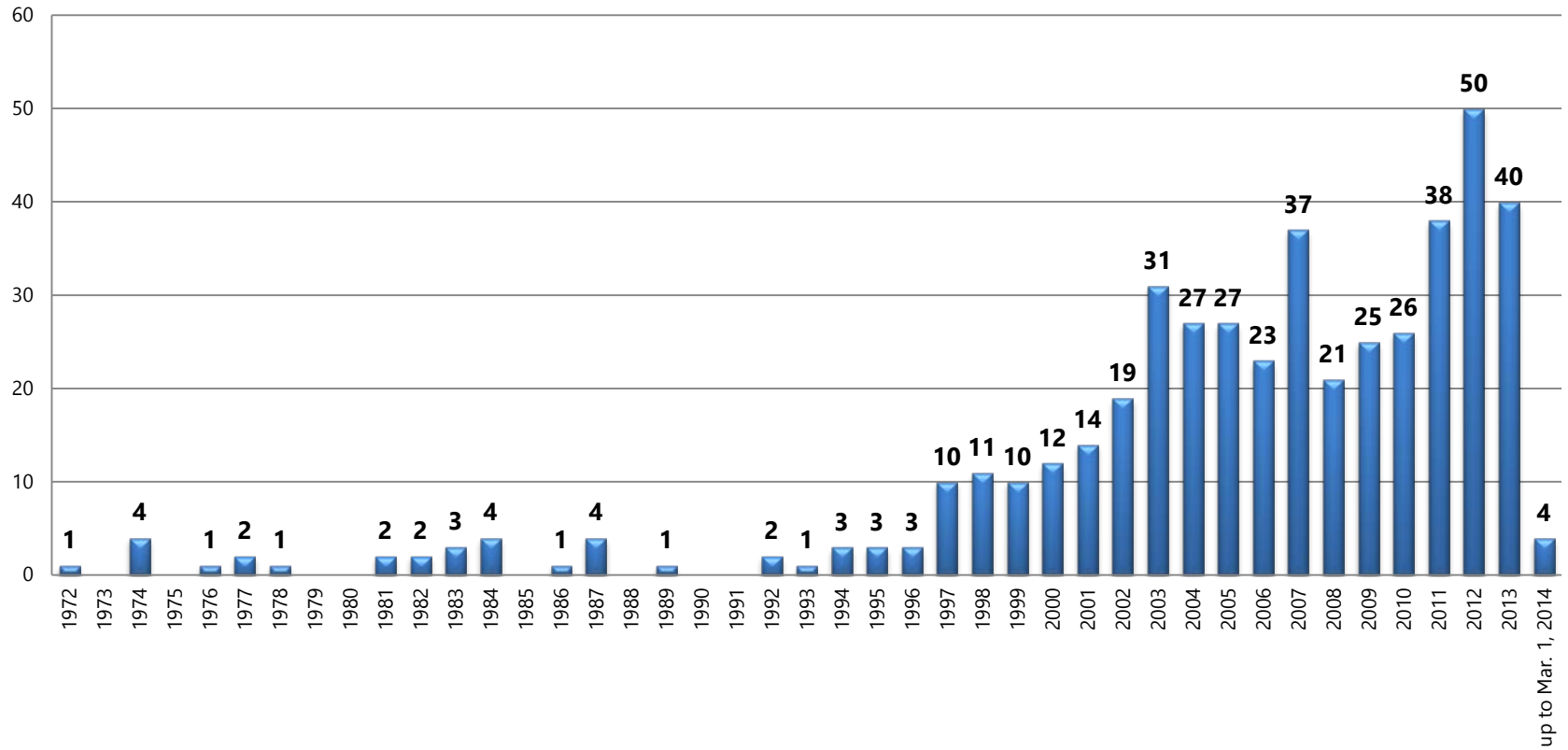
- **Conciliation**
- **Arbitration**
- **Fact-finding**

Other

(Need not be from Contracting State)

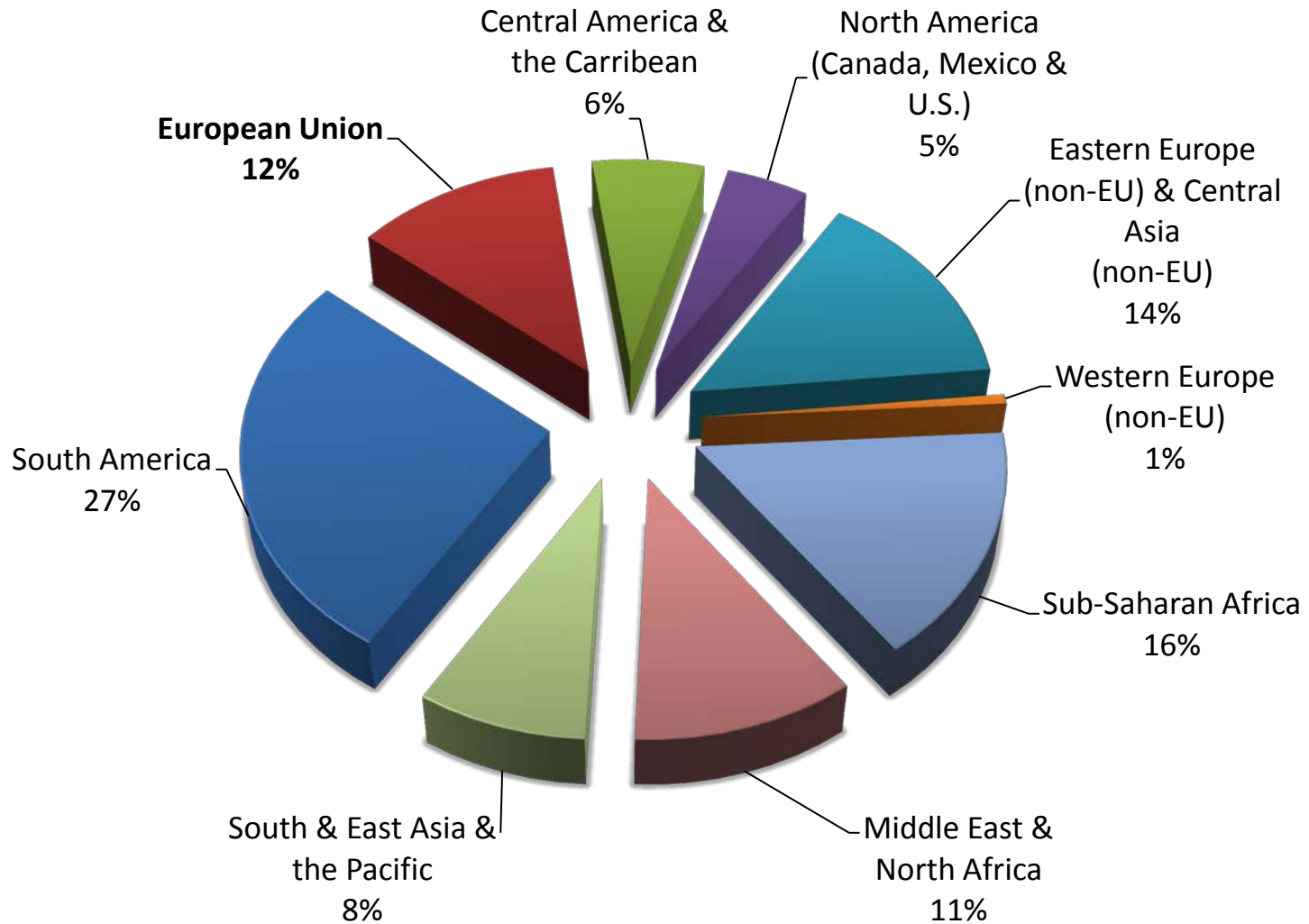
- **Case administration under other Rules or Treaties** (e.g.: UNCITRAL investment cases; State-to-State cases)
- **Other functions on consent of parties** (e.g.: Fact-finding, Mediation)

ICSID Caseload – March 1, 2014

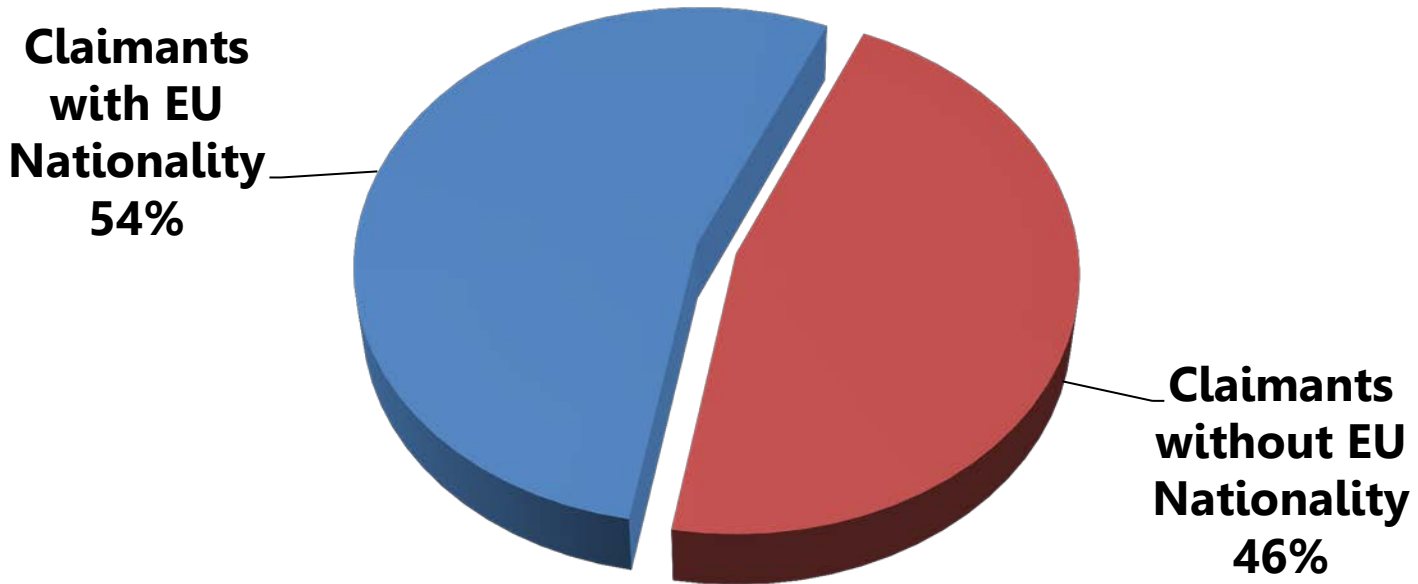


■ Cases Registered under the ICSID Convention and Additional Facility Rules

ICSID Cases by State Party – March 1, 2014



ICSID Cases by Claimant Nationality – March 1, 2014



Consent is the Cornerstone of Jurisdiction

Sources of Consent:



- Contracts
- Investment Laws
- Bilateral Investment Treaties
- Multilateral Agreements

Conduct of an ICSID Convention Case



Transparency - Procedural Details

Procedural Details

Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines
(ICSID Case No. ARB/11/12)

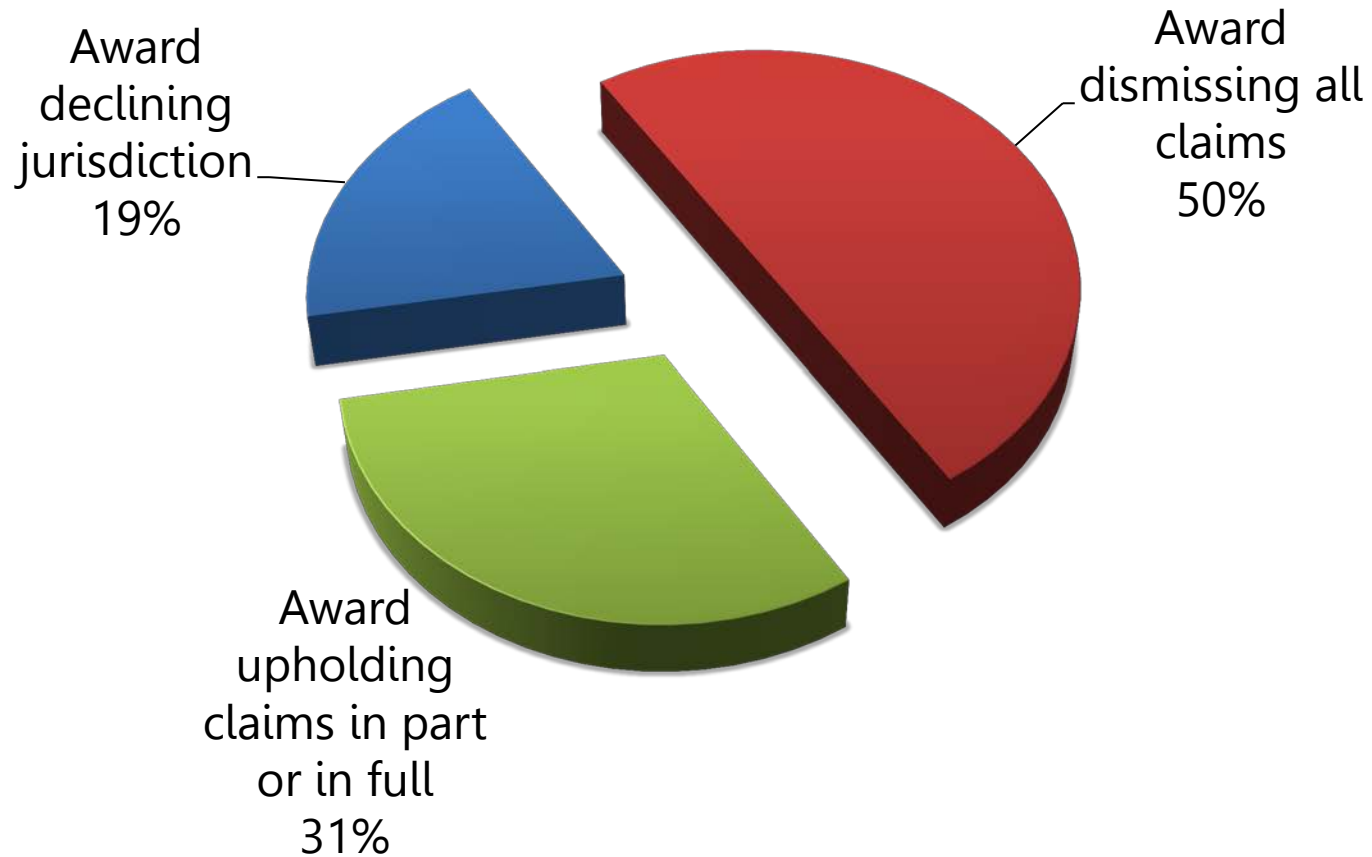
Original Arbitration Proceeding

Date	Development
April 27, 2011	The Secretary-General registers a request for the institution of arbitration proceedings.
June 27, 2011	Following appointment by the Claimant, Stanimir Alexandrov (Bulgarian) accepts his appointment as arbitrator.
July 29, 2011	Following appointment by the Respondent, Albert Jan van den Berg (Dutch) accepts his appointment as arbitrator.
February 06, 2012	Following appointment by the parties, Piero Bernardini (Italian) accepts his appointment as presiding arbitrator.
February 07, 2012	The Tribunal is constituted in accordance with Article 37(2)(a) of the ICSID Convention. Its members are: Piero Bernardini (Italian), President, appointed by agreement of the parties; Stanimir A. Alexandrov (Bulgarian), appointed by the Claimant; and Albert Jan van den Berg (Dutch), appointed by the Respondent.
April 03, 2012	The Tribunal holds a first session in Washington, D.C.
April 18, 2012	The Respondent files a written submission on preliminary matters.
May 02, 2012	The Claimant files a written response to the Respondent's submission on preliminary matters of April 18, 2012.
May 17, 2012	The Tribunal issues a Procedural Order No. 1 concerning preliminary matters.
August 17, 2012	The Claimant files a memorial on liability.
November 19, 2012	The Respondent files a counter-memorial on the merits and a memorial on jurisdiction, including counter-claims.
January 07, 2013	The parties file requests for the Tribunal to decide on production of documents.
January 18, 2013	The Tribunal issues a decision on production of documents.

Transparency – Other Provisions

- Publication of awards
- Open hearings
- Amicus Curiae possible
- Can apply the new UNCITRAL Transparency Rules if treaty requires or parties agree

Disputes Decided By Tribunals – EU MS Respondents - March 1, 2014



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