

No.	Rule No.	Rule	Oman's Proposal
1.	<p>Related to Convention Art. 37; IR 3/ Rule 22-23</p> <p>Rule 22 - Method of Constituting the Tribunal</p> <p>Rule 23 – Appointment of Arbitrators to a Tribunal Constituted in Accordance with Article 37(2)(b) of The Convention</p> <p>Rules Of Procedure For Arbitration Proceedings (Arbitration Rules) Rule 25(3)</p>	<p><u>Rule 22 Method of Constituting the Tribunal:</u> (1) The number of arbitrators and the method of their appointment must be determined before the Secretary-General can act on any appointment proposed by a party. (2) The parties shall endeavor to agree on any uneven number of arbitrators and the method of their appointment. If the parties do not advise the Secretary-General of an agreement within 60 days after the date of registration, the Tribunal shall be constituted in accordance with Article 37(2)(b) of the Convention.</p> <p><u>Rule 23 Appointment of Arbitrators to a Tribunal Constituted in Accordance with Article 37(2)(b) of the Convention</u> If the Tribunal is to be constituted in accordance with Article 37(2)(b) of the Convention, each party shall appoint an arbitrator and the parties shall jointly appoint the President of the Tribunal.</p>	<ul style="list-style-type: none"> • We recommend decreasing the period of 60 days after which the tribunal is to be composed under article 37 of the convention, to be 30 days instead We are of the opinion that this would eliminate the question of the number and method of appointment of arbitrators; thus simplifying the parties task so that it is limited to the appointment/nomination of the arbitrator. • We recommend decreasing the period of 30 days provided for in rule 25 to 15 days, and decreasing the period of 20 days provided in rule 25(3) to 15 days.

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		<p><u>Rule 25 Appointment of Arbitrators by the Chairman of the Administrative Council in Accordance with Article 38 of the Convention</u></p> <p>(1) If the Tribunal has not been constituted within 90 days after the date of registration, or such other period as the parties may agree, either party may request that the Chairman appoint the arbitrator(s) who have not yet been appointed pursuant to Article 38 of the Convention.</p> <p>(2) The Chairman shall appoint the President of the Tribunal after appointing any members who have not yet been appointed.</p> <p><i><u>(3) The Chairman shall consult with the parties as far as possible before appointing an arbitrator and shall use best efforts to appoint any arbitrator(s) within 30 days after receipt of the request to appoint.</u></i></p>	

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2	Rules Of Procedure For Arbitration Proceedings (Arbitration Rules) Rule 59	<p><u>Rule 59 Timing of the Award</u></p> <p>(1) The Tribunal shall render the Award as soon as possible and in any event no later than: (a) 60 days after the last written or oral submission if the Award is rendered pursuant to Rule 35(4); (b) 180 days after the last written or oral submission if the Award is rendered pursuant to Rule 36(7); or (c) 240 days after the last written or oral submission on all other matters.</p> <p>(2) A statement of costs filed in accordance with Rule 19.</p> <p>(3) shall not be considered a submission for the purposes of calculating the time limits referred to in paragraph (1).</p>	<p>We recommend that the tribunal should declare the closing of a case. We are of the opinion that the “last written or oral submission” alone will not suffice to make clear that the pleading has come to an end.</p>
3	Rules Of Procedure For Arbitration Proceedings (Arbitration Rules)	<p><u>Rule 79 The Procedural Schedule in Expedited Arbitration</u></p>	<p>We recommend that the tribunal should be permitted, after it has declared its closing, to reopen the case if necessary, in view of any relevant</p>

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	Rule 79 The Procedural Schedule in Expedited Arbitration	<p>(a) the requesting party shall file a memorial within 60 days after the first session, unless the Request is to be considered the memorial pursuant to Rule 22(2);</p> <p>(b) the other party shall file a counter-memorial within 60 days after the date of filing of the memorial, or within 60 days after the first session if the requesting party has elected to use the Request as its memorial pursuant to Rule 22(2);</p> <p>(c) the memorial and counter-memorial referred to in paragraph (1)(a) and (b) shall be no longer than 200 pages in length;</p> <p>(d) the requesting party shall file a reply within 40 days after the date of filing of the counter-memorial;</p>	<p>circumstances and to allow the parties to make such a request within a specified time limit commensurate with the nature of expedited arbitration.</p>

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		<p>(e) the other party shall file a rejoinder within 40 days after the date of filing of the reply;</p> <p>(f) the reply and rejoinder referred to in paragraph (1)(d) and (e) shall be no longer than 100 pages in length;</p> <p>(g) the hearing shall be held within 60 days after the last written submission is filed;</p> <p>(h) the parties shall file statements of costs within 10 days after the last day of the hearing referred to in paragraph (1)(g); and</p> <p><u>(i) the Tribunal shall render the Award as soon as possible, and in any event no later than 120 days after the hearing referred to in paragraph (1)(g).</u></p>	

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		<p>(2) Any preliminary objection, counter-claim, incidental or additional claim shall be joined to the main schedule referred to in paragraph (1). The Tribunal shall adjust the schedule if a party raises any such matter, taking into account the expedited nature of the process.</p> <p>(3) The Tribunal may extend the time limits in paragraph (1)(a) and (b) by up to 30 days if any party requests that the Tribunal determine a dispute arising from requests to produce documents or other evidence pursuant to Rule 50(1). The Tribunal shall decide such applications based on written submissions and without an in-person hearing.</p> <p>(4) Any schedule for submissions other than those referred to in paragraphs (1)-(3) shall run in parallel with the main schedule in paragraph (1), unless the</p>	

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		<p>Tribunal determines that there are exceptional circumstances that justify the suspension of the main schedule. In fixing time limits for such submissions, the Tribunal shall take into account the expedited nature of the process.</p>	
4	<p>Rules Of Procedure For Arbitration Proceedings (Arbitration Rules) Rule 48 And Rule 49</p>	<p><u>Rule 48 Submission of Non-disputing Parties</u></p> <p>(1) Any person or entity that is not a disputing party (“non-disputing party”) may apply 213 for permission to file a written submission in the proceeding.</p> <p>(2) In determining whether to permit a non-disputing party submission, the Tribunal shall consider all relevant circumstances, including:</p>	<p>We are of the opinion that the practice mentioned in both Rules 48 and 49 will have a direct impact on confidentiality. We therefore recommend the practice to be applied only upon the consent of the two parties.</p>

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		<p>(a) whether the submission would address a matter within the scope of the dispute;</p> <p>(b) how the submission would assist the Tribunal to determine a factual or legal issue related to the proceeding by bringing a perspective, particular knowledge or insight that is different from that of the disputing parties;</p> <p>(c) whether the non-disputing party has a significant interest in the proceeding;</p> <p>(d) the identity, activities, organization and ownership of the non-disputing party, including any direct or indirect affiliation between the non-disputing party, a party or a non-disputing Treaty Party; and</p> <p>(e) whether any person or entity will provide the non-disputing party with</p>	

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		<p>financial or other assistance to file the submission.</p> <p>(3) The parties shall have the right to make observations on whether a non-disputing party should be permitted to file a written submission in the proceeding and on the conditions for filing such a submission, if any.</p> <p>(4) The Tribunal shall ensure that non-disputing party participation does not disrupt the proceeding or unduly burden or unfairly prejudice either party. To this end, the Tribunal may impose conditions on the non-disputing party, including with respect to:</p> <p>(a) the format, length or scope of the submission;</p> <p>(b) the date of filing; and</p>	

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		<p>(c) the payment of funds to defray the increased costs of the proceeding attributable to the non-disputing party's participation.</p> <p>(5) The Tribunal may provide the non-disputing party with access to relevant documents filed in the proceeding, unless either party objects.</p> <p>(6) If the Tribunal permits a non-disputing party to file a written submission, the parties shall have the right to make observations on the submission.</p> <p><u>Rule 49 Participation of Non-disputing Treaty Party</u></p> <p>(1) The Tribunal shall permit a Party to a treaty that is not a party to the dispute ("non disputing Treaty Party") to make a written submission on the application</p>	

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		<p>or interpretation of a treaty at issue in the dispute.</p> <p>(2) A Tribunal may allow a non-disputing Treaty Party to make a written submission on any other matter within the scope of the dispute, in accordance with the procedure in Rule 48.</p> <p>(3) The parties shall have the right to make observations on the submission of the no disputing Treaty Party.</p>	
5.	<p>Rules Of Procedure For Arbitration Proceedings (Arbitration Rules) Rule 21- Third Party Funding</p>	<p><u>Rule 21 Disclosure of Third-party Funding</u></p> <p>(1) “Third-party funding” is the provision of funds or other material support for the pursuit or defense of a proceeding, by a natural or juridical person that is not a party to the dispute (“third-party funder”), to a party to the proceeding, an affiliate of that party, or a law firm representing that party. Such</p>	<p>We recommend that the requirement for disclosure of a third party funder should be made at the time of registration of the request for arbitration, and not after registration. We are of the view that the Secretary General should be made aware of any funders in order to avoid any potential conflicts when arbitrators are chosen.</p>

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		<p>funds or material support may be provided:</p> <p>(a) through a donation or grant; or (b) in return for a premium or in exchange for remuneration or reimbursement wholly or partially dependent on the outcome of the proceeding.</p> <p>(2) A party shall file a written notice disclosing that it has third-party funding and the name of the third-party funder. Such notice shall be sent to the Secretariat immediately upon registration of the Request for arbitration, or upon concluding a third-party funding arrangement after registration.</p> <p>(3) Each party shall have a continuing obligation to disclose any changes to the information referred to in paragraph (2) occurring after the initial disclosure, including termination of the funding arrangement.</p>	

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6.	<u>Rule 36 Preliminary Objections</u>	<p><u>Rule 36 Preliminary Objections</u></p> <p>(1) A party may file a preliminary objection that the dispute or any ancillary claim is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Tribunal.</p> <p>(2) The following procedure shall apply:</p> <p>(a) a preliminary objection shall be made as soon as possible. Unless the facts on which the objection is based are unknown to the party at the relevant time, the objection shall be made no later than:</p> <p>(i) the date to file the counter-memorial if the objection relates to the main claim; or</p> <p>(ii) the date to file the next written submission after an ancillary claim is raised, if the objection relates to the ancillary claim;</p>	Jurisdiction should be first determined Before going to the merits of dispute.

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		<p>(b) the party shall file a written submission, specifying the grounds on which the preliminary objection is based and including a statement of relevant facts, law and arguments, with any supporting documents; and</p> <p>(c) the Tribunal shall fix time limits for written or oral submissions, as required, on the preliminary objection.</p> <p>(3) The Tribunal may address a preliminary objection in a separate phase of the proceeding pursuant to Rule 37 or join the objection to the merits. If the Tribunal decides to address the preliminary objection in a separate phase, it may suspend the proceeding on the merits.</p> <p>(4) If a party files a preliminary objection it shall also file its counter-memorial on the merits, or file its next written submission after an ancillary claim is raised if the objection relates to the ancillary claim, unless the Tribunal has ordered otherwise.</p>	

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		<p>(5) The Tribunal may at any time on its own initiative consider whether a claim is within the jurisdiction of the Centre or within its own competence.</p> <p>(6) The Tribunal shall issue its decision on the preliminary objection within 180 days after the last written or oral submission on the objection.</p> <p>(7) If the Tribunal decides that the dispute is not within the jurisdiction of the Centre, or for other reasons is not within its competence, it shall render an Award to that effect. Otherwise, the Tribunal shall issue a decision on the objection and fix any time limit necessary for the further conduct of the proceeding.</p>	
7.	-	-	<p>We recommend a Code of Conduct be developed in one full-set document We are of the view that this Code of Conduct should clearly state how it shall bind the arbitrators.</p>

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8.	Schedule 8: Transparency – Access To Documents, Access To Hearings, And Non-Disputing Party Participation In Icsid Proceedings	Schedule 8: Transparency – Access To Documents, Access To Hearings, And Non-Disputing Party Participation In Icsid Proceedings	Transparency rules should be applied when the parties to the dispute give their consent.
9.	OFFICIAL LANGUAGES REGULATION 30 – OFFICIAL LANGUAGES	<p><u>Official Languages Regulation 30</u> <u>Languages of Regulations</u> (1) The official languages of the Centre are English, French and Spanish. (2) The texts of these Regulations in each official language are equally authentic.</p>	We recommend adding the Arabic language to the official languages of the Centre.
10.	-	=	Disputes should not be open to all matters related to investment Submission of a dispute should be on a violation provision in an investment treaty.