



ANY REPLY OR SUBSEQUENT REFERENCE SHOULD BE ADDRESSED TO THE FINANCIAL SECRETARY AND THE FOLLOWING REFERENCE NUMBER QUOTED:-

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MINISTRY OF FINANCE AND THE PUBLIC SERVICE
30 NATIONAL HEROES CIRCLE
P.O. BOX 512
KINGSTON 4
JAMAICA

July 1, 2020

Ref No: 164/011

Ms. Meg Kinnear
Secretary General
International Centre for the Settlement of Investment Disputes
1818 H St. NW
Washington, D.C. 20433
United States of America

Dear Ms. Kinnear,

Re: Proposed Amendment to International Centre for the Settlement of Investment Disputes Rules and Regulations – ICSID Rule Amendment Process – Working Paper #4

Reference is made to email correspondence from the International Centre for Settlement of Investment Disputes (ICSID) inviting member states to send written comments on Working Paper #4 on or before Friday, July 31, 2020. Jamaica has reviewed the aforementioned Working Paper and hereby submits its comments for incorporation as outlined below:

COMMENTS ON THE INSTITUTION RULES FOR ICSID CONVENTION PROCEEDINGS

Rule 2(2)(a) (page 23): The Government of Jamaica (GOJ) recommends that the request should also include a description of the investor's ownership and control. This ensures that the claimant complies with the definition of investor.

COMMENTS ON THE ADDITIONAL FACILITY RULES

Rule 1 (page 103): The GOJ recommends that the defined terms be placed in alphabetical order. This comment is also applicable to all definition sections, for example, those found on **pages 195 (ICSID Fact-Finding Rules)** and **215 (ICSID Mediation Rules)**.

COMMENTS ON THE ARBITRATION RULES FOR ADDITIONAL FACILITY PROCEEDINGS (ANNEX B)

Rule 63(8) (page 152): The GOJ proposes that the Tribunal should provide written reasons for a modification or revocation of an order for security for costs.

COMMENTS ON THE ADMINISTRATION AND FINANCIAL REGULATIONS FOR ICSID PROCEEDINGS

Regulation 14(2) (page 262): The GOJ recommends that the provision be amended to read: "Any request by a member for a higher amount shall be made through the Secretary-General **in writing**, and not directly to the parties. Such a request must be made before the constitution of the Commission, Tribunal or Committee and shall justify the increase requested."

COMMENTS ON THE ARBITRATION RULES

Rule 53(8) (page 324): The GOJ recommends that the provision require that the Tribunal provide written reasons for a modification or revocation of an order for security for costs.

JAMAICA'S NON-OBJECTION

Jamaica is in support of the amendments proposed by ICSID to date and has no objection to the completion of the Rule Amendments process with the ongoing participation of Member States.

We ask that the aforementioned comments be incorporated and anticipate receipt of the updated documentation in due course.

Yours sincerely,



Nigel Clarke, DPhil., MP
Minister of Finance and the Public Service and
Administrative Council Representative