



ANA PALACIO LEAVES ICSID

Ana Palacio resigned from the posts of Senior Vice President and General Counsel of the World Bank Group, and Secretary-General of the International Centre for Settlement of Investment Disputes (ICSID), effective April 15, 2008.

Ms. Palacio, a Spanish national, was unanimously elected as Secretary-General by the Administrative Council of ICSID in 2006. Prior to joining the Bank Group and ICSID, she held a number of distinguished positions in both the political and legal arenas. From 2004 to 2006, she was a member of the Spanish Parliament where she chaired the Joint Committee of the Two Houses for European Affairs. Immediately prior to this, she served as Foreign Minister of Spain from 2002 to 2004. Before undertaking this post, Ms. Palacio was a member of the European Parliament. Ms. Palacio has held the most senior positions in the governing bodies of the Madrid Bar and the European Bar.

As Secretary-General of ICSID, Ms. Palacio spearheaded a number of initiatives to strengthen the operations of the Secretariat and to modernize its practices and procedures. These initiatives have enabled ICSID to update its strategic focus and maintain its status as the leading international arbitration institution devoted to investor-State dispute settlement. Ms. Palacio initiated a

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PROCEDURAL DETAILS AVAILABLE ON THE ICSID WEBSITE

In April 2008, the ICSID Secretariat released a new feature of the Centre's website. For the first time, extensive details on procedural developments in each of the ongoing ICSID proceedings are being published online. For each pending case, the Secretariat has added an additional web page providing a set of key procedural details that was previously published only in hard-copy format.

The procedural details feature can be accessed for each pending case either through a link under "Status of Proceeding" in the list of cases, or through a tab given for the case in the "Search Cases" database.

The new feature has been added as part of the Centre's continuous efforts to make its case-management activities even more transparent. ■

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reorganization of the Secretariat's staffing structure, which was improved by the creation of staff teams and the filling of the position of Deputy Secretary-General, a post which had been vacant for two years. During her tenure, mechanisms were put in place to strengthen ICSID's finances and enhance its internal financial controls.

A new website was launched to improve ICSID's internet presence and to provide for faster and more user-friendly access to information about ICSID and its activities. A major undertaking during Ms. Palacio's tenure was the launch of a technology-upgrade project intended to create an integrated electronic system for case management. Also during Ms. Palacio's tenure, the Centre's caseload continued to increase significantly. Concerted efforts were made by the ICSID Secretariat to expand and diversify the pool of arbitrators, particularly with respect to gender and nationality, and with emphasis being given to those coming from developing countries.

In announcing Ms. Palacio's departure, World Bank President Robert B. Zoellick noted that Nassib G. Ziadé, Deputy Secretary-General of ICSID, would serve as Acting Secretary-General of ICSID effective April 16, 2008.

Since the Centre's creation, the General Counsel of the World Bank has concurrently served as ICSID Secretary-General. In recent years, however, there have been discussions with respect to separating the two positions, particularly in light of the Centre's increasing caseload, the growing demands on the World Bank's Legal Vice Presidency, and best practices in the field. As a result of these discussions and further consultation, World Bank senior management announced in June 2008 its decision to separate the two positions. ■

DESIGNATIONS TO THE PANELS OF CONCILIATORS AND OF ARBITRATORS

Pursuant to the ICSID Convention, the Centre maintains a Panel of Conciliators and a Panel of Arbitrators. In accordance with Article 13 of the Convention, each Contracting State may designate up to four persons to each Panel. Up to ten persons may be designated to each Panel by the Chairman of the Administrative Council. All designees serve for a renewable period of six years.

During the period January 1 – June 30, 2008, the governments of Grenada, the Netherlands, Switzerland and the United States of America made designations to the ICSID Panels. The names of the recently nominated appointees are listed below. A complete list of members of the ICSID Panels of Conciliators and of Arbitrators is available on the ICSID website at <http://icsid.worldbank.org>.

Grenada

Panels of Conciliators and of Arbitrators

Designations effective March 26, 2008:

D. Brian King and Hugh Wildman

Netherlands

Panels of Conciliators and of Arbitrators

Designations effective April 18, 2008:

Albert Jan van den Berg, Jan Hendrik Dalhuisen and Otto L.O. de Witt Wijnen

Panel of Conciliators

Designation effective April 18, 2008:

Piet Jan Slot

Panel of Arbitrators

Designation effective April 18, 2008:

Jacomijn J. van Haersolte-van Hof

Switzerland

Panel of Conciliators

Designations effective February 12, 2008:

Marino Baldi, Jens Drolshammer, Matthias Kummer and Andreas Ziegler

Panel of Arbitrators

Designations effective February 12, 2008:

Robert Briner, Andreas Bucher, Thomas Cottier and Gabrielle Kaufmann-Kohler

United States of America

Panel of Arbitrators

Designation effective May 14, 2008:

John M. Townsend

Designation effective May 30, 2008:

William W. Park

ACHIEVING EFFICIENCY IN ARBITRATION: THE ROLE OF THE INSTITUTIONS

**By Nassib G. Ziadé, Deputy Secretary-General, ICSID
Former Executive Secretary, World Bank Administrative Tribunal**

This paper is based on a presentation delivered at the session on "Achieving Efficiency in Arbitration: the Role of the Institutions" at the 24th AAA/ICC/ICSID Joint Colloquium on International Arbitration, held in Paris on November 16, 2007.

This paper discusses the means by which arbitration institutions can maximize the benefits of the services which they provide to their various users. Before tackling this topic, however, mention should be made of *ad hoc* arbitration taking place outside the institutions. Such processes may be appropriate in some instances, and may give greater flexibility both to the parties in shaping the applicable procedural rules, and to the arbitrators in conducting the proceedings. The ultimate success of *ad hoc* arbitration, however, depends on fully cooperative parties, competent counsel and highly experienced arbitrators, with the arbitration taking place in a country whose arbitration law is sufficiently advanced. It is not insignificant to note that even in cases where parties have decided that their *ad hoc* arbitration will be governed by the UNCITRAL Rules, they nevertheless from time to time approach an arbitration institution to administer the proceedings. They can thereby take advantage of the institution's case-management expertise.

This presentation will avoid a discussion of the respective advantages of institutional arbitration and *ad hoc* arbitration. It will likewise avoid comparisons of the respective merits of different arbitration institutions, and thus forego what a leading arbitration specialist described in his inimitable style as "les couplets rituels de propagande qu'assèment régulièrement les représentants d'organismes [d'arbitrage] concurrents aux malheureux participants à des congrès, séminaires et colloques sur le commerce international" (*i.e.* "the ritual lines of propaganda that the representatives of competing [arbitral] institutions inflict upon unfortunate participants of congresses, seminars and colloquia on international commerce"). No such propaganda effort will be undertaken, to the extent that this is humanly possible.

Turning then to the main topic, what are the basic services that users expect from arbitral institutions for achieving efficiency in their arbitral processes?

The arbitration institution is first looked upon to undertake a considerable amount of the administrative

work necessary to ensure that the arbitration will run smoothly and efficiently at all times. The institution oversees the financing of the proceedings, including by administering the funds received from the parties and by processing the arbitrators' fees and expenses as well as any other disbursements to be made pursuant to the governing rules. The institution also takes responsibility for the logistics of the proceedings. This typically includes the making of arrangements for the tribunal's meetings with the parties, the reservation of hearing rooms with ancillary rooms and facilities for the parties and the tribunal, and the hiring of interpreters and transcription personnel, to name but a few services.

The providing of such administrative services may be considered more tedious than challenging. It must nevertheless be done in a meticulous fashion, and nothing should ever be left to chance. It is especially important for the parties to be made aware that they are getting a host of premium-quality services from the arbitral institution at a reasonable price.

A weakness of some arbitration institutions stems from the heavy bureaucratic machinery within which they are required to operate. Managers of such arbitration institutions may in such cases attempt to streamline these burdensome factors in order to facilitate and expedite the arbitral process so as to meet commercial and professional expectations.

Next, the institution may be expected to provide the arbitral tribunal with professional and experienced staff to administer the proceedings. ICSID, for example, assigns a lawyer from its Secretariat to serve as the secretary of the arbitral tribunal. The institution's staff serves as the channel of communication between the arbitrators and the parties, whom they assist and to whom they provide experienced procedural guidance. It may be noted that the less experienced the parties to a given case are, the heavier is likely to be their reliance on the arbitration institution for walking them through the process. In playing such a positive role in various arbitration cases, the institution helps to further professionalize and standardize the arbitration process,

and thereby becomes a guardian of the rules' continuity and consistent application, as well as of the predictability of arbitral procedures.

First procedural sessions in ICSID proceedings constitute a relevant example. During these first sessions, the parties and the tribunal seek to agree on a procedural framework for the administration of the case. To assist the parties and the tribunal, the Centre has developed a standard agenda which encompasses many of the procedural issues that may arise during the administration of the case. The Secretariat envisages, and presents to the parties for discussion, points on which agreement or a decision may need to be reached. Moreover, if needed, it will advise the parties and the tribunal on possible means of resolving these issues, based on the Centre's experience.

The institution not only provides parties with arbitration rules, but also regularly revises these rules to take account of new trends and developments in the practice of international arbitration. A good example in this regard is the recognition of third-party participation in the latest set of amendments to the ICSID Arbitration Rules.

The latest ICSID amendments have also introduced, among other things, provisions aimed at expediting ICSID arbitration proceedings. One such amendment relates to provisional measures. The ICSID Arbitration Rules have made it clear since their modification in 1984 that, unless they agree otherwise, parties to ICSID Convention arbitration proceedings cannot seek provisional measures from national courts. An amendment of 2006 allows for a more expedited filing of requests for provisional measures before ICSID. Instead of a party having to wait until an ICSID arbitration tribunal is constituted to seek provisional measures, such a party may now file with the Centre a request for provisional measures even before the constitution of the tribunal. The Secretary-General of ICSID will in such case fix time limits for the parties to present their observations on the request, with the result that the request and the parties' observations thereon can be ready for decision by the time the arbitration tribunal is constituted.

Of course, this would not be the only order of business for an ICSID arbitration tribunal following its constitution. Indeed, another amendment of 2006 to the ICSID Arbitration Rules also allows an ICSID tribunal to dismiss at an early stage all claims that are manifestly unmeritorious. Objections to such claims must be filed no later than 30 days after the tribunal's constitution, and in any event before its first session.

In a related vein, it may be noted that institutional rules typically contain fallback provisions which may come into play if one or both parties engage in dilatory tactics. For instance, all sets of arbitration rules contain mechanisms for the appointment of arbitrators when a party fails to appoint an arbitrator in a timely manner, or when both parties or the party-appointed arbitrators fail to agree on a tribunal president. When the arbitration institution is called upon to perform such an appointment, it goes without saying that the institution must act in total neutrality. Moreover, while it is always advisable and often recommended by the relevant rules for the institution to consult with the parties prior to making any such appointments, the institution may also come to establish practices and procedures that will prevent it from being thwarted by uncooperative parties or by the intransigence of a single party.

In another area, individual and dissenting opinions, although only the ICSID Convention (at Article 48(4)) and the ICSID Arbitration Rules (at Rule 47(3)) expressly allow for such opinions, and although such opinions are not generally encouraged by civil law systems, this practice has nevertheless been widely adopted in international arbitration. The true question is then how an arbitration institution will manage the submission of such opinions. Normally, the tribunal president regulates such matters as part of his or her organization of the tribunal's work. If he or she becomes unable to manage disagreement, however, the arbitration institution may be called upon to facilitate communication between the dissenter and the majority.

In the absence of rules regulating dissent, a Working Group of the ICC Commission on International Arbitration issued in 1988 a Report containing relevant guidelines. Among them, two rules stand out as deserving of global application. The first is that the dissenter should be given adequate time to write the minority opinion. The second is that the majority should receive this opinion in time to address it before finalizing the award.

Looking to the future, there is an ever-growing debate about the extent to which an institution's secretariat should be involved in the work of a tribunal. This discussion is taking place with a view to achieving maximum efficiency, but other considerations must also be taken into account. There is today a great need to expand the pool and diversity of potential arbitrators. This obviously entails the making of first-time appointments. The less experienced the arbitrators are, the more prominent the role of the institution's secretariat becomes. In such circumstances, the question arises as

to whether the institution's staff or the tribunal secretary should provide more than mere administrative assistance and procedural guidance.

There is no question that intellectual control and the decision-making function should remain solely in the arbitrators' hands. The issue is rather whether the institution's staff and tribunal secretary may provide professional assistance in the decision-making process, albeit under the close supervision of the arbitral tribunal. Such assistance includes legal research with a view to raising the arbitrators' awareness of the existing case law, and the production of memoranda reviewing documents and summarizing the parties' contentions and submissions.

On this issue, the UNCITRAL's 1996 Notes on Organizing Arbitral Proceedings rightly acknowledge the existence of a difference of views. Indeed, on the one hand, some practitioners stress that the duties of the institutions must be strictly limited to administrative tasks, and warn against the provision of any legal assistance which could influence, even modestly, the arbitrators' decision. The ICC's 1995 Note Concerning the Appointment of Administrative Secretaries by Arbitral Tribunals echoes these concerns. On the other hand, some practitioners find it essential that the arbitral institution play an expanded role in order to ensure a certain level of consistency.

There appear to be two ways of resolving this issue. The first is for arbitrators interested in obtaining such assistance to disclose their intention to the parties at the very first procedural session, and to obtain the parties' approval. In this respect, the Joint Report of April 2008 by the International Commercial Disputes Committee and the Committee on Arbitration of the New York City Bar Association states that the concern of undue influence by tribunal secretaries is best addressed by "disclosure, transparency and informed consent of the parties." The second approach is for an arbitral institution to maintain a public database of relevant jurisprudence to which tribunals and parties will have ready access. With respect to this latter option, the practice of publishing excerpts of ICC awards is informative. So also is ICSID's practice of publishing excerpts of its awards, a practice which has been made mandatory in the latest amendments to the ICSID Arbitration Rules. This is but one effort of ICSID to achieve greater transparency and openness.

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Since the publication of the last issue of *News from ICSID*, the Centre has issued two new releases of its loose-leaf collections *Investment Treaties* and *Investment Laws of the World*.

The texts of 20 bilateral investment treaties concluded by some 27 countries during the period 1987 – 2006 were added in the new release of *Investment Treaties*. The collection, which is celebrating its 25th anniversary this year, now contains the texts of 1,180 bilateral investment treaties concluded by 165 countries.

The new release of *Investment Laws of the World* features new or revised investment legislation passed by Cameroon, the People's Republic of China, Haiti, Indonesia and the Lao People's Democratic Republic. The collection, which was launched in 1973, now comprises investment legislation of some 133 countries from all major regions of the world.

Investment Laws of the World (ten loose-leaf volumes) and *Investment Treaties* (ten loose-leaf volumes) are available from Oxford University Press, Order Department, 2001 Evans Road, Cary, NC 27513; U.S.A.; Ph: 800-624-0153; Fax: 919-677-8877; Email: library.sales@oup.com; at US\$2,330 for both sets, US\$1,165 for the ten *Investment Laws of the World* volumes only, and US\$1,165 for the ten *Investment Treaties* volumes only.

The Centre is presently revising the format of its law journal, the *ICSID Review—Foreign Investment Law Journal*. In the future, the journal will mainly feature articles, commentaries, case notes and book reviews. Decisions and awards rendered in ICSID proceedings will be made available primarily through the Centre's website. In addition, the *ICSID Review* will accept writings in all three official languages of the Centre, i.e. English, French and Spanish. The first issue featuring the new format will be released in the fall of 2008.

The *ICSID Review* is available on a subscription basis, at US\$90 per year for those with a mailing address in an OECD country, and US\$45 for others, plus postal charges, from Journals Publishing Division, The Johns Hopkins University Press, 2715 North Charles Street, Baltimore, MD 21218-4363, U.S.A.; Ph: 410-516-6987; Fax: 410-516-6968; Email: jnlcirc@press.jhu.

DISPUTES BEFORE THE CENTRE

Nine new proceedings were instituted before the Centre in the first half of 2008, bringing the total number of cases registered with ICSID since its creation to 268. Eight of the new cases were brought under the ICSID Convention and one under the ICSID Additional Facility Rules. In eight of the new cases, ICSID jurisdiction was asserted on the basis of dispute settlement provisions contained in bilateral investment treaties. Two of these alternatively invoked an arbitration clause of an investment contract with the host State. One further case sought to establish ICSID jurisdiction on the basis of an investment law.

The Centre also registered six proceedings in which the parties sought post-award remedies under the ICSID Convention. These proceedings include four applications for annulment of awards previously rendered, one application for the revision of an award, and one request for rectification of an award. In addition, one request for the interpretation of an award and a supplementary decision was filed under the ICSID Additional Facility Rules.

Nine arbitration proceedings were concluded since the last publication of *News from ICSID*. Three of these proceedings were discontinued at the request of one or both parties. In one further proceeding, the parties' settlement agreement was embodied in an arbitral award. Five arbitral tribunals rendered awards in the first half of 2008. One award dismissed all claims, while the remaining four awards upheld the claims in part.

In total, the Centre administered 135 proceedings during the first half of 2008. Twenty-seven tribunals were constituted or reconstituted, and 21 hearings were held in different cities around the world. Furthermore, 22 first sessions were held in person, by video or by teleconference.

Procedural developments in the proceedings pending before the Centre during the period under review are set forth below. Further procedural developments are available on the Centre's website at <http://www.worldbank.org/icsid>.

■ **Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. v. Argentine Republic (Case No. ARB/97/3) — Second Annulment Proceeding**

May 22, 2008

The *ad hoc* Committee is constituted. Its members are: Ahmed S. El-Kosheri (Egyptian), President; Jan Hendrik Dalhuisen (Dutch); and Andreas J. Jacovides (Cypriot).

May 23, 2008

Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. file a request for termination of the stay of enforcement of the award.

June 20, 2008

The Argentine Republic files observations on the request for termination of the stay of enforcement of the award.

■ **Víctor Pey Casado and President Allende Foundation v. Republic of Chile (Case No. ARB/98/2)**

(a) *Original Arbitration Proceeding*

January 31, 2008

The Tribunal declares the proceeding closed.

March 31, 2008

The Tribunal extends the period to draw up and sign its award.

May 8, 2008

The Tribunal renders its award.

(b) *Revision Proceeding*

June 17, 2008

The Acting Secretary-General registers an application for the revision of the award.

June 20, 2008

The Tribunal is reconstituted. Its members are: Pierre Lalive (Swiss), President; Mohammed Chemloul (Algerian); and Emmanuel Gaillard (French).

■ **Antoine Goetz and others v. Republic of Burundi (Case No. ARB/01/2)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Enron Corporation and Ponderosa Assets, L.P. v. Argentine Republic (Case No. ARB/01/3) — Annulment Proceeding**

March 7, 2008

The Acting Secretary-General registers an application for the institution of annulment proceedings, and notifies the parties of the provisional stay of enforcement of the award.

May 22, 2008

The *ad hoc* Committee is constituted. Its members are: Gavan Griffith (Australian), President; Patrick L. Robinson (Jamaican); and Per Tresselt (Norwegian).

June 18, 2008

Enron Corporation and Ponderosa Assets, L.P. file a request to terminate the provisional stay of enforcement of the award.

■ **Azurix Corp. v. Argentine Republic (Case No. ARB/01/12) — Annulment Proceeding**

January 8, 2008

The Argentine Republic files a memorial on annulment.

May 7, 2008

Azurix Corp. files a counter-memorial on annulment.

June 18, 2008

The Argentine Republic files a reply on annulment.

■ **LG&E Energy Corp., LG&E Capital Corp. and LG&E International Inc. v. Argentine Republic (Case No. ARB/02/1)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **SGS Société Générale de Surveillance S.A. v. Republic of the Philippines (Case No. ARB/02/6)**

March 11, 2008

The Respondent files a request for production of documents.

March 13, 2008

The Claimant files a response to the Respondent's request for production of documents.

March 17, 2008

The Tribunal issues a decision on production of documents.

April 11, 2008

The Tribunal renders its award embodying the parties' settlement agreement, pursuant to ICSID Arbitration Rule 43(2).

■ **Siemens A.G. v. Argentine Republic (Case No. ARB/02/8) — Annulment Proceeding**

April 21, 2008

The Argentine Republic files a memorial on annulment.

■ **Ahmonseto, Inc. and others v. Arab Republic of Egypt (Case No. ARB/02/15) — Annulment Proceeding**

March 4, 2008

The *ad hoc* Committee is constituted. Its members are: Piero Bernardini (Italian), President; Azzedine Kettani (Moroccan); and Peter Tomka (Slovak).

April 18, 2008

The *ad hoc* Committee holds a first session by telephone conference.

June 30, 2008

Ahmonseto, Inc. and others file a memorial on annulment.

■ **Sempra Energy International v. Argentine Republic (Case No. ARB/02/16) — Annulment Proceeding**

January 30, 2008

The Secretary-General registers an application for the institution of annulment proceedings, and notifies the parties of the provisional stay of enforcement of the award.

■ **AES Corporation v. Argentine Republic (Case No. ARB/02/17)**

January 15, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

June 23, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

■ **Camuzzi International S.A. v. Argentine Republic (Case No. ARB/03/2)**

February 5, 2008

The suspension of the proceeding is extended, pursuant to the parties' agreement.

April 28, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

■ **Metalpar S.A. and Buen Aire S.A. v. Argentine Republic (Case No. ARB/03/5)**

February 13, 2008

The Tribunal declares the proceeding closed.

June 6, 2008

The Tribunal renders its award.

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■ **M.C.I. Power Group, L.C. and New Turbine, Inc. v. Republic of Ecuador (Case No. ARB/03/6) — Annulment Proceeding**

April 7, 2008

The *ad hoc* Committee is constituted. Its members are: Dominique Hascher (French), President; Hans Danelius (Swedish); and Peter Tomka (Slovak).

May 16, 2008

The *ad hoc* Committee holds a first session in Paris.

■ **Continental Casualty Company v. Argentine Republic (Case No. ARB/03/9)**

April 24, 2008

The Tribunal declares the proceeding closed.

■ **Gas Natural SDG, S.A. v. Argentine Republic (Case No. ARB/03/10)**

February 20, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

■ **Pan American Energy LLC and BP Argentina Exploration Company v. Argentine Republic (Case No. ARB/03/13)**

March 26, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

June 18, 2008

The parties file a joint request for the discontinuance of the proceeding, pursuant to ICSID Arbitration Rule 43(1).

■ **El Paso Energy International Company v. Argentine Republic (Case No. ARB/03/15)**

May 21, 2008

The Tribunal appoints an independent expert.

■ **Suez, Sociedad General de Aguas de Barcelona, S.A. and Interagua Servicios Integrales de Agua, S.A. v. Argentine Republic (Case No. ARB/03/17)**

January 7, 2008

The parties file additional observations on the second proposal for disqualification.

February 29, 2008

The Respondent files an expert report in support of its proposal for disqualification.

March 3, 2008

The Tribunal requests further explanations from the arbitrator.

March 5, 2008

The Claimants file observations on the expert report.

March 7, 2008

The Respondent files a response to the Claimants' observations of March 5, 2008.

March 10, 2008

The Claimants file additional observations on the expert report.

March 13, 2008

The arbitrator furnishes additional explanations in regard to the second proposal for disqualification.

March 25, 2008

The parties file final observations on the second proposal for disqualification.

May 12, 2008

The second proposal for disqualification of the arbitrator is declined; the proceeding is resumed.

■ **Suez, Sociedad General de Aguas de Barcelona, S.A. and Vivendi Universal, S.A. v. Argentine Republic (Case No. ARB/03/19)**

January 7, 2008

The parties file additional observations on the second proposal for disqualification.

February 29, 2008

The Respondent files an expert report in support of its proposal for disqualification.

March 3, 2008

The Tribunal requests further explanations from the arbitrator.

March 5, 2008

The Claimants file observations on the expert report filed by the Respondent.

March 7, 2008

The Respondent files a response to the Claimants' observations of March 5, 2008.

March 10, 2008

The Claimants file additional observations on the expert report.

March 13, 2008

The arbitrator furnishes additional explanations in regard to the second proposal for disqualification.

March 25, 2008

The parties file final observations on the second proposal for disqualification.

May 12, 2008

The second proposal for disqualification of the arbitrator is declined; the proceeding is resumed.

June 18, 2008

The parties file post-hearing briefs.

■ **Telefónica S.A. v. Argentine Republic (Case No. ARB/03/20)**

January 23, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

April 8, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

■ **Enersis, S.A. and others v. Argentine Republic (Case No. ARB/03/21)**

March 28, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

■ **Electricidad Argentina S.A. and EDF International S.A. v. Argentine Republic (Case No. ARB/03/22)**

February 5, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

■ **EDF International S.A., SAUR International S.A. and León Participaciones Argentinas S.A. v. Argentine Republic (Case No. ARB/03/23)**

January 16, 2008

The parties file observations on the explanations furnished by the arbitrator.

February 11, 2008

The Claimants file observations on the Respondent's submission of January 16, 2008.

February 29, 2008

The Respondent files observations on the Claimants' submission of February 11, 2008.

June 25, 2008

The proposal for disqualification of an arbitrator is declined; the proceeding is resumed.

■ **Plama Consortium Limited v. Republic of Bulgaria (Case No. ARB/03/24)**

January 28 – February 1, 2008

The Tribunal holds a hearing on the merits in Washington, D.C.

March 20, 2008

The parties file post-hearing briefs.

April 3, 2008

The parties file reply post-hearing briefs.

April 14, 2008

The Tribunal hears post-hearing oral submissions in Washington, D.C.

May 21, 2008

The parties file submissions on costs.

June 9, 2008

The Tribunal declares the proceeding closed.

■ **Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines (Case No. ARB/03/25) — Annulment Proceeding**

January 8, 2008

The Acting Secretary-General registers an application for the institution of annulment proceedings.

April 14, 2008

The *ad hoc* Committee is constituted. Its members are: Peter Tomka (Slovak), President; Dominique Hascher (French); and Campbell McLachlan (New Zealand).

June 11, 2008

The *ad hoc* Committee holds a first session at The Hague.

■ **Unisys Corporation v. Argentine Republic (Case No. ARB/03/27)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Duke Energy International Peru Investments No. 1 Ltd. v. Republic of Peru (Case No. ARB/03/28)**

June 19, 2008

The Tribunal declares the proceeding closed.

■ **Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan (Case No. ARB/03/29)**

January 7, 2008

The Claimant files a rejoinder to the Respondent's reply of December 19, 2007 concerning provisional measures.

January 16, 2008

The Respondent files further observations on the Claimant's rejoinder.

January 21, 2008

The Claimant files a response to the Respondent's application of December 21, 2007, including witness statements.

January 24, 2008

The Tribunal decides on the admissibility of certain witness statements, as well as on an expert report, and on document production requests.

January 28, 2008

The Claimant produces documents.

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February 19, 2008

The Claimant produces further documents. The Respondent files a reply to the Claimant's response of January 21, 2008.

February 29, 2008

The Claimant files a supplemental expert report.

March 10, 2008

The Tribunal issues a procedural order concerning a questionnaire for its witness.

March 28, 2008

The Claimant files a request for production of documents.

April 4, 2008

The Respondent files a supplemental expert report.

April 14, 2008

The Claimant files a supplemental expert report. The Tribunal issues procedural orders concerning the parties' respective requests for provisional measures.

April 18, 2008

The Tribunal's witness files a statement.

May 2, 2008

The Tribunal issues a procedural order concerning a supplemental expert report.

May 8, 2008

The Tribunal issues a procedural order concerning the Claimant's request for production of documents.

May 12, 2008

The President of the Tribunal holds a pre-hearing conference with the parties by telephone.

May 20, 2008

The Respondent produces further documents.

May 21, 2008

The Tribunal issues a procedural order concerning the admissibility of new evidence.

May 24, 2008

The Respondent produces further documents.

May 26 – June 4, 2008

The Tribunal holds a hearing on the merits in London.

■ **Azurix Corp. v. Argentine Republic
(Case No. ARB/03/30)**

March 28, 2008

The Tribunal is constituted. Its members are: Gustaf Möller (Finnish), President; Bernard Hanotiau (Belgian); and Antonio A. Cançado Trindade (Brazilian).

June 1, 2008

The Tribunal holds a first session by telephone conference.

■ **Corn Products International, Inc. v. United Mexican States (Case No. ARB(AF)/04/1)**

January 15, 2008

The Tribunal issues a decision on liability, to which a separate opinion is attached.

February 4, 2008

The Claimant files a memorial on *quantum*.

February 17, 2008

The Respondent files a request for production of documents.

May 12, 2008

The Tribunal issues a procedural order concerning a request for production of documents.

May 14, 2008

The Respondent files a counter-memorial on *quantum*.

June 27, 2008

The Tribunal issues a procedural order concerning the admissibility of evidence.

■ **Total S.A. v. Argentine Republic
(Case No. ARB/04/1)**

January 7 – 18, 2008

The Tribunal holds a hearing on the merits in Washington, D.C.

April 11, 2008

The parties file post-hearing briefs.

May 26, 2008

The parties file submissions on costs.

■ **SAUR International v. Argentine Republic
(Case No. ARB/04/4)**

January 28, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

■ **Compagnie d'Exploitation du Chemin de Fer
Transgabonais v. Gabonese Republic
(Case No. ARB/04/5)**

February 12, 2008

The Tribunal declares the proceeding closed.

March 7, 2008

The Tribunal renders its award.

■ **Sociedad Anónima Eduardo Vieira v. Republic of
Chile (Case No. ARB/04/7) — Annulment Proceeding**

January 24, 2008

The Acting Secretary-General registers an application for the institution of annulment proceedings.

May 1, 2008

The *ad hoc* Committee is constituted. Its members are: Christer Söderlund (Swedish), President; Piero Bernardini (Italian); and Eduardo Silva Romero (Colombian).

June 24, 2008

The *ad hoc* Committee holds a first session in Paris.

■ **BP America Production Company and others v. Argentine Republic (Case No. ARB/04/8)**

March 26, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

June 18, 2008

The parties file a request for the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 43(1).

■ **CIT Group Inc. v. Argentine Republic (Case No. ARB/04/9)**

February 28, 2008

The Claimant files a reply on the merits.

June 4, 2008

The Respondent files a further request for production of documents.

June 16, 2008

The Claimant files observations on the Respondent's further request for production of documents.

June 27, 2008

The Respondent files a reply on the further request for production of documents.

■ **Russell Resources International Limited and others v. Democratic Republic of the Congo (Case No. ARB/04/11)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **ABCI Investments N.V. v. Republic of Tunisia (Case No. ARB/04/12)**

March 27, 2008

The proceeding is stayed in accordance with ICSID Administrative and Financial Regulation 14(3)(d).

April 15, 2008

The proceeding is resumed following payment of the required advances.

June 16, 2008

The Tribunal holds a procedural session with the parties in Paris.

■ **Jan de Nul N.V. and Dredging International N.V. v. Arab Republic of Egypt (Case No. ARB/04/13)**

January 17, 2008

The parties file reply post-hearing briefs.

■ **Wintershall Aktiengesellschaft v. Argentine Republic (Case No. ARB/04/14)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Mobil Exploration and Development Inc. Suc. Argentina and Mobil Argentina S.A. v. Argentine Republic (Case No. ARB/04/16)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Gemplus, S.A., SLP, S.A. and Gemplus Industrial, S.A. de C.V. v. United Mexican States (Case No. ARB(AF)/04/3)**

February 18 – 27, 2008

The Tribunal holds a hearing on the merits in Washington, D.C.

April 4, 2008

The parties file post-hearing briefs.

May 28, 2008

The Tribunal holds a supplementary hearing on the merits in Washington, D.C.

June 11, 2008

The parties file additional post-hearing briefs.

June 16, 2008

The parties file submissions on costs.

■ **Talsud, S.A. v. United Mexican States (Case No. ARB(AF)/04/4)**

February 18 – 27, 2008

The Tribunal holds a hearing on the merits in Washington, D.C.

April 4, 2008

The parties file post-hearing briefs.

May 28, 2008

The Tribunal holds a supplementary hearing on the merits in Washington, D.C.

June 11, 2008

The parties file additional post-hearing briefs.

June 16, 2008

The parties file submissions on costs.

■ **Archer Daniels Midlands Company & Tate and Lyle Ingredients Americas, Inc. v. United Mexican States (Case No. ARB(AF)/04/5) — Interpretation, Supplementary Decision and Correction Proceeding**

January 7, 2008

The Claimants file a request for interpretation of the award and a supplementary decision. The Respondent requests the correction of the award.

January 8, 2008

The Tribunal issues a rectification of its award on its own initiative.

January 10, 2008

The Tribunal sets forth the procedure to be followed in regard to the request for interpretation and a supplementary decision.

February 11, 2008

The Claimants file a submission on the request for a supplementary decision.

March 25, 2008

The Respondent files a reply to the Claimants' submission of February 11, 2008.

April 1, 2008

The Claimants file a submission on costs.

April 3, 2008

The Respondent files a submission on costs.

April 7, 2008

The Claimants file a response to the Respondent's reply of March 25, 2008.

April 21, 2008

The Respondent files a rejoinder to the Claimants' response.

■ **Duke Energy Electroquil Partners and Electroquil S.A. v. Republic of Ecuador (Case No. ARB/04/19)**

June 11, 2008

The Tribunal declares the proceeding closed.

■ **Vannessa Ventures Ltd. v. Bolivarian Republic of Venezuela (Case No. ARB(AF)/04/6)**

February 14 – 15, 2008

The Tribunal holds a hearing on jurisdiction in Paris.

■ **DaimlerChrysler Services AG v. Argentine Republic (Case No. ARB/05/1)**

January 4, 2008

The Respondent files a memorial on jurisdiction.

January 16, 2008

Following the Respondent's objections to jurisdiction, the proceeding on the merits is suspended.

March 17, 2008

The Claimant files a counter-memorial on jurisdiction.

May 5, 2008

The Respondent files a reply on jurisdiction.

June 9, 2008

The Claimant files a rejoinder on jurisdiction.

■ **Compañía General de Electricidad S.A. and CGE Argentina S.A. v. Argentine Republic (Case No. ARB/05/2)**

February 22, 2008

The Tribunal issues a procedural order concerning the discontinuance of certain claims. The proceeding is suspended pursuant to the parties' agreement.

April 28, 2008

The suspension of the proceeding is further extended, pursuant to the parties' agreement.

■ **LESI, S.p.A. and Astaldi, S.p.A. v. People's Democratic Republic of Algeria (Case No. ARB/05/3)**

January 11, 2008

The Respondent files a memorial on the expert report submitted by the Claimants.

January 30, 2008

The Claimants file a counter-memorial on the expert report.

February 14, 2008

The Respondent files a reply to the expert report.

February 25, 2008

The Respondent files a statement of costs.

February 28, 2008

The Claimants file a statement of costs.

March 21, 2008

The Respondent files a final statement of costs.

March 26, 2008

The Claimants file a final statement of costs.

■ **TSA Spectrum de Argentina, S.A. v. Argentine Republic (Case No. ARB/05/5)**

January 31, 2008

The Claimant files a rejoinder on jurisdiction.

- May 5 – 7, 2008
The Tribunal holds a hearing on jurisdiction in Washington, D.C.
- **Bernardus Henricus Funnekotter and others v. Republic of Zimbabwe (Case No. ARB/05/6)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.
 - **Saipem S.p.A. v. People's Republic of Bangladesh (Case No. ARB/05/7)**

January 16, 2008
The Respondent files a rejoinder on the merits.

March 11 – 14, 2008
The Tribunal holds a hearing on the merits in London.
 - **Empresa Eléctrica del Ecuador, Inc. (EMELEC) v. Republic of Ecuador (Case No. ARB/05/9)**

February 29, 2008
The Tribunal holds a hearing on jurisdiction in Washington, D.C.

April 14, 2008
The Claimant files a post-hearing brief.

April 15, 2008
The Respondent files a post-hearing brief.

May 29, 2008
The Claimant files a supplemental post-hearing brief. The parties file observations on certain documents.
 - **Malaysian Historical Salvors, SDN, BHD v. Malaysia (Case No. ARB/05/10) — Annulment Proceeding**

March 31, 2008
The *ad hoc* Committee holds a first session at The Hague.

May 30, 2008
Malaysian Historical Salvors files a memorial on annulment.
 - **Asset Recovery Trust S.A. v. Argentine Republic (Case No. ARB/05/11)**

February 13, 2008
The suspension of the proceeding is further extended, pursuant to the parties' agreement.

May 21, 2008
The suspension of the proceeding is further extended, pursuant to the parties' agreement.
 - **Noble Energy Inc. and Machala Power Cía. Ltd. v. Republic of Ecuador and Consejo Nacional de Electricidad (Case No. ARB/05/12)**

March 5, 2008
The Tribunal issues a decision on jurisdiction.

April 14, 2008
The proceeding is suspended pursuant to the parties' agreement.

June 5, 2008
The suspension of the proceeding is extended pursuant to the parties' agreement.
 - **EDF (Services) Limited v. Romania (Case No. ARB/05/13)**

March 11, 2008
The Respondent files a rejoinder on the merits.

May 2, 2008
The Respondent files a request for provisional measures.

June 3, 2008
The Tribunal issues a procedural order concerning confidentiality.
 - **RSM Production Corporation v. Grenada (Case No. ARB/05/14)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.
 - **Waguih Elie George Siag and Clorinda Vecci v. Arab Republic of Egypt (Case No. ARB/05/15)**

February 12, 2008
The Respondent files a rejoinder on the merits.

March 10 – 18, 2008
The Tribunal holds a hearing on additional objections to jurisdiction and the merits in Paris.

March 11, 2008
The Tribunal issues a procedural order joining the Respondent's further objections to jurisdiction to the merits, and dismissing the Respondent's application for the discontinuance of the proceeding in regard to one of the Claimants.

April 24, 2008
The parties file post-hearing briefs.
 - **Cargill, Incorporated v. United Mexican States (Case No. ARB(AF)/05/2)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

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■ **Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S. v. Republic of Kazakhstan (Case No. ARB/05/16)**

June 16, 2008

The Tribunal declares the proceeding closed.

■ **Desert Line Projects LLC v. Republic of Yemen (Case No. ARB/05/17)**

January 16, 2008

The Tribunal extends the period to draw up and sign its award.

February 6, 2008

The Tribunal renders its award.

■ **Ioannis Kardassopoulos v. Georgia (Case No. ARB/05/18)**

January 16, 2008

The Tribunal is reconstituted. Its members are: L. Yves Fortier (Canadian), President; Francisco Orrego Vicuña (Chilean); and Vaughan Lowe (British).

January 28, 2008

The Claimant files a supplemental memorial on the merits.

June 6, 2008

The Respondent files a counter-memorial on the merits.

■ **Helnan International Hotels A/S v. Arab Republic of Egypt (Case No. ARB/05/19)**

May 16, 2008

The Tribunal declares the proceeding closed.

■ **Ioan Micula, Viorel Micula and others v. Romania (Case No. ARB/05/20)**

February 1, 2008

The Claimants file a counter-memorial on jurisdiction.

March 28, 2008

The Respondent files a reply on jurisdiction and admissibility.

May 30, 2008

The Claimants file a rejoinder on jurisdiction and admissibility.

June 14, 2008

The Tribunal holds a pre-hearing conference with the parties by telephone.

June 19 – 20, 2008

The Tribunal holds a hearing on jurisdiction and admissibility in Paris.

■ **African Holding Company of America, Inc. and Société Africaine de Construction au Congo S.A.R.L. v. Democratic Republic of the Congo (Case No. ARB/05/21)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Biwater Gauff (Tanzania) Limited v. United Republic of Tanzania (Case No. ARB/05/22)**

March 20, 2008

The Tribunal declares the proceeding closed.

■ **Ares International S.r.l. and MetalGeo S.r.l. v. Georgia (Case No. ARB/05/23)**

(a) Original Arbitration Proceeding

February 8, 2008

The Tribunal declares the proceeding closed.

February 28, 2008

The Tribunal renders its award.

(b) Rectification Proceeding

April 7, 2008

The Acting Secretary-General registers a request for rectification of the award.

■ **Hrvatska Elektroprivreda d.d. v. Republic of Slovenia (Case No. ARB/05/24)**

April 7, 2008

The Respondent files a rejoinder on the merits.

April 21, 2008

The President of the Tribunal holds a pre-hearing conference with the parties by telephone.

May 5 – 16, 2008

The Tribunal holds a hearing on jurisdiction and the merits in Paris.

May 6, 2008

The Tribunal issues a procedural order concerning the participation of a counsel.

May 30, 2008

The Respondent files applications concerning certain claims and production of documents.

June 16, 2008

The Claimant files observations on the Respondent's applications.

■ **Spyridon Roussalis v. Romania (Case No. ARB/06/1)**

March 7, 2008

The Respondent files a request for production of documents.

March 17, 2008

The Claimant files observations on the Respondent's request for production of documents.

March 27, 2008

The Tribunal issues a decision on production of documents.

May 28, 2008

The Respondent files a request for provisional measures.

June 2, 2008

The Respondent files a counter-memorial.

June 13, 2008

The Claimant files observations on the Respondent's request for provisional measures.

June 23, 2008

The Respondent files a reply to the Claimant's observations.

June 30, 2008

The Claimant files a rejoinder to the Respondent's reply.

■ **Química e Industrial del Borax Ltda. and others v. Republic of Bolivia (Case No. ARB/06/2)**

March 20, 2008

The Tribunal holds a first session in Paris.

June 13, 2008

The proceeding is suspended pursuant to the parties' agreement.

■ **The Rompetrol Group N.V. v. Romania (Case No. ARB/06/3)**

April 18, 2008

The Tribunal issues a decision on jurisdiction and admissibility.

■ **Vestey Group Ltd. v. Bolivarian Republic of Venezuela (Case No. ARB/06/4)**

March 21, 2008

The Claimant reiterates its request for the further suspension of the proceeding. The Respondent is invited again to file observations on the Claimant's request.

April 9, 2008

In the absence of observations from the Respondent on the Claimant's request, the proceeding is deemed further suspended.

■ **Phoenix Action Ltd. v. Czech Republic (Case No. ARB/06/5)**

May 22, 2008

The proceeding is resumed following payment of the required advances.

June 27, 2008

The Claimant files a rejoinder on jurisdiction.

■ **Togo Electricité and Suez Energie Services v. Republic of Togo (Case No. ARB/06/7)**

February 16, 2008

The Tribunal holds a procedural hearing in Paris.

June 2, 2008

The Claimants file separate memorials on the merits.

■ **Sistem Muhendislik Insaat Sanayi ve Ticaret A.S. v. Kyrgyz Republic (Case No. ARB(AF)/06/1)**

March 21, 2008

The Respondent files a counter-memorial on the merits.

May 2, 2008

The Claimant files a reply on the merits.

June 13, 2008

The Respondent files a rejoinder on the merits.

■ **Libananco Holdings Co. Limited v. Republic of Turkey (Case No. ARB/06/8)**

February 11, 2008

The Claimant files observations on the Respondent's requests for production of documents and provisional measures.

February 25, 2008

The Respondent files a reply on provisional measures.

February 29, 2008

The Claimant files a request for provisional measures.

April 28 – 29, 2008

The Tribunal holds a hearing on the parties' various requests in Washington, D.C.

May 1, 2008

The Tribunal issues a summary decision on preliminary issues.

June 23, 2008

The Tribunal issues a detailed decision on preliminary issues.

June 24, 2008

The Respondent files objections to jurisdiction and admissibility.

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■ **Branimir Mensik v. Slovak Republic
(Case No. ARB/06/9)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Chevron Block Twelve and Chevron Blocks Thirteen and Fourteen v. People's Republic of Bangladesh
(Case No. ARB/06/10)**

January 10, 2008

The Claimants file a memorial on the merits.

March 11, 2008

The Respondent files a counter-memorial on the merits.

April 24, 2008

The Claimants file a reply on the merits.

■ **Occidental Petroleum Corporation and Occidental Exploration and Production Company v. Republic of Ecuador (Case No. ARB/06/11)**

March 7, 2008

The Respondent files a memorial on jurisdiction.

April 4, 2008

The Claimants file a counter-memorial on jurisdiction.

April 23, 2008

The Respondent files a reply on jurisdiction.

May 9, 2008

The Respondent files a request for production of documents.

May 12, 2008

The Claimants file a rejoinder on jurisdiction.

May 22 – 23, 2008

The Tribunal holds a hearing on jurisdiction in Paris.

June 16, 2008

The Respondent files a counter-memorial on liability and a counter-claim.

■ **Scancem International ANS v. Republic of Congo
(Case No. ARB/06/12)**

March 6, 2008

The Claimant requests the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44.

March 28, 2008

The Acting Secretary-General issues an order inviting the Respondent to state whether it opposes the Claimant's request for the discontinuance of the proceeding.

■ **Aguaytia Energy, LLC v. Republic of Peru
(Case No. ARB/06/13)**

February 29, 2008

The Respondent files a counter-memorial on the merits.

April 22, 2008

The Claimant files a reply on the merits.

June 16, 2008

The Respondent files a rejoinder on the merits.

■ **Azpetrol International Holdings B.V., Azpetrol Group B.V. and Azpetrol Oil Services Group B.V. v. Republic of Azerbaijan (Case No. ARB/06/15)**

January 16, 2008

The Respondent files a request for production of documents.

February 1, 2008

The Tribunal is reconstituted. Its members are: Florentino P. Feliciano (Philippine), President; Charles N. Brower (U.S.); and Christopher J. Greenwood (British).

February 4, 2008

The Claimants file observations on the Respondent's request for production of documents and produce certain documents.

February 14, 2008

The Respondent files a reply on production of documents.

February 25, 2008

The Claimants file a rejoinder on the Respondent's request for production of documents.

February 26, 2008

The Tribunal issues a procedural order concerning the Respondent's request for production of documents.

March 10, 2008

The Respondent files a reply on jurisdiction and admissibility.

June 2, 2008

The Claimants file a rejoinder on jurisdiction and admissibility.

June 6, 2008

The Tribunal holds a pre-hearing conference with the parties by telephone.

June 16, 2008

The Tribunal issues a procedural order concerning the hearing on jurisdiction and admissibility.

June 30 – July 1, 2008

The Tribunal holds a hearing on jurisdiction and admissibility in London.

■ **Barmek Holding A.S. v. Republic of Azerbaijan (Case No. ARB/06/16)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Técnicas Reunidas, S.A. and Eurocontrol, S.A. v. Republic of Ecuador (Case No. ARB/06/17)**

April 4, 2008

The Claimants request the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44.

April 29, 2008

The Acting Secretary-General issues an order inviting the Respondent to state whether it opposes the Claimants' request for the discontinuance of the proceeding.

May 8, 2008

The Respondent informs the Centre that it does not object to the Claimants' request for the discontinuance of the proceeding.

May 13, 2008

The Acting Secretary-General issues an order taking note of the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44.

■ **Cementownia "Nowa Huta" S.A. v. Republic of Turkey (Case No. ARB(AF)/06/2)**

January 10, 2008

The Respondent files observations on the Claimant's request for provisional measures.

January 21, 2008

The Claimant files a reply to the Respondent's observations on provisional measures.

January 24, 2008

The Respondent files a rejoinder to the Claimant's reply on provisional measures.

January 25, 2008

The Tribunal issues a procedural order concerning the parties' respective requests for provisional measures.

March 13, 2008

The Claimant files a further request for provisional measures.

March 20, 2008

The Respondent files observations on the Claimant's further requests for provisional measures.

April 1, 2008

The Claimant files a reply on the further request for provisional measures.

April 7, 2008

The Respondent files a rejoinder to the further request for provisional measures.

April 16, 2008

The Claimant files a memorial on jurisdiction and liability.

May 9, 2008

The Respondent files an application renewing its prior requests for production of documents and provisional measures.

May 22, 2008

The Claimant files an application renewing its prior request for provisional measures.

May 26, 2008

The Tribunal holds a hearing on the parties' renewed applications in Paris.

May 29, 2008

The Tribunal issues a procedural order concerning the parties' renewed applications.

June 5, 2008

The Claimant files observations on the Respondent's request for production of documents.

June 9, 2008

The Respondent files comments on the Claimant's observations.

June 12, 2008

The Claimant files a response to the Respondent's comments.

June 16, 2008

The Tribunal issues a procedural order concerning the production of documents.

■ **Joseph C. Lemire v. Ukraine (Case No. ARB/06/18)**

February 25, 2008

The Respondent files a memorial on jurisdiction.

February 26, 2008

The Respondent files a counter-memorial on the merits.

March 26, 2008

The parties file requests for production of documents.

April 18, 2008

Each party files a response to the other party's request for production of documents.

May 13, 2008

The Tribunal issues a procedural order concerning the production of documents.

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■ **Nations Energy, Inc. and others v. Republic of Panama (Case No. ARB/06/19)**

April 14, 2008

The Tribunal holds a first session in Washington, D.C.

■ **City Oriente Limited v. Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (Petroecuador) (Case No. ARB/06/21)**

February 1, 2008

The Respondents file an application for the revocation of the decision on provisional measures.

February 22, 2008

The Claimant files a response to the Respondents' application.

March 3, 2008

The parties file submissions on the place of the arbitration, the apportionment of costs and advance payments to the Centre.

April 14, 2008

The Claimant files a memorial on the merits.

May 13, 2008

The Tribunal issues a decision on revocation of provisional measures and other procedural matters.

■ **Piero Foresti, Laura De Carli and others v. Republic of South Africa (Case No. ARB(AF)/07/1)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Fondel Metal Participations B.V. v. Republic of Azerbaijan (Case No. ARB/07/1)**

February 13, 2008

The Claimant files a request for production of documents.

February 21, 2008

The Respondent files a response to the Claimant's request for production of documents.

March 19 and 28, 2008

The Respondent produces documents.

April 4, 2008

The Claimant withdraws its request for production of documents. The Respondent files an application regarding *quantum*.

April 14, 2008

The Claimant files a response to the Respondent's application regarding *quantum*.

April 17, 2008

The Respondent files a reply to its request regarding *quantum*.

April 18, 2008

The Claimant files a rejoinder to the Respondent's request regarding *quantum*.

May 2, 2008

The Tribunal issues a procedural order regarding *quantum*.

■ **RSM Production Corporation v. Central African Republic (Case No. ARB/07/2)**

May 20, 2008

The Tribunal is constituted. Its members are: Azzedine Kettani (Moroccan), President; Philippe Merle (French); and Brigitte Stern (French).

■ **Government of the Province of East Kalimantan v. PT Kaltim Prima Coal and others (Case No. ARB/07/3)**

January 17, 2008

The Claimant files a rejoinder on jurisdiction.

February 11 and 22, 2008

The Tribunal issues procedural orders concerning the organization of the hearing on jurisdiction.

February 27 – 28, 2008

The Tribunal holds a hearing on jurisdiction in Singapore.

April 10, 2008

The parties file post-hearing briefs on jurisdiction.

April 24, 2008

The parties file submissions on costs.

■ **Eni Dación B.V. v. Bolivarian Republic of Venezuela (Case No. ARB/07/4)**

April 4, 2008

The Claimant requests the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44.

April 16, 2008

The Acting Secretary-General issues an order inviting the Respondent to state whether it opposes the Claimant's request for the discontinuance of the proceeding.

April 17, 2008

The Respondent informs the Centre that it does not object to the Claimant's request for the discontinuance of the proceeding.

April 18, 2008

The Acting Secretary-General issues an order taking note of the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44.

■ **Giovanna a Beccara and others v. Argentine Republic (Case No. ARB/07/5)**

February 6, 2008

The Tribunal is constituted. Its members are: Robert Briner (Swiss), President; Georges Abi-Saab (Egyptian); and Albert Jan van den Berg (Dutch).

April 10, 2008

The Tribunal holds a first session in Washington, D.C.

May 2, 2008

The parties file submissions on the scope of the jurisdictional phase, as instructed by the Tribunal.

May 9, 2008

The Tribunal issues a decision on the scope of the jurisdictional phase.

■ **Tza Yap Shum v. Republic of Peru (Case No. ARB/07/6)**

February 14 – 22, 2008

The parties file further observations on the production of documents.

February 25, 2008

The Tribunal issues a further procedural order concerning the production of documents.

March 24, 2008

The parties file further requests for production of documents.

March 28, 2008

The Respondent files a memorial on jurisdiction.

May 12, 2008

The Tribunal issues a further procedural order concerning the production of documents.

■ **Global Gold Mining LLC v. Republic of Armenia (Case No. ARB/07/7)**

March 4, 2008

The parties request the Secretary-General to discontinue the proceeding if by May 2, 2008 neither party has notified the Secretary-General of an alleged breach of a confidential agreement between the parties.

May 9, 2008

The Acting Secretary-General issues an order taking note of the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 43(1).

■ **Europe Cement Investment and Trade S.A. v. Republic of Turkey (Case No. ARB(AF)/07/2)**

January 10, 2008

The Respondent files observations on the Claimant's request for provisional measures.

January 22, 2008

The Tribunal issues a procedural order concerning the parties' respective requests for provisional measures.

March 13, 2008

The Claimant files a further request for provisional measures.

March 20, 2008

The Respondent files observations on the Claimant's further request for provisional measures.

April 2, 2008

The Claimant files a reply on provisional measures.

April 9, 2008

The Respondent files a rejoinder on the Claimant's further request for provisional measures.

May 15, 2008

The Claimant files a memorial on jurisdiction and admissibility.

May 22, 2008

The parties file applications renewing their requests for provisional measures and document production.

May 25, 2008

The Tribunal holds a hearing in Paris on the parties' renewed applications.

May 29, 2008

The Tribunal issues a procedural order concerning the Respondent's renewed applications.

June 5, 2008

The Tribunal issues a procedural order concerning the Claimant's renewed applications.

June 23, 2008

The Claimant files observations on the Respondent's request for production of documents.

June 30, 2008

The Respondent files a reply to the Claimant's observations.

■ **Alasdair Ross Anderson and others v. Republic of Costa Rica (Case No. ARB(AF)/07/3)**

May 2, 2008

The Tribunal is constituted. Its members are: Sandra Morelli Rico (Colombian), President; Jeswald W. Salacuse (U.S.); and Raúl E. Vinuesa (Argentine).

June 27, 2008

The Tribunal holds a first session in Washington, D.C.

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■ **Giovanni Alemanni and others v. Argentine Republic (Case No. ARB/07/8)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Bureau Veritas, Inspection, Valuation, Assessment and Control, BIVAC B.V. v. Republic of Paraguay (Case No. ARB/07/9)**

March 10, 2008

The Tribunal is constituted. Its members are: Rolf Knieper (German), President; L. Yves Fortier (Canadian); and Philippe Sands (British).

April 8, 2008

The Respondent files objections to jurisdiction.

April 14, 2008

The Claimant files observations on the Respondent's objections to jurisdiction.

May 20, 2008

The Tribunal holds a first session in Washington, D.C.

■ **Meerapfel Söhne AG v. Central African Republic (Case No. ARB/07/10)**

February 14, 2008

The Tribunal holds a first session in Paris.

June 28, 2008

The Claimant files a memorial on the merits.

■ **Toto Costruzioni Generali S.p.A. v. Republic of Lebanon (Case No. ARB/07/12)**

February 29, 2008

The Respondent files a memorial on jurisdiction.

April 30, 2008

The Claimant files a counter-memorial on jurisdiction.

June 30, 2008

The Respondent files a reply on jurisdiction.

■ **S&T Oil Equipment & Machinery v. Romania (Case No. ARB/07/13)**

June 18, 2008

The Claimant files a memorial on the merits.

■ **Liman Caspian Oil BV and NCL Dutch Investment BV v. Republic of Kazakhstan (Case No. ARB/07/14)**

January 24, 2008

The Tribunal is constituted. Its members are: Karl-Heinz Böckstiegel (German), President; Kaj Hobér (Swedish); and James R. Crawford (Australian).

April 2, 2008

The Tribunal holds a first session in London.

May 19, 2008

The Claimants file a memorial on the merits.

■ **Ron Fuchs v. Georgia (Case No. ARB/07/15)**

January 16, 2008

The Tribunal is reconstituted. Its members are: L. Yves Fortier (Canadian), President; Francisco Orrego Vicuña (Chilean); and Vaughan Lowe (British).

January 28, 2008

The Claimant files a memorial on the merits.

June 6, 2008

The Respondent files a counter-memorial on the merits.

■ **Alpha Projektholding GmbH v. Ukraine (Case No. ARB/07/16)**

February 8, 2008

The Tribunal is constituted. Its members are: Davis R. Robinson (U.S.), President; Yoram A. Turbowicz (Israeli); and Stanimir A. Alexandrov (Bulgarian).

April 1, 2008

The Tribunal holds a first session in Washington, D.C.

May 22, 2008

The Claimant files a request for production of documents.

May 30, 2008

The Claimant supplements its request for production of documents.

May 23 – June 2, 2008

The parties file observations on the production of documents.

June 5, 2008

The Tribunal issues a procedural order concerning the production of documents.

■ **Impregilo S.p.A. v. Argentine Republic (Case No. ARB/07/17)**

May 27, 2008

The Tribunal is constituted. Its members are: Hans Danelius (Swedish), President; Charles N. Brower (U.S.); and Brigitte Stern (French).

■ **Shell Nigeria Ultra Deep Limited v. Federal Republic of Nigeria (Case No. ARB/07/18)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Shareholders of SESAM v. Central African Republic (Case No. CONC/07/1)**

February 4, 2008

The Commission is constituted. Its members are: Emmanuel Gaillard (French), President; Pierre Mayer (French); and Antoine Grothe (Central African).

March 19, 2008

The Commission holds a first session in Paris.

March 26, 2008

The Respondent files objections to jurisdiction.

April 4, 2008

The Claimants file observations in response to the objections to jurisdiction.

April 11, 2008

The Claimants file a request for recourse to arbitration.

April 25, 2008

The Respondent files observations in response to the Claimants' request for recourse to arbitration.

May 14, 2008

The Commission notes that there is no likelihood of agreement between the parties.

■ **Electrabel S.A. v. Republic of Hungary (Case No. ARB/07/19)**

January 8, 2008

The Claimant files comments on the proposal for disqualification.

January 14, 2008

The Respondent files further observations on the proposal for disqualification.

February 25, 2008

The proposal for disqualification of an arbitrator is declined; the proceeding is resumed.

May 15, 2008

The Tribunal holds a first session in London.

■ **Saba Fakes v. Republic of Turkey (Case No. ARB/07/20)**

March 4, 2008

The Tribunal is constituted. Its members are: Emmanuel Gaillard (French), President; Hans van Houtte (Belgian); and Laurent Lévy (Swiss/Brazilian).

March 14, 2008

The Claimant files a proposal for the disqualification of an arbitrator; the proceeding is suspended.

March 21, 2008

The Respondent files observations on the proposal for disqualification.

April 26, 2008

The proposal for the disqualification of an arbitrator is declined; the proceeding is resumed.

June 20, 2008

The Claimant files a request for provisional measures.

June 24, 2008

The Respondent files a request for provisional measures. The Respondent files objections to jurisdiction, accompanied by a request for the Tribunal to deal with objections to jurisdiction as a preliminary question.

June 26, 2008

The Tribunal holds a first session in Paris.

■ **Pantehniki S.A. Contractors & Engineers v. Republic of Albania (Case No. ARB/07/21)**

February 15, 2008

The Tribunal holds a first session in Paris.

March 31, 2008

The Claimant files a memorial on the merits.

May 2, 2008

The Respondent files preliminary objections to jurisdiction.

May 9, 2008

The Claimant files observations on the Respondent's preliminary objections to jurisdiction.

May 29, 2008

The Tribunal issues a decision joining objections to jurisdiction to the merits.

■ **AES Summit Generation Limited and AES-Tisza Erömü Kft. v. Republic of Hungary (Case No. ARB/07/22)**

January 9, 2008

The Tribunal holds a first session in London.

March 7, 2008

The Claimants file a memorial on the merits.

April 17, 2008

The Respondent files a request for production of documents.

April 18, 2008

The Claimants file observations on the Respondent's request for production of documents.

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April 21, 2008

The Respondent files a response to the Claimants' observations.

May 6, 2008

The Tribunal issues a procedural order concerning the production of documents.

May 19, 2008

The Respondent files a further request for production of documents.

May 21, 2008

The Claimants file observations on the further request for production of documents.

May 22, 2008

The Respondent files a response to the Claimants' observations.

June 9, 2008

The Tribunal issues a further procedural order concerning the further request for production of documents.

■ **Railroad Development Corporation v. Republic of Guatemala (Case No. ARB/07/23)**

April 14, 2008

The Tribunal is constituted. Its members are: Andrés Rigo Sureda (Spanish), President; Stuart E. Eizenstat (U.S.); and James R. Crawford (Australian).

May 29, 2008

The Respondent files preliminary objections to jurisdiction and the merits.

June 13, 2008

The Tribunal holds a first session in Washington, D.C.

■ **Gustav F W Hamester GmbH & Co. KG v. Republic of Ghana (Case No. ARB/07/24)**

February 4, 2008

The Tribunal is constituted. Its members are: Brigitte Stern (French), President; Bernardo M. Cremades (Spanish); and Toby Landau (British).

April 2, 2008

The Tribunal holds a first session in London.

■ **Trans-Global Petroleum, Inc. v. Hashemite Kingdom of Jordan (Case No. ARB/07/25)**

January 24, 2008

The Tribunal is constituted. Its members are: V.V. Veeder (British), President; Donald M. McRae (Canadian); and James R. Crawford (Australian).

February 25, 2008

The Respondent files an objection that the claim is manifestly without legal merit.

March 21, 2008

The Claimant files a response to the Respondent's objection.

April 4, 2008

The Respondent files a reply to the Claimant's response.

April 18, 2008

The Claimant files a rejoinder to the Respondent's reply.

April 22, 2008

The Tribunal holds a first session in Washington, D.C.

May 12, 2008

The Tribunal issues a decision on the Respondent's objection of February 25, 2008.

■ **Urbaser S.A. and Consorcio de Aguas Bilbao Biskaia, Bilbao Biskaia Ur Partzuergoa v. Argentine Republic (Case No. ARB/07/26)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Mobil Corporation and others v. Bolivarian Republic of Venezuela (Case No. ARB/07/27)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **E.T.I. Euro Telecom International N.V. v. Republic of Bolivia (Case No. ARB/07/28)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Société Générale de Surveillance S.A. v. Republic of Paraguay (Case No. ARB/07/29)**

May 27, 2008

The Tribunal is constituted. Its members are: Stanimir A. Alexandrov (Bulgarian), President; Donald Donovan (U.S.); and Pablo García Mexía (Spanish).

June 30, 2008

The Tribunal holds a first session in Washington, D.C.

■ **ConocoPhillips Company and others v. Bolivarian Republic of Venezuela (Case No. ARB/07/30)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **HOCHTIEF Aktiengesellschaft v. Argentine Republic (Case No. ARB/07/31)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Astaldi S.p.A. v. Republic of Honduras (Case No. ARB/07/32)**

April 11, 2008

The Tribunal is constituted. The Sole Arbitrator is Eduardo Sancho González (Costa Rican).

June 9, 2008

The Tribunal holds a first session in Tegucigalpa.

■ **Mobil Investments Canada Inc. and Murphy Oil Corporation v. Canada (Case No. ARB(AF)/07/4)**

There have been no new developments to report for this case since the last issue of *News from ICSID*.

■ **Marion Unglaube v. Republic of Costa Rica (Case No. ARB/08/1)**

January 25, 2008

The Acting Secretary-General registers a request for the institution of arbitration proceedings.

June 12, 2008

The Tribunal is constituted. Its members are: Judd L. Kessler (U.S.), President; Franklin Berman (British); and Bernardo M. Cremades (Spanish).

■ **ATA Construction, Industrial and Trading Company v. Hashemite Kingdom of Jordan (Case No. ARB/08/2)**

February 28, 2008

The Acting Secretary-General registers a request for the institution of arbitration proceedings.

June 12, 2008

The Tribunal is constituted. Its members are: L. Yves Fortier (Canadian), President; Ahmed S. El-Koshery (Egyptian); and W. Michael Reisman (U.S.).

■ **Quadrant Pacific Growth Fund L.P. and Canasco Holdings v. Republic of Costa Rica (Case No. ARB(AF)/08/1)**

March 21, 2008

The Acting Secretary-General registers a request for the institution of arbitration proceedings.

■ **Brandes Investment Partners, LP v. Bolivarian Republic of Venezuela (Case No. ARB/08/3)**

March 24, 2008

The Secretary-General registers a request for the institution of arbitration proceedings.

■ **Murphy Exploration and Production Company International v. Republic of Ecuador (Case No. ARB/08/4)**

April 15, 2008

The Acting Secretary-General registers a request for the institution of arbitration proceedings.

■ **Burlington Resources Inc. and others v. Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (Petroecuador) (Case No. ARB/08/5)**

June 2, 2008

The Acting Secretary-General registers a request for the institution of arbitration proceedings.

■ **Perenco Ecuador Limited v. Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (Petroecuador) (Case No. ARB/08/6)**

June 4, 2008

The Acting Secretary-General registers a request for the institution of arbitration proceedings.

■ **Itera International Energy LLC and Itera Group NV v. Georgia (Case No. ARB/08/7)**

June 5, 2008

The Acting Secretary-General registers a request for the institution of arbitration proceedings.

■ **Inmaris Perestroika Sailing Maritime Services GmbH and others v. Ukraine (Case No. ARB/08/8)**

June 16, 2008

The Acting Secretary-General registers a request for the institution of arbitration proceedings.

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