



## TWENTY-FIFTH AAA/ICC/ ICSID JOINT COLLOQUIUM ON INTERNATIONAL ARBITRATION

The American Arbitration Association (AAA), the International Court of Arbitration of the International Chamber of Commerce (ICC) and ICSID have over the years co-sponsored a series of colloquia on international arbitration. The 2008 Joint Colloquium, marking the 25th anniversary for the series, was hosted by the AAA's International Centre for Dispute Resolution (ICDR) on November 14, 2008 in New York City.

At the outset, Richard Naimark, Senior Vice President of the ICDR, welcomed the participants. Subsequently, Jason Fry, Secretary-General of the ICC International Court of Arbitration, Nassib G. Ziadé, Acting Secretary-General of ICSID, and William K. Slate II, President and Chief Executive Officer of the ICDR and AAA, discussed general trends in international arbitration and highlighted recent developments at the three arbitral institutions. Mr. Ziadé's presentation is reproduced in this issue of *News from ICSID*.

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## RECENT DEVELOPMENTS AT ICSID

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

*This paper is based on a presentation delivered at the session on "Institutional Developments: Reports from Each Institution" at the 25th AAA/ICC/ICSI Joint Colloquium on International Arbitration, held in New York on November 14, 2008.*

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# TWENTY-FIFTH AAA/ICC/ICSID JOINT COLLOQUIUM ON INTERNATIONAL ARBITRATION

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The following panel, comprised of Judge Stephen M. Schwebel, former President of the International Court of Justice, John Beechy, Chairman of the ICC International Court of Arbitration, and Jernej Sekolec, former Secretary of the United Nations Commission on International Trade Law (UNCITRAL) and Director of the International Trade Law Division at the U.N. Office of Legal Affairs, took stock of the past 25 years of international dispute resolution processes. Moderated by Richard Naimark, the panel discussed the use, growth and promotion of alternative dispute resolution as well as current trends in the field. Judge Schwebel's remarks will be published in the next issue of *ICSID Review—Foreign Investment Law Journal*.

The challenges facing the international dispute resolution community were discussed by two renown specialists during the luncheon session. Fali S. Nariman, Senior Advocate, Supreme Court of India, and Jan Paulsson, Partner, Counsel and Principal Consultant at Freshfields Bruckhaus Deringer, shared their views of future challenges in the field of international commercial arbitration.

The first afternoon session, chaired by Haig Ohigian, Partner at Baker & McKenzie, focused on dispute resolution in the developing world. Makhdoom Ali Khan, Senior Advocate at the Supreme Court of Pakistan and former Attorney General of Pakistan, Guillermo Alvarez Aguilar of Weil Gotshal, and Fali

S. Nariman, Senior Advocate at the Supreme Court of India, discussed the current conditions and crucial future initiatives for enhancing dispute resolution processes in the developing world.

The final panel of the colloquium explored international dispute resolution in the corporate world. Kelly Austin, Compliance and Litigation Counsel at General Electric Asia, Wolf von Kumberg, Legal Director at Northrop Grumman, John Sanders, Vice President and Associate General Counsel at Schering-Plough Corporation, and Catherine M. Amirfar, Partner at Debevoise and Plimpton, discussed their experiences in international dispute resolution and the effect of such processes on the corporate decision-making environment. The session was moderated by Lucy Reed, Partner at Freshfields Bruckhaus Deringer.

The 26th AAA/ICC/ICSID Joint Colloquium on International Arbitration will be hosted by ICSID in Washington, D.C., on Friday, November 20, 2009. Following the Joint Colloquium, the London Court of International Arbitration (LCIA), in co-operation with ICSID, will hold a Symposium on Saturday, November 21, 2009, addressing current issues of interest in the field of international arbitration, thereby allowing a continuation of the discussions arisen at the previous day's Joint Colloquium. Brochures and registration forms for both events will be available on the ICSID website in due course. ■

# RECENT DEVELOPMENTS AT ICSID

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

*This paper is based on a presentation delivered at the session on "Institutional Developments: Reports from Each Institution" at the 25th AAA/ICC/ICSI Joint Colloquium on International Arbitration, held in New York on November 14, 2008.*

Over the course of 2008, ICSID registered 21 new cases, bringing the total number of cases ever registered by the Centre to 280 as of the end of 2008. Indeed, on December 31, 2008, ICSID was administering 125 cases, which is the largest number of pending cases at any time in its history. The monetary relief sought in these cases continues to rank among the highest in international arbitration. As in previous years, the vast majority of the new cases were brought to the Centre on the basis of consent expressed in investment treaties.

It may be of interest to note that out of the 280 cases ever registered by ICSID, all but six have involved at least one party from the developing world. Moreover, in 21 cases, both parties have come from the developing world. In these latter cases, we observe the same trend as in the others, namely that most are brought on the basis of bilateral investment treaties (BITs) which contain provisions similar to those of treaties concluded between developed and developing countries.

The arbitral tribunals constituted to resolve ICSID cases increasingly include members from developing countries. Approximately one-third of the arbitrators that have been appointed in ICSID cases come from developing countries. ICSID has long undertaken to increase such participation by appointing suitably qualified candidates from the developing world. This task would be greatly facilitated by the member countries' making timely and carefully selected appointments to the ICSID Panels of Arbitrators and Conciliators. The importance of these Panels lies in the fact that ICSID is usually restricted to these Panels when making appointments.

A noteworthy development in recent years has been an increase in recourse to post-award remedies that are provided for in the ICSID Convention, particularly the annulment mechanism. This increase has raised concerns in certain quarters. Such concerns should be tempered, however, by the knowledge that under the ICSID Convention, these are the only remedies

available. In an area such as investment arbitration which is still evolving and generating debate, it is to be expected that discontented parties will from time to time resort to the annulment mechanism. It should at the same time be noted, however, that out of the 15 ICSID annulment decisions ever rendered, the majority have rejected the annulment application.

In order to promote coherence in the application of the Convention and Rules by annulment committees, ICSID is particularly careful in the selection of its committee members, and would, whenever possible, appoint similarly constituted committees. ICSID would thus ultimately want to see the development of a pool of arbitrators dedicated mainly to handling annulment proceedings.

In the past year, we have received applications for different and concurrent post-award remedies in the same cases. In one case, while the annulment proceeding was pending, the Centre had also to contend with an application for revision of the underlying award. This kind of situation raises some novel issues for the Secretariat and the arbitrators, and lessons learned from these unprecedented issues could be taken into account when the Centre's rules are next revised.

The latest amendments to the ICSID Rules and Regulations came into effect in April 2006. Since then, some of the new rules have been tested in several cases.

New Arbitration Rule 41(5), which provides for the summary treatment of claims deemed to be "manifestly without legal merit," has been unsuccessfully invoked in two cases. In the first case, the Tribunal interpreted the word "manifestly" as requiring the invoking party "to establish its objection clearly and obviously, with relative ease and despatch. The standard is thus set high." The Tribunal reached this result after it examined the different contexts in which the same word had been used in the ICSID Convention, as it assumed that "the meaning of the new rule was intended to reflect

the well-established meaning” accorded in older provisions of the ICSID Convention. The Tribunal next interpreted the adjective “legal” as being “clearly used in contradistinction to ‘factual.’” Nevertheless, the Tribunal recognized that it is “rarely possible to assess the legal merits of any claim without also examining the factual premise upon which that claim is advanced.” It concluded that with respect to disputed facts relevant to the legal merits of a claim, a tribunal “need not accept at face value any factual allegation which [it] regards as (manifestly) incredible, frivolous, vexatious or inaccurate or made in bad faith.” Otherwise, a tribunal should not “weigh the credibility or plausibility of a disputed factual allegation” at this early stage of the proceedings.

In the second case, the Tribunal noted that Arbitration Rule 41(5) was introduced to prevent “patently unmeritorious claims.” It pointed out that the Rule provides for a summary proceeding “to be conducted on an expedited basis,” while respecting the “rules of due process.” The Tribunal agreed with the analysis made by the earlier tribunal on the meaning of the word “manifest.” It further interpreted Arbitration Rule 41(5) as not being limited merely to permitting objections on the merits in cases where the claim was manifestly without legal merit, but also as encompassing objections concerning the “jurisdiction and competence of the Centre and of the Tribunal.”

New Arbitration Rule 37, which applies to proceedings under the Convention, and the corresponding Article 41 of the Arbitration (Additional Facility) Rules, confirmed an ICSID tribunal’s authority to receive *amicus curiae* submissions in appropriate cases. These new provisions have already been invoked in several ICSID cases.

In the first such case brought under the ICSID Convention, five non-governmental organizations (NGOs) filed a “Petition for Amicus Curiae Status.” The Tribunal found that the *amicus* submission would be beneficial, and would also secure wider confidence in the arbitral process. The Tribunal stressed, however, that permission to participate did not entitle the *amicus* to the parties’ procedural rights and privileges, but instead only afforded it “a specific and defined opportunity to make a particular submission.” The Tribunal established a process for the *amicus* to file a limited submission without exhibits, and rejected the request of the *amicus* to attend the hearings. In its Award rendered in July 2008, the Tribunal summarized the submissions of the *amicus* in support of the Respondent’s case, and found the observations “useful.”

In the second case, which was brought under the ICSID Additional Facility Rules, a civil society group indicated that it was contemplating the filing of an *amicus* application in light of what it characterized as the human rights implications of the dispute. The parties agreed on the text of a short document summarizing the dispute and outlining the steps to be taken by any interested non-disputing party wishing to file an *amicus* submission. The document was sent by the ICSID Secretariat to the civil society group and, more recently, to an international NGO at that NGO’s request.

It may be further noted that in two pending ICSID Convention cases, the European Commission sought permission to file *amicus* briefs. Both applications were granted by the respective tribunals, albeit with restrictions placed on their scope.

A notable feature of the last two years has been the rise in the number of challenges to arbitrators by parties. Since ICSID’s inception in 1966, there have been 30 proposals for disqualification. Of these, 11 were filed in 2007–2008. I would note, however, that 6 of the 11 were launched against a single person who served as a tribunal member in related cases. I would also note that, to date, only one challenge to an arbitrator has succeeded, although in some cases the challenged arbitrator has resigned before a decision could be made. The decisions recently rendered on challenges bear some discussion.

In one case, the Claimant made a proposal to disqualify the Respondent’s appointed arbitrator on the ground that the Respondent had appointed that same arbitrator in another ongoing case with overlapping factual and legal issues. The Claimant characterized this situation as falling under the Orange List of the International Bar Association (IBA) Guidelines on Conflicts of Interest in International Arbitration.

The two arbitrators ruling on the challenge observed that the ICSID Convention and Rules were applicable. Nevertheless, they decided that account could also be taken of the IBA Guidelines as a non-binding instrument. They further noted that the Guidelines’ Red and Orange lists were “not determinative and that the factual circumstances of each specific case must be carefully examined in order to form a view as to the allegation of lack of independence or impartiality of an arbitrator in a given case.”

The arbitrators concluded that the mere fact that an arbitrator sat in two different cases brought against the

same respondent State did not warrant disqualification, "absent any other objective circumstances demonstrating that these two cases are related in such a manner that the arbitrators' determination in one case would manifestly affect the challenged arbitrator's reliability to exercise independent judgment in the other case."

Precisely the same problem arose in another case, at almost exactly the same time, and was decided the same way. In that other case, the two arbitrators ruling on the challenge noted in passing that

[i]nvestment and even commercial arbitration would become unworkable if an arbitrator were automatically disqualified on the ground only that he or she was exposed to similar legal or factual issues in concurrent or consecutive arbitrations.

The deciding arbitrators did not consider it possible to "outlaw widespread practices so long accepted by users and practitioners generally, particularly when such practices have helped to establish a growing body of specialist and experienced international arbitrators, so long desired by users."

In another series of cases which all involved the same State, and which were heard by a single tribunal, the Respondent filed a proposal to disqualify an arbitrator, claiming the "objective existence of justified doubts with respect to [the arbitrator's] impartiality." The only fact alleged in support of this claim was the arbitrator's membership in another ICSID tribunal which seven weeks earlier had rendered an award against the Respondent. The two arbitrators ruling on the challenge promptly dismissed the proposal, holding that a party's disagreement with a judge or arbitrator's determinations was by itself not manifest evidence of a lack of independence or impartiality. Even if an appellate body were later to reverse the judge or arbitrator's determination, that reversal would not suffice to manifest such a lack. The arbitrators stated that "far stronger evidence" was required than that the arbitrator had participated in a unanimous decision with two other arbitrators in a case involving the challenging party. The arbitrators found that to "hold otherwise would have serious negative consequences for any adjudicatory system."

It bears noting that challenges are not made only with respect to arbitrators. Sometimes, they are made to opposing counsel. In one current ICSID annulment case, a party challenged an opposing counsel by asking that the *ad hoc* Committee disqualify the counsel

from further participation in the proceeding. In this case, the challenge was made on the basis that the counsel had represented the challenging party in a related ICC proceeding. The Committee reviewing the challenge first observed that the issue was whether a real risk existed that confidential information earlier received by the counsel would prejudice the fair trial of the new proceeding. It concluded on the basis of the evidence proffered that no such confidential information had been provided to the counsel's firm. The Committee observed that it could not act "simply on mere appearances since to prevent a party from having access to its chosen counsel cannot depend upon a nebulous foundation, but rather must flow from clear evidence of prejudice."

In another recent case, one of the Respondent's counsel was challenged by the Claimant because he worked in the same barristers' chambers as the Tribunal President. The Tribunal, in reviewing the challenge, noted that barristers are sole practitioners and that barristers' chambers are not law firms. The Tribunal recognized, however, that this fact was not widely understood or appreciated. In light of this, the Tribunal stated that it did

not believe there is a hard-and-fast rule to the effect that barristers from the same Chambers are always precluded from being involved as, respectively, counsel and arbitrator in the same case. Equally, however, there is no absolute rule to opposite effect. The justifiability of an apprehension of partiality depends on all relevant circumstances.

In the specific circumstances of the case, and particularly in light of actions by the Respondent which the Tribunal viewed as "errors of judgment" that "have created an atmosphere of apprehension and mistrust," the Tribunal determined that the counsel's further participation in the case would be "inappropriate and improper."

In conclusion, the above-described challenges to counsel, arbitrators and awards ought to be expected in a system where a case law on novel questions is still emerging. This by no means signifies that there is a crisis of the system. Rather, it offers exciting challenges for an institution like ICSID, which is at the forefront of investor/State dispute-settlement activities. The situation is approached on our part with careful monitoring, and the challenges before us can best be addressed with the full cooperation of the entire community of ICSID users, for which we after all exist. ■

## DISPUTES BEFORE THE CENTRE

In the second half of 2008, the Centre has registered 12 new cases, bringing the total number of cases registered with ICSID to 280. All of the new cases are arbitration proceedings conducted under the ICSID Convention.

In 11 of the new proceedings, the Claimants relied for the host State's consent on ICSID provisions contained in bilateral investment treaties, and in one of these cases, the Claimants alternatively invoked the dispute settlement provision of the Energy Charter Treaty. One further proceeding was initiated on the basis of an investment contract with the host State.

The Centre also registered post-award proceedings in eight cases. In five of these cases, the parties sought annulment of the award previously rendered. In addition to these five, the Centre registered one application for interpretation and one application for revision of the arbitral award. In one further case, the Centre registered two requests for rectification of the award, with each of the parties involved submitting one.

Nineteen proceedings were concluded during the period July 1 – December 31, 2008. Thirteen awards were rendered. Three of these declined the Centre's jurisdiction, while six awards dismissed all claims and four further awards upheld the claims in part. Three further arbitration proceedings were discontinued at the request of one or both of the parties, and one arbitration case was discontinued for lack of payment of the required advances. In addition, one conciliation proceeding was concluded with a report by the conciliation commission.

Three proceedings in which the parties had sought post-award remedies were also concluded during the period. Two of these proceedings were conducted under the ICSID Convention. In these proceedings, the tribunals issued supplementary decisions. One further post-award proceeding, conducted under the Additional Facility rules, concluded with a decision on the request for interpretation, correction and supplementary decision.

Since the publication of the last issue of *News from ICSID*, 17 first sessions and 17 hearings have been held either by telephone conference or in person at The Hague, in London, Paris and Washington, D.C. Four of these hearings and sessions were held at The Hague, in London and Washington, D.C. in one single day.

ICSID administered 142 pending cases in the second half of 2008. Developments in these proceedings during the second half of 2008 are set forth below. Procedural developments are also available on the Secretariat's website at <http://icsid.worldbank.org>.

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

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

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

*July 16, 2008*

The Respondent files a request for the stay of enforcement of the award.

*August 1, 2008*

The Claimants file observations on the Respondent's request for the stay of enforcement of the award.

*August 5, 2008*

The Tribunal issues a decision on the stay of enforcement of the award.

*September 10, 2008*

The Tribunal holds a first session by telephone conference.

*September 11, 2008*

The Claimants file observations on certain pending procedural matters.

*October 1, 2008*

The Respondent files a counter-memorial on revision.

*October 15, 2008*

The Respondent files observations on certain pending procedural matters.

*November 3, 2008*

The Claimants file a reply on revision.

*December 3, 2008*

The Respondent files a rejoinder on revision.

### ■ **Tanzania Electric Supply Company Limited v. Independent Power Tanzania Limited (Case No. ARB/98/8) — Interpretation Proceeding**

*July 3, 2008*

The Acting Secretary-General registers an application for the interpretation of the arbitral award rendered on July 12, 2001.

*July 18, 2008*

The Tribunal is reconstituted. Its members are:  
Kenneth S. Rokison (British), President; Charles N.  
Brower (U.S.), and Andrew Rogers (Australian).

*September 29, 2008*

The Claimant files a request for production of documents.

*September 30, 2008*

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

*October 10, 2008*

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

*October 15, 2008*

The Claimant reiterates its request for production of  
documents.

*October 17, 2008*

The Tribunal holds a telephone conference with the  
parties concerning the production of documents.

*October 22, 2008*

The Tribunal issues a procedural order concerning  
production of documents.

*November 14, 2008*

The Claimant files a memorial on jurisdiction.

*December 4, 2008*

The Respondent files a reply on jurisdiction.

*December 11, 2008*

The Claimant files a rejoinder on jurisdiction.

*December 16, 2008*

The Tribunal holds a hearing on jurisdiction in  
London and, pursuant to the parties' agreement,  
issues a procedural order concerning the suspension  
of the proceeding.

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

*November 18, 2008*

The Claimants, successors in interest to late Mr. Antoine  
Goetz, agree to the continuation of the proceeding.

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

*July 7, 2008*

The Argentine Republic files observations on the  
continuation of the stay of enforcement of the award.

*July 14, 2008*

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

*October 7, 2008*

The *ad hoc* Committee issues a decision on the  
Argentine Republic's request for the continuation of the  
stay of enforcement of the award.

*November 11, 2008*

The Argentine Republic files a memorial on annulment.

*December 17, 2008*

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

*December 30, 2008*

The Argentine Republic files observations on the  
further request to lift the provisional stay of  
enforcement of the award.

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

*July 28, 2008*

Azurix Corp. files a rejoinder on annulment.

*September 29–30, 2008*

The *ad hoc* Committee holds a hearing on annulment  
in Paris.

*September 30, 2008*

The *ad hoc* Committee invites the parties to provide  
information concerning their respective expert reports.

*October 10, 2008*

The parties file additional information concerning their  
respective expert reports.

*October 17, 2008*

Each party files observations on the other party's  
information filed on October 10, 2008.

*November 28, 2008*

Azurix Corp. files a submission on costs.

*December 1, 2008*

The Argentine Republic files a submission on costs.

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

*(a) Supplementary Decision Proceeding*

*July 8, 2008*

The Tribunal issues a decision on the request for a  
supplementary decision.

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## **(b) Annulment Proceeding**

*September 19, 2008*

The Acting Secretary-General registers an application for the institution of annulment proceedings submitted by LG&E Energy Corp., LG&E Capital Corp. and LG&E International Inc.

*December 24, 2008*

The Acting Secretary-General registers an application for the partial annulment of the award submitted by the Argentine Republic.

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

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

#### **Annulment Proceeding**

*August 19, 2008*

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

#### **Revision Proceeding**

*July 9, 2008*

The Acting Secretary-General registers an application for the revision of the award rendered on February 6, 2007.

*July 15, 2008*

The Tribunal is reconstituted. Its members are: Andrés Rigo Sureda (Spanish), President; Charles N. Brower (U.S.); and Domingo Bello Janeiro (Spanish).

*August 19, 2008*

The Tribunal holds a first session by telephone conference.

*September 12, 2008*

The Tribunal issues a procedural order concerning the procedural calendar.

*December 23, 2008*

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

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

*October 20, 2008*

The Arab Republic of Egypt files a counter-memorial on annulment.

*December 22, 2008*

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

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

*September 15, 2008*

The *ad hoc* Committee is constituted. Its members are: Christer Söderlund (Swedish), President; David A.O. Edward (British); and Andreas J. Jacovides (Cypriot).

*September 16, 2008*

Sempra Energy International files a request for the termination of the provisional stay of enforcement of the award.

*October 21, 2008*

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

*November 7, 2008*

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

*November 21, 2008*

Sempra Energy International files a response to the Argentine Republic's observations on the request for the termination of the provisional stay of enforcement.

*December 8, 2008*

The *ad hoc* Committee holds a hearing on the stay of enforcement of the award in Washington, D.C.

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

*December 15, 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)**

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

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

*August 15, 2008*

M.C.I. Power Group, L.C. and New Turbine, Inc. file a memorial on annulment.

*November 24, 2008*

The Republic of Ecuador files a counter-memorial on annulment.

*December 12, 2008*

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

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

*(a) Original Arbitration Proceeding*

*September 5, 2008*

The Tribunal renders its award.

*(b) Rectification and Supplementary Decision Proceeding*

*October 16, 2008*

The Acting Secretary-General registers a request submitted by Continental Casualty Company for rectification of, or supplementary decision to the award.

*November 6, 2008*

The Acting Secretary-General registers a request submitted by the Argentine Republic for rectification of the award.

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

*October 27, 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)**

*August 20, 2008*

The Tribunal issues an order taking note of 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)**

*September 25, 2008*

The Respondent files a request for production of documents.

*September 29, 2008*

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

*September 30, 2008*

After consultation with the parties, the Tribunal terminates the independent expert's appointment.

*October 2, 2008*

The Tribunal issues a decision on production of documents.

■ **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)**

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

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

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

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

*October 16, 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)**

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

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

*September 23, 2008*

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

*December 23, 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)**

*August 5, 2008*

The Tribunal issues a decision on jurisdiction.

*August 14, 2008*

The Tribunal issues a procedural order concerning the procedural calendar.

*September 29, 2008*

The Respondent files a request for production of documents.

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- October 10, 2008*  
The Claimants file observations on the Respondent's request for production of documents.
- October 17, 2008*  
The Respondent files a reply on production of documents.
- October 22, 2008*  
The Tribunal issues a procedural order concerning production of documents.
- October 28, 2008*  
The Respondent files observations on production of documents as requested by the Tribunal in its procedural order of October 22, 2008.
- November 17, 2008*  
The Claimants file comments on the Respondent's observations of October 28, 2008.
- December 4, 2008*  
The Tribunal issues a further procedural order concerning production of documents.
- December 15, 2008*  
The Claimants file observations on the Tribunal's procedural order of December 4, 2008.
- December 19, 2008*  
The Respondent files observations on the Tribunal's procedural order of December 4, 2008.
- **Plama Consortium Limited v. Republic of Bulgaria (Case No. ARB/03/24)**
- August 27, 2008*  
The Tribunal renders its award.
- **Unisys Corporation v. Argentine Republic (Case No. ARB/03/27)**
- November 26, 2008*  
The suspension of the proceeding is further extended, pursuant to the parties' agreement.
- **Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines (Case No. ARB/03/25) — Annulment Proceeding**
- July 9, 2008*  
The Republic of the Philippines files an application for the disqualification of counsel.
- July 23, 2008*  
Fraport AG Frankfurt Airport Services Worldwide files observations on the application for the disqualification of counsel.
- July 25, 2008*  
The *ad hoc* Committee invites the parties to file further observations on the application for the disqualification of counsel.
- August 12, 2008*  
Fraport AG Frankfurt Airport Services Worldwide files further observations on the application for the disqualification of counsel.
- August 15, 2008*  
The Republic of the Philippines files further observations on its application for the disqualification of counsel.
- August 19, 2008*  
Fraport AG Frankfurt Airport Services Worldwide files a response to the further observations filed by the Republic of the Philippines on August 15, 2008.
- September 18, 2008*  
The *ad hoc* Committee issues a decision on the Republic of the Philippines' application for the disqualification of counsel.
- September 25, 2008*  
Fraport AG Frankfurt Airport Services Worldwide files a memorial on annulment.
- **Duke Energy International Peru Investments No. 1 Ltd. v. Republic of Peru (Case No. ARB/03/28)**
- (a) Original Arbitration Proceeding**
- August 18, 2008*  
The Tribunal renders its award; attached to the award are two partial dissenting opinions by two of the arbitrators.
- (b) Annulment Proceeding**
- December 24, 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.
- **Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan (Case No. ARB/03/29)**
- July 16, 2008*  
The parties file posthearing briefs.
- September 26, 2008*  
The parties file statements of costs.

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

*October 29, 2008*

The Claimant files a memorial on the merits.

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

*July 17, 2008*

The Tribunal issues a procedural order concerning the hearing on *quantum*.

*July 21–24, 2008*

The Tribunal holds a hearing on *quantum* in Washington, D.C.

*August 9, 2008*

The Tribunal issues a procedural order concerning post-hearing briefs.

*September 11, 2008*

The Tribunal issues a further procedural order concerning post-hearing briefs.

*September 29, 2008*

The parties file post-hearing briefs.

*October 17, 2008*

The Tribunal issues a procedural order concerning the parties' reply post-hearing briefs.

*October 31, 2008*

The parties file reply post-hearing briefs.

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

*November 17, 2008*

The Respondent files a request for production of documents.

*November 21, 2008*

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

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

*July 28, 2008*

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

*December 17, 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) — Annulment Proceeding**

*July 10, 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.

*October 21, 2008*

The *ad hoc* Committee is constituted. Its members are: Franklin Berman (British), President; Ahmed S. El-Kosheri (Egyptian); and Rolf Knieper (German).

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

*September 22, 2008*

Sociedad Anónima Eduardo Vieira files a memorial on annulment.

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

*August 20, 2008*

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

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

*October 8, 2008*

The Claimant files a request for production of documents.

*October 17, 2008*

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

*October 22, 2008*

The Claimant files a reply on production of documents.

*November 4, 2008*

The Tribunal issues a procedural order concerning production of documents.

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

*November 13, 2008*

The Acting Secretary-General moves that the Tribunal discontinue the proceeding pursuant to ICSID Administrative and Financial Regulation 14(3)(d).

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

*July 2, 2008*

The Tribunal issues a procedural order concerning the representation of the Respondent and the validity of the appointment of an arbitrator.  
The Tribunal issues a procedural order concerning the parties' requests for bank guarantees.

*August 29, 2008*

The Tribunal issues a procedural order deciding that the objections to jurisdiction will be dealt with as a preliminary question.  
The Tribunal issues a procedural order concerning provisional measures.

*September 16, 2008*

The Claimant files a request for clarification of the procedural order of August 29, 2008, and files a renewed request for provisional measures.

*September 22, 2008*

The Claimant files a renewed request for reimbursement.

*September 23, 2008*

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

*September 30, 2008*

The Tribunal decides on the Claimant's various requests for provisional measures, clarification and reimbursement.

*December 5, 2008*

The Respondent files a memorial on jurisdiction.

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

*October 15, 2008*

The Tribunal declares the proceeding closed.

*November 6, 2008*

The Tribunal renders its award.

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

*December 8, 2008*

The Tribunal renders its award.

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

*August 14, 2008*

The Tribunal is constituted. Its members are:  
Gustaf Möller (Finnish), President; Piero Bernardini  
(Italian); and Antonio Remiro Brotóns (Spanish).

*October 3, 2008*

The Tribunal holds a first session by telephone conference.

*November 3, 2008*

The Tribunal issues a procedural order concerning questions of procedure pursuant to ICSID Arbitration Rule 20.

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

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

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

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

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

*July 10, 2008*

The Tribunal issues a decision on the parties' requests for supplementary decision, interpretation and correction of the award.

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

*August 18, 2008*

The Tribunal renders its award.

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

*August 22, 2008*

The Tribunal issues a decision on jurisdiction.

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

*July 16, 2008*

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

*August 27, 2008*

The Tribunal issues a procedural order joining the objections to jurisdiction to the merits.

*September 8, 2008*

The Respondent files a request for production of documents.

*September 18, 2008*

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

*September 25, 2008*

The Respondent files a reply on production of documents.

*October 9, 2008*

The Claimant files a rejoinder on production of documents.

*October 14, 2008*

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

*November 6, 2008*

The Tribunal issues a procedural order concerning production of documents.

*December 19, 2008*

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

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

*September 30, 2008*

The Claimants file a rejoinder on jurisdiction.

*December 23, 2008*

The proceeding is suspended, 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)**

*July 23, 2008*

The Tribunal declares the proceeding closed.

*November 12, 2008*

The Tribunal renders its award.

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

*December 19, 2008*

The Tribunal renders its award; attached to the award is a dissenting opinion by one arbitrator and a concurring opinion by another arbitrator.

■ **Bernardus Henricus Funnekotter and others v. Republic of Zimbabwe (Case No. ARB/05/6)**

There have been no new developments to report in 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)**

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

■ **Empresa Eléctrica del Ecuador, Inc. (EMELEC) v. Republic of Ecuador (Case No. ARB/05/9)**

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

■ **Malaysian Historical Salvors, SDN, BHD v. Malaysia  
(Case No. ARB/05/10) — Annulment Proceeding**

*September 15, 2008*

Malaysia files a counter-memorial on annulment.

*October 13, 2008*

Malaysian Historical Salvors files a reply on annulment.

*November 10, 2008*

Malaysia files a rejoinder on annulment.

*December 3, 2008*

The ad hoc Committee holds a hearing on annulment at The Hague.

■ **Asset Recovery Trust S.A. v. Argentine Republic  
(Case No. ARB/05/11)**

*October 17, 2008*

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

*October 24, 2008*

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

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■ **Noble Energy Inc. and Machala Power Cía. Ltd. v. Republic of Ecuador and Consejo Nacional de Electricidad (Case No. ARB/05/12)**

*July 8, 2008*

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

*October 21, 2008*

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

■ **EDF (Services) Limited v. Romania (Case No. ARB/05/13)**

*September 3, 2008*

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

*September 10, 2008*

The Claimant files objections to the Tribunal's procedural order of September 3, 2008.

*September 22–26, 2008*

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

*December 5, 2008*

The parties file post-hearing briefs.

■ **RSM Production Corporation v. Grenada (Case No. ARB/05/14)**

*August 5, 2008*

The Claimant files a request for the suspension of the proceeding.

*August 8, 2008*

The Respondent files observations on the Claimant's request for the suspension of the proceeding.

*August 25, 2008*

The Tribunal issues a procedural order concerning the suspension of the proceeding.

*December 22, 2008*

The Claimant files a memorial on the merits.

■ **Waguil Elie George Siag and Clorinda Vecci v. Arab Republic of Egypt (Case No. ARB/05/15)**

*December 9, 2008*

The Tribunal fixes a schedule for the submission of further documentation in support of the parties' claims for costs.

*December 19, 2008*

The Claimants produce further documentation in support of their claims for costs.

■ **Cargill, Incorporated v. United Mexican States (Case No. ARB(AF)/05/2)**

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

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

**(a) Original Arbitration Proceeding**

*July 29, 2008*

The Tribunal renders its award.

**(b) Annulment Proceeding**

*November 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.

*December 12, 2008*

The *ad hoc* Committee is constituted. Its members are: Stephen M. Schwebel (U.S.), President; Campbell McLachlan (New Zealand); and Eduardo Silva Romero (Colombian).

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

*July 14, 2008*

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

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

*July 31, 2008*

The Claimant files a reply on the merits.

*August 8, 2008*

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

*August 26, 2008*

The President of the Tribunal holds a procedural session with the parties by telephone conference.

*August 28, 2008*

The Tribunal issues a procedural order concerning procedural matters and production of documents.

*September 25, 2008*

The Respondent files observations on the Claimant's request for production of documents of August 8, 2008.

*October 3, 2008*

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

*November 12, 2008*

The Respondent files a rejoinder on the merits.

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

**(a) Original Arbitration Proceeding**

*July 3, 2008*

The Tribunal renders its award.

**(b) Annulment Proceeding**

*November 10, 2008*

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

*December 22, 2008*

The *ad hoc* Committee is constituted. Its members are: Stephen M. Schwebel (U.S.), President; Bola Ajibola (Nigerian); and Campbell McLachlan (New Zealand).

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

*September 24, 2008*

The Tribunal issues a decision on jurisdiction and admissibility.

*December 2, 2008*

The Tribunal confirms the procedural calendar as agreed by the parties.

■ **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)**

*July 29, 2008*

The Tribunal renders its award; attached to the award is a dissenting opinion by one of the arbitrators.

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

*July 24, 2008*

The Tribunal renders its award; attached to the award is a dissenting opinion by one of the arbitrators.

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

*July 8, 2008*

The Tribunal issues a decision on the rectification of the award.

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

*October 6, 2008*

The Tribunal issues a procedural order concerning the hearing on treaty interpretation.

*October 24, 2008*

The Claimant files observations concerning treaty interpretation.

*November 14, 2008*

The Respondent files a reply on treaty interpretation.

*November 19, 2008*

The Claimant files a rejoinder on treaty interpretation.

*November 24–25, 2008*

The Tribunal holds a hearing in Paris on treaty interpretation.

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

*July 22, 2008*

The Tribunal issues a decision on provisional measures.

*September 29, 2008*

The Tribunal confirms the procedural calendar as agreed by the parties.

*December 21, 2008*

The Claimant files a reply on the merits and a counter-memorial to the Respondent's counter-claim.

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

*July 14, 2008*

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

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

*December 8, 2008*

The Claimant files a memorial on the merits.

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

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

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

September 1, 2008

The Tribunal holds a hearing on jurisdiction in Paris.

October 1, 2008

The parties file statements of costs.

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

August 6, 2008

The Tribunal decides on one of the Claimants' requests for reimbursement and on certain procedural questions.

November 3, 2008

The Respondent files a counter-memorial on the merits and a memorial on the Respondent's counter-claims.

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

October 7–9, 2008

The Tribunal holds a hearing on the merits in Paris.

November 14, 2008

The parties file posthearing briefs on the merits and on *quantum*.

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

August 11, 2008

The Tribunal issues a procedural order concerning the procedural calendar and its previous instructions.

September 16, 2008

The Tribunal issues further instructions regarding its procedural order of August 11, 2008.

September 26, 2008

The Respondent files a counter-memorial on the merits.

October 9, 2008

The Respondent files a request for production of documents.

November 3, 2008

The Tribunal issues a procedural order concerning production of documents.

November 19, 2008

The parties agree on a protocol for the inspection of documents in Washington, D.C.

November 21, 2008

The Tribunal approves a protocol for the inspection of documents in Europe.

December 17, 2008

The Tribunal decides to deal with certain jurisdictional objections as a preliminary matter.

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

December 9, 2008

The Tribunal issues an order for the discontinuance of the proceeding for lack of payment of advances, pursuant to ICSID Administrative and Financial Regulation 14(3)(d).

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

July 26, 2008

The Tribunal issues a procedural order concerning procedural matters.

August 5, 2008

The Tribunal holds a procedural session with the parties at The Hague.

September 24, 2008

The Respondent files a supplemental counter-memorial on the merits.

December 15, 2008

The Claimants file a supplemental reply on the merits.

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

August 11, 2008

The Claimants file a reply on liability and a response to the Respondent's counter-claim.

September 4, 2008

The Respondent files a request for production of documents.

September 9, 2008

The Tribunal issues a decision on jurisdiction.

September 19, 2008

The Respondent files a rejoinder on liability and a reply to the Claimants' response of August 11, 2008.

*September 23, 2008*

The Tribunal issues a procedural order concerning production of documents.

*October 3, 2008*

The Claimants file a request for production of documents.

*October 10, 2008*

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

*October 20, 2008*

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

*November 17, 2008*

The Claimants file a rejoinder to the Respondent's reply of September 19, 2008.

*December 2, 2008*

The Tribunal issues a procedural order concerning the organization of the hearing on liability.

*December 13–20, 2008*

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

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

*July 10, 2008*

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

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

*July 14–18, 2008*

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

*November 26, 2008*

The Tribunal declares the proceeding closed.

*December 11, 2008*

The Tribunal renders its award.

■ **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)**

*June 30–July 1, 2008*

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

*July 2, 2008*

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

*August 28, 2008*

The Respondent files an application to dismiss the claims.

*October 6, 2008*

The Tribunal issues a procedural order concerning provisional measures.

*December 24, 2008*

Following the parties' agreement, the Tribunal confirms a procedural standstill.

*December 31, 2008*

The Respondent requests the discontinuance of the proceeding.

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

*August 18, 2008*

The Claimant files a memorial on the merits.

*September 23, 2008*

The Tribunal issues a decision concerning the procedural calendar.

*December 11, 2008*

The procedural calendar is vacated, pursuant to the parties' agreement.

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

*July 30, 2008*

The Tribunal issues a procedural order concerning the procedural calendar.

*September 22, 2008*

The Tribunal issues a further procedural order concerning the procedural calendar.

*October 23, 2008*

The Tribunal issues a further procedural order concerning the procedural calendar.

*December 4, 2008*

The Claimant requests the discontinuance of the proceeding.

*December 18, 2008*

Following the Respondent's objection to the Claimant's request for the discontinuance of the proceeding, the Tribunal issues a procedural order concerning the continuation of the proceeding.

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

*July 31, 2008*

The Respondent files a request for production of documents.

*August 8 and 13, 2008*

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

*August 15, 2008*

The Claimant files a request for provisional measures.

*August 20, 2008*

The Claimant files a reply on the merits.

*August 29, 2008*

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

*September 2 and 10, 2008*

The parties file further observations on the Claimant's request for provisional measures.

*September 23, 2008*

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

*October 22, 2008*

The Claimant withdraws its request for provisional measures of August 15, 2008.

*November 6, 2008*

The Respondent files a rejoinder on the merits.

*November 14, 2008*

The parties file witness statements.

*November 19, 2008*

The President of the Tribunal holds a procedural session with the parties by telephone conference.

*December 1, 2008*

The parties file further witness statements.

*December 3, 2008*

The President of the Tribunal holds a procedural session with the parties by telephone conference.

*December 8–12, 2008*

The Tribunal holds a hearing on the merits in Paris.

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

*August 14, 2008*

The Claimants file a memorial on the merits.

*August 29, 2008*

The Respondent files a request to join the objections to jurisdiction to the merits.

*September 15, 2008*

The Claimants file observations on the Respondent's request to join the objections to jurisdiction to the merits.

*September 17, 2008*

The Tribunal decides on the Respondent's request to join the objections to jurisdiction to the merits in summary form.

*September 22, 2008*

The Tribunal issues a detailed procedural order concerning the Respondent's request to join the objections to jurisdiction to the merits.

*December 15, 2008*

The Respondent files objections to jurisdiction and a counter-memorial on the merits.

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

*July 15, 2008*

The Respondent files a counter-memorial on the merits.

*September 22, 2008*

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

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

*July 31, 2008*

The Claimants file a memorial on the merits and request the Respondent's consent to join two additional Claimants.

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

*July 17, 2008*

The Claimant files a memorial on *quantum*.

*September 26, 2008*

The Respondent files a counter-memorial, a counter-claim and objections to jurisdiction and admissibility.

*November 6, 2008*

The Tribunal issues a procedural order concerning the procedural calendar.

*November 24, 2008*

The parties file requests for production of documents.

*December 2, 2008*

The President of the Tribunal holds a procedural session with the parties on production of documents by telephone conference.

*December 9, 2008*

The Tribunal issues a procedural order concerning production of documents.

*December 19, 2008*

Following the parties' agreement, the Tribunal confirms a procedural standstill.

*December 31, 2008*

The Respondent requests the discontinuance of the proceeding.

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

*July 21, 2008*

The Tribunal holds a first session by telephone conference.

*December 22, 2008*

The Claimant files a memorial on the merits.

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

*July 16, 2008*

The Centre invites the Claimant to clarify its request of June 24, 2008 for the revocation of the proceeding.

*August 4, 2008*

The Tribunal invites the Respondents to file observations on the Claimant's request of June 24, 2008.

*August 14, 2008*

Some of the Respondents inform the Tribunal that they do not object to the Claimant's request of June 24, 2008.

*August 15, 2008*

The Claimant files a response to the Respondents' observations of August 14, 2008.

*August 28, 2008*

The Tribunal issues a procedural order inviting the Respondents to state whether they oppose the Claimant's request of June 24, 2008, which the Tribunal understands to be a request for the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44.

*September 3, 2008*

Some of the Respondents inform the Tribunal that they do not object to the Claimant's request for the discontinuance of the proceeding.

*October 22, 2008*

The proceeding is stayed until November 15, 2008.

*November 21, 2008*

PT Kaltim Prima Coal requests the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 44.

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

*August 8, 2008*

The Respondent files a memorial on jurisdiction and admissibility.

*November 7, 2008*

The Claimants file a counter-memorial on jurisdiction and admissibility.

*November 17, 2008*

The parties file requests for production of documents.

*November 24, 2008*

Each party files observations on the other party's request for production of documents.

*December 12, 2008*

The Tribunal issues a procedural order concerning production of documents.

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

*July 25, 2008*

The Claimant files a counter-memorial on jurisdiction.

*October 15–16, 2008*

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

*November 18, 2008*

The parties file post-hearing briefs.

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

*July 23, 2008*

The Tribunal issues a procedural order concerning the procedural calendar.

*September 12, 2008*

The Tribunal issues a further procedural order concerning the procedural calendar.

*November 17, 2008*

The Tribunal issues a further procedural order concerning the procedural calendar.

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*December 3, 2008*  
The Tribunal issues a further procedural order concerning the procedural calendar.

*December 4, 2008*  
The Claimant requests the discontinuance of the proceeding.

*December 16, 2008*  
The Respondent objects to the Claimant's request for the discontinuance of the proceeding.

*December 23, 2008*  
The Tribunal issues a procedural order concerning the continuation of the proceeding.

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

*July 8, 2008*  
The Respondent files a request for provisional measures.

*August 7, 2008*  
The Claimants file observations on the Respondent's request for provisional measures.

*September 26, 2008*  
The Respondent files a memorial on jurisdiction and admissibility.

*November 5, 2008*  
The Tribunal issues a decision on provisional measures.

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

*July 3, 2008*  
The Tribunal is constituted. Its members are: Franklin Berman (British), President; Karl-Heinz Böckstiegel (German); and J. Christopher Thomas (Canadian).

*December 5, 2008*  
The Tribunal holds a first session in Washington, D.C.

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

*July 3, 2008*  
The Claimant files a counter-memorial on jurisdiction.

*August 14, 2008*  
The Respondent files a reply on jurisdiction.

*September 22, 2008*  
The Claimant files a rejoinder on jurisdiction.

*November 11, 2008*  
The Tribunal holds a hearing on jurisdiction in Washington, D.C.

*December 8, 2008*  
The Respondent files a post-hearing brief.

*December 22, 2008*  
The Claimant files a post-hearing brief.

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

*December 5, 2008*  
The Respondent requests an extension to file the counter-memorial.

*December 11, 2008*  
The Tribunal grants the Respondent's request for the extension to file the counter-memorial.

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

*August 29, 2008*  
The Claimant files a rejoinder on jurisdiction.

*October 3, 2008*  
The Tribunal holds a pre-hearing conference with the parties by telephone.

*October 16–17, 2008*  
The Tribunal holds a hearing on jurisdiction in Paris.

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

*December 9, 2008*  
The Tribunal confirms the procedural calendar as agreed by the parties.

*December 23, 2008*  
The Respondent files a counter-memorial on the merits.

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

*August 4, 2008*  
The Respondent files a counter-memorial on the merits.

*October 15, 2008*  
The Tribunal issues a procedural order concerning the procedural calendar.

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

*July 9, 2008*

The Respondent files a request for production of documents.

*July 14, 2008*

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

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

*July 31, 2008*

The Claimant files a reply on the merits.

*August 8, 2008*

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

*August 26, 2008*

The President of the Tribunal holds a procedural session with the parties by telephone conference.

*August 28, 2008*

The Tribunal issues a procedural order concerning procedural matters and production of documents.

*September 25, 2008*

The Respondent files observations on the Claimant's request for production of documents of August 8, 2008.

*October 3, 2008*

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

*November 12, 2008*

The Respondent files a rejoinder on the merits.

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

*July 1, 2008*

The Claimant files a memorial on the merits.

*October 1, 2008*

The Respondent files a counter-memorial on jurisdiction and the merits.

*November 26, 2008*

The Claimant files a reply on jurisdiction and the merits.

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

*July 16, 2008*

The Tribunal holds a first session by telephone conference.

*October 16, 2008*

The Claimant files a memorial on the merits.

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

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

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

*July 28, 2008*

The Commission declares the proceeding closed in accordance with ICSID Conciliation Rule 30(2).

*August 13, 2008*

The Commission issues its report.

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

*July 29, 2008*

The Claimant files a memorial on the merits.

*September 3, 2008*

A non-disputing party files an application pursuant to ICSID Arbitration Rule 37(2).

*September 30, 2008*

The parties file observations on the application.

*October 10, 2008*

The Claimant files further observations on the application.

*October 13, 2008*

The Respondent files further observations on the application.

*October 30, 2008*

The Respondent files preliminary objections to jurisdiction and the merits.

*November 17, 2008*

The Tribunal holds a procedural session with the parties by telephone conference.

*November 19, 2008*

The Tribunal issues a procedural order concerning the procedural calendar.

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

*July 18, 2008*

Each party files observations on the other party's request for provisional measures.

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*August 29, 2008*

The Claimant files a response to the Respondent's request to deal with the objections to jurisdiction as a preliminary matter, and to the Respondent's request for production of documents.

Each party files further observations on the other party's request for provisional measures.

*September 10, 2008*

The Respondent files additional observations on its request to deal with the objections to jurisdiction as a preliminary matter, and on its request for production of documents.

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

*September 12, 2008*

The Claimant files additional observations on the Respondent's request to deal with the objections to jurisdiction as a preliminary matter, and on the Respondent's request for production of documents. The Claimant files further observations on the parties' respective requests for provisional measures.

*October 6, 2008*

The Tribunal issues a decision on preliminary issues; as a result the proceeding on the merits is suspended.

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

*September 8, 2008*

The Respondent files a counter-memorial on the merits, including objections to jurisdiction.

*November 7, 2008*

The Claimant files a reply on the merits and jurisdiction.

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

*July 11, 2008*

The Respondent files a counter-memorial on the merits.

*September 3, 2008*

A non-disputing party files an application pursuant to ICSID Arbitration Rule 37(2).

*October 6, 2008*

The Claimants file a request for production of documents.

*October 14, 2008*

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

*October 22, 2008*

The parties file observations on the non-disputing party's application.

*October 31, 2008*

The Claimants file a reply on the merits.

*November 26, 2008*

The Tribunal issues a procedural order concerning the application of a non-disputing party to file a written submission pursuant to ICSID Arbitration Rule 37(2).

*December 22, 2008*

The Tribunal issues a procedural order concerning production of documents.

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

*October 10, 2008*

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

*October 15, 2008*

The Tribunal issues a decision on provisional measures.

*November 17, 2008*

The Tribunal issues a decision on an objection to jurisdiction.

*December 12, 2008*

The Respondent files a request for clarification of the decision on an objection to jurisdiction.

*December 19, 2008*

The Claimant files observations on the Respondent's request for clarification of the decision on an objection to jurisdiction.

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

*September 16, 2008*

The Claimant files a memorial on the merits.

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

*November 5, 2008*

The Tribunal issues a procedural order concerning the procedural calendar.

*December 18, 2008*

The Claimant files a request for production of documents.

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

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

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

*August 8, 2008*

The Tribunal is constituted. Its members are: Gilbert Guillaume (French), President; Ahmed S. ElKosheri (Egyptian); and Gabrielle Kaufmann-Kohler (Swiss).

*November 3, 2008*

The Tribunal issues a procedural order concerning questions of procedure pursuant to ICSID Arbitration Rule 20.

*November 7, 2008*

The Tribunal holds a first session in Paris.

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

*October 17, 2008*

The Tribunal is constituted. Its members are: Bruno Simma (German), President; Francisco Orrego Vicuña (Chilean); and Philippe Sands (British).

*December 16, 2008*

The Tribunal holds a first session at The Hague.

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

*September 22, 2008*

The Claimant files a counter-memorial on jurisdiction.

*December 29, 2008*

The Respondent files a reply on jurisdiction.

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

*July 23, 2008*

The Tribunal is constituted. Its members are: Kenneth Keith (New Zealand), President; Ian Bronwlie (British); and L. Yves Fortier (Canadian).

*September 8, 2008*

The Respondent files a request to deal with the objections to jurisdiction as a preliminary matter.

*September 13, 2008*

The Tribunal holds a first session at The Hague.

*September 16, 2008*

The Claimants file a memorial on the merits.

*December 1, 2008*

The Respondent files a memorial on jurisdiction.

*December 8, 2008*

The Claimants file observations on the Respondent's request to deal with the objections to jurisdiction as a preliminary matter.

*December 22, 2008*

The Respondent files a response to the Claimants' observations on the request to deal with the objections to jurisdiction as a preliminary matter.

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

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

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

*August 8, 2008*

The Claimant files a memorial on the merits.

*October 6, 2008*

The Respondent files objections to jurisdiction.

*October 9, 2008*

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

*November 17, 2008*

The Claimant files a counter-memorial on jurisdiction.

*November 26, 2008*

The Respondent files a reply on jurisdiction.

*December 5, 2008*

The Claimant files a rejoinder on jurisdiction.

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

*November 6, 2008*

The Respondent requests the Acting Secretary-General to issue an order taking note of the discontinuance of the proceeding pursuant to Article 51 of the ICSID Arbitration (Additional Facility) Rules.

*November 10, 2008*

The Claimants file observations on the Respondent's request of November 6, 2008.

*November 14, 2008*

The Respondent files a reply on the discontinuance of the proceeding.

*November 19, 2008*

The Claimants file a rejoinder on the discontinuance of the proceeding.

*December 10, 2008*

The Respondent's request of November 6, 2008 is declined by the Acting Secretary-General.

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

*September 5, 2008*

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

*November 5, 2008*

The Claimant files a memorial on the merits.

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

*July 29, 2008*

The Tribunal holds a first session in London.

*October 24, 2008*

The Claimant files a memorial on the merits.

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

*October 17, 2008*

The Tribunal is constituted. Its members are: Alejandro M. Garro (Argentine), President; Bernardo Cremades (Spanish); and Andreas Lowenfeld (U.S.).

*December 16, 2008*

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

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

*December 8, 2008*

The Tribunal is constituted. Its members are: Robert Briner (Swiss), President; Karl-Heinz Böckstiegel (German); and Brigitte Stern (French).

*December 19, 2008*

The Respondent files preliminary objections pursuant to ICSID Arbitration Rule 41(5).

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

*October 20, 2008*

The Tribunal is constituted. Its members are: Rodrigo Oreamuno (Costa Rican), President; Horacio A. Grigera Naón (Argentine); and Raúl E. Vinuesa (Argentine).

*November 5, 2008*

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

*December 1, 2008*

The Claimant files a reply on provisional measures.

*December 10, 2008*

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

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

*November 18, 2008*

The Tribunal is constituted. Its members are: Gabrielle Kaufmann-Kohler (Swiss), President; Francisco Orrego Vicuña (Chilean); and Brigitte Stern (French).

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

*November 21, 2008*

The Tribunal is constituted. Its members are: Thomas Bingham (British), President; Charles N. Brower (U.S.); and J. Christopher Thomas (Canadian).

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

*December 11, 2008*

The Tribunal is constituted. Its members are: Hans Danielius (Swedish), President; Francisco Orrego Vicuña (Chilean); and Brigitte Stern (French).

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

*September 19, 2008*

The Tribunal is constituted. Its members are: Stanimir A. Alexandrov (Bulgarian), President; Bernardo M. Cremades (Spanish); and Noah Rubins (U.S.).

*December 9, 2008*

The Tribunal holds a first session by telephone conference.

*December 23, 2008*

The Respondent files a request for production of documents.

■ **Giordano Alpi and others v. Argentine Republic  
(Case No. ARB/08/9)**

*July 28, 2008*

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

*December 5, 2008*

The Tribunal is constituted. Its members are: Bruno Simma (German), President; Karl-Heinz Böckstiegel (German); and Santiago Torres Bernárdez (Spanish).

■ **Repsol YPF Ecuador, S.A. and others v. Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (PetroEcuador) (Case No. ARB/08/10)**

*August 8, 2008*

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

■ **Bosh International, Inc. and B&P, LTD Foreign Investments Enterprise v. Ukraine  
(Case No. ARB/08/11)**

*August 21, 2008*

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

■ **Caratube International Oil Company LLP v. Republic of Kazakhstan (Case No. ARB/08/12)**

*August 26, 2008*

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

■ **Alapli Elektrik B.V. v. Republic of Turkey  
(Case No. ARB/08/13)**

*August 27, 2008*

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

■ **Impregilo S.p.A. v. Argentine Republic  
(Case No. ARB/08/14)**

*October 15, 2008*

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

■ **CEMEX Caracas Investments B.V. and CEMEX Caracas II Investments B.V. v. Bolivarian Republic of Venezuela (Case No. ARB/08/15)**

*October 30, 2008*

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

■ **GEA Group Aktiengesellschaft v. Ukraine  
(Case No. ARB/08/16)**

*November 21, 2008*

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

■ **Participaciones Inversiones Portuarias SARL v. Gabonese Republic (Case No. ARB/08/17)**

*December 16, 2008*

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

■ **Malicorp Limited v. Arab Republic of Egypt  
(Case No. ARB/08/18)**

*December 16, 2008*

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

■ **Karmer Marble Tourism Construction Industry and Commerce Limited Liability Company v. Georgia (Case No. ARB/08/19)**

*December 31, 2008*

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

■ **Millicom International Operations B.V. and Sentel GSM S.A. v. Republic of Senegal  
(Case No. ARB/08/20)**

*December 31, 2008*

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

# 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 July 1 – December 31, 2008, the governments of Austria, Cameroon, the Czech Republic, Israel, Japan, Lebanon, Malaysia and Romania 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>.

## Austria

### Panel of Conciliators and of Arbitrators

Designations effective December 9, 2008:

J. Hanns Pichler, August Reinisch and Christoph Schreuer

### Panel of Conciliators

Designation effective December 9, 2008:

Markus Burgstaller

### Panel of Arbitrators

Designation effective December 9, 2008:

Werner Melis

## Cameroon

### Panel of Conciliators

Designations effective September 8, 2008:

Edmond Claude Foumane Ze, Jean Ngassu Tcheugo, Marie-Andrée Ngwe and Aloysus Sama

### Panel of Arbitrators

Designations effective September 8, 2008:

Lucy Ayuk Nkongho, Amadou Djaligue, Gaston Kenfack Douajni and Solange Fidèle Ngono

## Czech Republic

### Panel of Arbitrators

Designation effective November 10, 2008:

Vojtěch Trapl

## Israel

### Panels of Conciliators and of Arbitrators

Designations effective November 12, 2008:

Yoel Baris, Mosche Hirsch, Deborah Milstein and Arie Reich

## Japan

### Panel of Conciliators

Designations effective September 8, 2008:

Noboru Hatakeyama, Nobuo Katsumata, Kosuke Nakahira and Toshijiro Nakajima

### Panel of Arbitrators

Designations effective September 8, 2008:

Eiichi Hoshino, Mitsuo Matsushita, Yasuhei Taniguchi and Makoto Utsumi

## Lebanon

### Panel of Arbitrators

Designation effective November 27, 2008:

Abdel Hamid El-Ahdab

## Malaysia

### Panels of Conciliators and of Arbitrators

Designations effective July 22, 2008:

Cecil W.M. Abraham, Vinayak P. Pradhan, Steve Shim Lip Kiong and Siti Norma Yaakob

## Romania

### Panels of Conciliators and of Arbitrators

Designations effective October 31, 2008:

Viorel Mihai Ciobanu, Iulia Antoanella Motoc, Dragos-Alexandru Sitaru and Victor Tanasescu

# ICSID PUBLICATIONS

In the second half of 2008, the Centre issued two new releases of its loose-leaf collection *Investment Treaties*. The releases contain the texts of 40 bilateral investment treaties concluded by 28 countries from all major regions of the world during the period 1988–2007. The Centre also prepared for print a new release of its *Investment Laws of the World* collection, which will feature new or revised investment legislation passed by Romania, the Russian Federation, Rwanda, Tajikistan and Togo.

*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.

Since the last issue of News from ICSID, the Centre has prepared two new issues of the *ICSID Review—Foreign Investment Law Journal* for publication. These issues, which follow a revised format, include articles, book reviews and case notes in the three official languages of the Centre, i.e., English, French and Spanish. The Fall 2007 issue contains the following articles:

## ***Is Mediation of Foreign Investment Disputes Plausible?***

Stephen M. Schwebel

Judge Schwebel explores in his article the practical issues, difficulties and opportunities presented by the mediation of investor-State investment disputes. Such matters include the adequacy of the mediator's preparation and knowledge of the industry, the procedures to be applied in the conciliation process, and the possible use of conciliation as a preliminary stage to avoid arbitral proceedings.

## ***Neer-ly Misled?***

Jan Paulsson and Georgios Petrochilos

Messrs. Paulsson and Petrochilos revisit the famous Neer arbitration of 1926, finding to be misplaced its frequent invocation by textbook authors and arbitration litigants in support of the notion that a single standard of review is generally applicable to all State conduct under the minimum standard of treatment. Contemporary decisions and commentaries are shown to evince a different and more limited view of Neer.

## ***The New Germany-China Bilateral Investment Treaty***

Tillmann Rudolf Braun and Pascal Schonard

Profs. Braun and Schonard examine in their article the Germany-China bilateral investment treaty (BIT) of 2007 in the context of expanding German-Chinese bilateral investment flows. The special characteristics and important functions of the Germany-China BIT are examined in light of other BITs, particularly with respect to intellectual property, national treatment and investor-State arbitration clauses.

## ***Civil Society's Voice in the Settlement of International Economic Disputes***

Brigitte Stern

Prof. Stern provides a detailed review and assessment of the growth of civil-society interventions in international economic disputes, particularly with respect to WTO dispute-settlement procedures and to NAFTA and ICSID arbitrations. The relevant views and insights of a wide number of scholars are presented and considered, as are a large number of case examples.

## ***L'amicus curiae dans l'arbitrage d'investissement***

Florian Grisel and Jorge Vinuales

In this article, Messrs. Grisel and Vinuales consider the growing role of *amici curiae* in the field of investment arbitration, in which the public's interests and finances may be deeply affected by awards. Different tribunals have devised different means of engaging third-party interventions, resulting in various soft-law doctrines but not a complete system. The authors discuss possible general standards to guide tribunals' future handling of *amicus* interventions.

## ICSID PUBLICATIONS

(continued from page 27)

## INTERNATIONAL ARBITRATION INVOLVING PARTIES FROM THE ARAB WORLD

### ***Extension of Proceedings Beyond the Original Parties***

Eloïse Obadia

Ms. Obadia considers the extent to which non-disputing parties have actually been permitted to take part in the investor-State arbitral process. The technical requirements and limitations placed upon *amici* and would-be *amici* by individual tribunals and rule amendments are considered, with particular attention being given to filing rules and access to both pleadings and hearings.

In addition to these articles, the issue includes summaries of awards rendered in three ICSID proceedings, i.e., *Bayview Irrigation District and others v. United Mexican States* (ICSID Case No. ARB(AF)/05/1), *Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines* (ICSID Case No. ARB/03/25), and *Parkerings-Compagniet AS v. Republic of Lithuania* (ICSID Case No. ARB/05/8). The ad hoc Committee's decision on annulment in *CMS Gas Transmission Company v. Argentine Republic* (ICSID Case No. ARB/01/8) is also summarized in this issue. The case summaries, a newly introduced component of the *ICSID Review—Foreign Investment Law Journal*, examine the facts and legal questions in selected cases, provide an overview of the ruling, and further contain an analysis, in which the author places the decision or award into the context of relevant investment arbitration jurisprudence.

The issue further contains an excerpt of the hitherto unpublished award rendered in *OKO Pankki Oyj and others v. Republic of Estonia* (ICSID Case No. ARB/04/6).

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.edu](mailto:jnlcirc@press.jhu.edu). ■

On October 23, 2008, an international arbitration conference focusing on "International Arbitration involving Parties from the Arab World" was organized in Stockholm by the Arbitration Institute of the Stockholm Chamber of Commerce, the Arab Association for International Arbitration (AAIA), the Arab Union for International Arbitration (AUIA), the GCC Commercial Arbitration Centre, the Chamber of National and International Arbitration of Milan (CAM), the German Arbitration Institution (DIS), the Vienna International Arbitration Centre (VIAC) and the Italian Arbitration Association (IAA).

Nassib G. Ziadé, Acting Secretary-General of ICSID, delivered a speech during the session focusing on investment arbitration involving Arab States or Arab investors, and reviewed ICSID's contribution to the development of investment arbitration in the Arab world. Mr. Ziadé's speech will be published in one of the forthcoming issues of *ICSID Review—Foreign Investment Law Journal*. ■