On the activities of the Court, on the functioning of the administrative services and on the expenditure in 2000

Sur les travaux de la Cour, sur le fonctionnement des services administratifs et sur les dépenses de l’exercice 2000
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REPORT

I. EXECUTIVE SUMMARY

1. In the year 2000 the Permanent Court of Arbitration (PCA) benefitted greatly from the increased interest on the part of States, international organizations and the public at large, generated by the exposure which the organization received in the context of its 100th anniversary the previous year. In addition to this exposure, the PCA continues through a number of promotional activities to conduct a concerted “outreach program” towards targeted sectors of the international legal community. A number of inquiries from those sectors have led to new working arrangements and responsibilities for the organization.

2. During the year 2000 the International Bureau of the PCA acted as Registry in a number of inter-State, State/non-State and international commercial arbitrations. The registry activities in these cases have added considerably to the International Bureau’s ability to deal with a wide variety of arbitral approaches. They also have served to promote use of these PCA services within the international community.

3. During the year 2000 the International Bureau put its facilities and staff at the disposal of two other tribunals. The spacious and well-appointed hearing facilities of the Peace Palace proved most useful for this purpose.

4. The International Bureau also dealt with twenty-three requests for the designation of an appointing authority or the appointment of an arbitrator in commercial arbitrations, the majority under the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules. Complying with these requests often proved complicated, as parties only approach the Secretary-General of the PCA when they are themselves unable to resolve the problems which have arisen.

5. Zambia joined the PCA by acceding to the 1907 Convention for the Pacific Settlement of International Disputes. Bulgaria, already a Member State, reconfirmed the 1907 Convention, with an interpretation. In December, the former Yugoslav Republic of Macedonia acceded to the 1907 Convention, which will make that country a Member State as of February 17, 2001. A number of other countries have indicated that internal procedures have been initiated and that accession can be expected in the year 2001.

6. The Secretary-General of the PCA visited the United Nations in New York during the 55th session of the General Assembly and held consultations with the Deputy Secretary-General, the Under Secretary-General for Political Affairs and the Assistant Secretary-General for Legal Affairs. He also traveled on official visits to Zagreb, Budapest and Bucharest. The PCA’s General Counsel participated as an Observer in the work of the 33rd session of the Working Group on Arbitration of the United Nations Commission on International Trade Law (UNCITRAL) in Vienna and, in the margins of that session, in certain drafting activities conducted by senior officials of the United Nations Economic Commission for Europe (ECE); during this period she also met with officials of the Organization for Security and Co-operation in Europe (OSCE). The PCA’s Principal Legal Counsel participated in an arbitration conference in Washington, D.C. and, during her stay, also met with officials of the International Centre for Settlement of Investment Disputes (ICSID), part of the World Bank Group.

7. During this year the PCA was honored by the visits of the President of Costa Rica, the Minister of Justice of Hungary, the Vice-Minister for the Environment of Uruguay and the State Secretary of Defense of Romania. The mechanics of international dispute resolution through the PCA was the recurrent topic of discussion. The Secretary-General was introduced by the President of the International Court of Justice (ICJ) and Mme. Guillaume to the Emperor and Empress of Japan during their visit to the Peace Palace.

8. The staff of the International Bureau completed its compilation of the proceedings of the Centenary celebrations with a publication entitled *International Alternative Dispute Resolution: Past, Present and Future*. It is another step in the efforts of the International Bureau to disseminate information about the PCA’s activities.

9. The editorial section of the International Bureau produced, in cooperation with the International Council for Commercial Arbitration (ICCA) and the General Editors, the voluminous 2000 *Yearbook Commercial*
A. Scope of Activity

The Permanent Court of Arbitration was established with the object of facilitating immediate recourse to arbitration for international differences that the parties have agreed to refer to it. The Court, which has its seat in The Hague, is competent for all arbitration cases submitted to it by agreement of the parties and is accessible at all times. Unless otherwise stipulated by the parties to a dispute, the arbitration is to be
conducted in accordance with the rules of procedure laid down in the Hague Conventions of 1899 and 1907. However, parties may also use the new sets of optional rules of arbitration patterned after those of the United Nations Commission on International Trade Law (UNCITRAL). These are: the “Permanent Court of Arbitration Optional Rules for Arbitrating Disputes between Two States”, established in 1992, and the “Permanent Court of Arbitration Optional Rules for Arbitrating Disputes between Two Parties of Which Only One Is a State”, adopted in 1993. The 1993 Rules replace the provisions on arbitration set forth in the “Rules of Arbitration and Conciliation for Settlement of International Disputes Between Two Parties of Which Only One Is a State”, established in 1962. In 1996 new procedural rules were added for arbitrations involving inter-governmental organizations.

17. The jurisdiction of the Court may be extended to disputes between non-contracting powers or between contracting powers and non-contracting powers if the parties have agreed to have recourse to the PCA. Arbitration by way of summary proceedings is also provided for.

18. A list of cases submitted to arbitration before the Court, or conducted with the cooperation of the International Bureau, is set forth in Annex 2 to this Report.

International Commissions of Inquiry and Conciliation

19. The Conventions of 1899 and 1907 provide for the constitution of International Commissions of Inquiry to facilitate the settlement of certain types of disputes by elucidating the facts by means of impartial and conscientious investigation. A list of cases submitted to International Commissions of Inquiry is set forth in Annex 3 to this Report. In 1997 the International Bureau, authorized by the Administrative Council, established the “Permanent Court of Arbitration Optional Rules of Procedure for Fact-finding Commissions of Inquiry”.

20. By a decision of the Administrative Council dated May 1, 1937, the International Bureau was authorized to place its offices and organization at the disposal of Conciliation Commissions. A list of cases submitted to Conciliation Commissions is set forth in Annex 4 to this Report. In 1996 the International Bureau, authorized by the Administrative Council, established the “Permanent Court of Arbitration Optional Conciliation Rules” which follow as closely as possible the 1980 UNCITRAL Conciliation Rules.

Provision of Staff and Facilities

21. The International Bureau, which has its offices at the Peace Palace in The Hague, makes available, by arrangement with the Carnegie Foundation:

(1) a courtroom and other hearing rooms;
(2) chambers for arbitrators and commissioners;
(3) office space and facilities for parties to disputes; and
(4) a comprehensive and up-to-date library of works on public and private international law, as well as a specialized arbitration library.

22. These facilities are made available for use by the parties to disputes at reasonable rates charged by the Carnegie Foundation in accordance with an established schedule. In addition, the International Bureau can provide parties with a full range of registry services, including legal support, court reporting, acting as the channel of communication between (counsel for) the parties, holding and disbursing deposits for costs, ensuring safe custody of documents, and arranging where necessary for efficient secretarial, language and communications services – in general, relieving the parties and the tribunal of the administrative and logistical burden of resolving the dispute.

Financial Assistance Fund

23. In October 1994 the Administrative Council agreed to establish a Financial Assistance Fund and approved the Terms of Reference and Guidelines for the operation of the Fund. This Fund, to which contributions are made on a voluntary basis, provides financial assistance to Qualifying States to enable them to meet, in whole or in part, the costs involved in international arbitration or other means of dispute settlement offered by the Hague Conventions. Qualifying States are States Parties to the Convention of 1899 or 1907.
that (1) have concluded an agreement for the purpose of submitting one or more disputes, whether existing or future, for settlement by any of the means administered by the PCA; and (2) at the time of requesting financial assistance from the Fund, are listed on the “DAC List of Aid Recipients” prepared by the Organization for Economic Co-operation and Development (OECD) in Paris. The Terms of Reference and Guidelines is reproduced in Annex 5 to this Report.

24. A Qualifying State may seek financial assistance from the Fund by submitting a written request to the Secretary-General of the PCA. A separate Board of Trustees decides on the request.

25. One country has pledged money to the Fund. Other Governments have indicated their readiness to do so as soon as the present reserves are exhausted. That is now the case and one country has made a pledge. Since the inception of the Fund, three grants of assistance have been made: one to an Asian State, and two to African States. Those grants allowed the parties to defray the costs of their arbitration and achieve the peaceful resolution of their dispute. One new request is currently under review by the Board of Trustees.

International Cooperation

26. In 1968 the PCA entered into a cooperation agreement with the International Centre for Settlement of Investment Disputes (ICSID), and in 1990 it concluded a similar agreement with the Multilateral Investment Guarantee Agency (MIGA). Both agreements provide for the use of staff and facilities in connection with proceedings conducted at the headquarters of one institution but under the auspices of the other. A 1989 cooperation agreement with the International Council for Commercial Arbitration (ICCA) provides that ICCA will furnish the Secretary-General, at his request, with information concerning arbitration institutions, experts, procedures and activities in various parts of the world. In 1996 the International Bureau concluded an additional agreement with ICCA concerning the preparation of the ICCA Publications.

27. In October 1992 the International Bureau became a member of the International Federation of Commercial Arbitration Institutions (IFCAI), which aims to establish and maintain permanent relationships among these institutions, to facilitate the exchange and distribution of information on services offered and potential arbitrators and conciliators, to promote and facilitate the publication of research on conciliation and arbitration, and to exchange information on legislation, rules, non-confidential awards and judicial decisions. This information facilitates, inter alia, the exercise of the Secretary-General’s special competence to designate appointing authorities under the UNCITRAL Arbitration Rules (see paragraph 40, below).

28. In December 1997 the Conference of States Parties to the Organisation for the Prohibition of Chemical Weapons (OPCW) in The Hague designated the International Bureau to serve as Registry for dispute resolution activities of the OPCW’s Confidentiality Commission. On December 9, 1998, at the headquarters of the OPCW, the then Secretary-General, Mr. Hans Jonkman, and the OPCW Director-General, Mr. José M. Bustani, signed the Registry Agreement between the Organisation for the Prohibition of Chemical Weapons and the Permanent Court of Arbitration. The agreement became operational in the course of 1999.

B. Developments in 2000

General

29. In the year 2000 the Permanent Court of Arbitration (PCA) benefitted greatly from the increased interest on the part of States, international organizations and the public at large, generated by the exposure which the organization received in the context of its 100th anniversary the previous year. In addition to this exposure, the PCA continues through a number of promotional activities to conduct a concerted “outreach program” towards targeted sectors of the international legal community. A number of inquiries from those sectors have led to new working arrangements and responsibilities for the organization.

30. During the year 2000 the International Bureau of the PCA acted as Registry in a number of inter-State, State/non-State and international commercial arbitrations. The registry activities in these cases have added
considerably to the International Bureau’s ability to deal with a wide variety of arbitral approaches. They also have served to promote the use of these PCA services within the international community.

31. In May a committee to draft Rules for the Resolution of Disputes Relating to the Environment and/or Natural Resources was formed with Prof. Philippe Sands as chairman and the First Secretary as secretary to the Committee. The International Bureau prepared draft Rules which were then circulated in August to the drafting committee and the Working Group for comments. The draft Rules were sent on September 5, 2000 to the Administrative Council for consideration by the Member States. At the October 10 meeting of the Administrative Council, several Governments, noting the precedential nature of the Rules, requested additional time to submit comments. The final draft of the Rules, which takes into consideration the comments received from the Governments, will be presented to the Administrative Council at the March 6, 2001 meeting. The draft Rules seek to address the principal lacunae in environmental dispute resolution identified by the Working Group. Presently there is no unified forum to which States, inter-governmental organizations, non-governmental organizations, multinational corporations and private parties can have recourse when they have agreed to seek resolution of controversies concerning environmental protection and conservation of natural resources.

32. On December 8, 2000, the newly established PCA Steering Committee on Mass Claims Processes held its first meeting at the Peace Palace. The Steering Committee, which is composed of individuals who have been active in two or more of the mass claims processes currently operational, either as an arbitrator, an administrator or counsel, was established in response to the proliferation of mass claims systems in recent years. In this connection, the PCA’s International Bureau has incorporated in its work program, under the guidance of the Steering Committee, the task of facilitating, collecting, analyzing and comparing various mass claims procedures, in order to create a conveniently accessible source of useful information for those involved in existing mass claims tribunals as well as those responsible for the design of future ones. The Steering Committee, chaired by Judge Howard Holtzmann, is expected to produce a comprehensive checklist, addressing such matters as funding, balancing arbitral and administrative approaches, key elements in drafting rules of procedure, establishing standards of proof, defining the respective functions of arbitrators and the secretariat and utilizing computer technology; it will also consider the types of support that the PCA might offer to future mass claims systems.

Registry and Related Activities

(a) Registry

The International Bureau served as Registry in the following matters:

33. The Bank for International Settlements, established at the Hague Conference held in January 1930 and headquartered in Basel, Switzerland, has renewed its ties with the PCA which has in turn affirmed to the Bank its willingness to act as Secretariat for The Hague Tribunal, the dispute resolution mechanism of the Bank under the Hague Convention of 1930.

34. On December 7-8 and 11-12, 2000, oral arguments took place at the Peace Palace in an arbitration under the auspices of the PCA between private parties from Hawaii. The Tribunal (Prof. James Crawford, President, Prof. Christopher Greenwood, Q.C. and Mr. Gavan Griffith, former Solicitor-General of Australia) heard the parties’ requests for rulings on various questions of international law. The First Secretary acted as Secretary to the Tribunal and proceedings were conducted under the UNCITRAL Arbitration Rules. The Tribunal’s decision is expected early in 2001.

35. On December 12, 2000, Eritrea and Ethiopia signed a peace agreement which provides for recourse to international arbitration in The Hague. The PCA has indicated to the UN Secretary-General its readiness to assist in all matters related to the work of the two Commissions to be established.

36. An UNCITRAL arbitration between an American corporation and a Central Asian State.

37. Arbitration proceedings between the Governments of France and the Netherlands pursuant to the 1976 Convention on the Protection of the Rhine Against Pollution by Chlorides.
(b) Iran-United States Claims Tribunal

38. The International Bureau, which provided the Iran-U.S. Claims Tribunal with office space and secretarial support before the latter moved to its own premises in 1982, continues to place its courtroom at the disposal of the Tribunal for hearings attended by representatives of parties. The International Bureau continues to serve as the secretariat of the Appointing Authority for the Tribunal, currently Prof. Sir Robert Jennings.

(c) Other Tribunals

39. In 2000 the International Bureau made its facilities available, upon request, to the following tribunals established under the rules of certain international commercial arbitration institutions, or pursuant to rules agreed ad hoc:

- A tribunal consisting of Prof. Pierre Tercier, President, Hon. Justice Trevor Morling and Prof. Georges Abi-Saab, which held hearings on February 28-March 4, 2000.
- A tribunal consisting of Mr. O.L.O. de Witt Wijnen, President, Mr. Lucien Simont and Mr. Guy Horsmans, which held hearings on August 7-11, 2000.

Designation of Appointing Authorities and Arbitrators by the Secretary-General

40. The 1976 United Nations UNCITRAL Arbitration Rules entrust the Secretary-General of the Permanent Court of Arbitration with maintaining the integrity of the arbitral process in international commercial arbitration by authorizing him, upon the request of a party, to designate an “appointing authority” for the purpose of appointing the members of an arbitral tribunal and ruling on challenges to arbitrators. Parties may also designate the Secretary-General himself as appointing authority under the UNCITRAL Rules or other instruments. This year the International Bureau has dealt with twenty-three requests to ascertain prima facie jurisdiction and to designate an appointing authority or an arbitrator. These requests require careful review of the underlying contracts and/or treaty provisions regarding dispute settlement (about which the parties were unable to agree) to determine prima facie jurisdiction and, on the basis of subsequent correspondence with the parties involved, the existence of possible procedural difficulties. Only after this is a search made for a suitable appointing authority or arbitrator.

41. January 2000: In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, an international organization requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator. In reply to the notification sent by the Secretary-General, the respondents, companies from Eastern Europe, informed him that they had just appointed their arbitrator. The claimant accepted this appointment which permitted proceedings to move forward. The Secretary-General remains charged with the task of designating an appointing authority in the event that the two party-appointed arbitrators cannot reach agreement on the choice of the presiding arbitrator.

42. In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, a North American company requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator in place of the respondent, a public authority from an Eastern European country. The Secretary-General designated the Arbitration Institute of the Stockholm Chamber of Commerce.

43. February: In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, an Asian Government requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator in place of the respondent, a North American company. The Secretary-General designated the International Arbitral Centre of the Austrian Federal Economic Chamber.

44. A European company requested the Secretary-General to assist in attempting to obtain the agreement of an African Government on the person to be selected as the sole arbitrator or, in case this request was not admissible, to designate an appointing authority. As claimant refused to pay the administrative fees, no further action was taken.

45. The International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris forwarded to the Secretary-General a file sent to it by a European company although no appointing
authority had been designated in the arbitration clause. The file revealed that the claimant did not know where to send its request and wanted information on proceedings under the UNCITRAL Arbitration Rules. The Secretary-General furnished the necessary information to the claimant. The claimant and the respondent, an African Government, settled their dispute.

46. **March:** An African company requested the Secretary-General to designate a sole arbitrator or, if this was not possible, to designate an appointing authority for the purpose of selecting the sole arbitrator. The Secretary-General replied to the claimant that he can directly appoint an arbitrator only if both parties agree. In reply to the Secretary-General’s notification of the request, the respondent, an Asian company, proposed the name of an arbitral institution as appointing authority for the purpose of selecting the sole arbitrator. The Secretary-General designated the **Hong Kong International Arbitration Centre.**

47. **April:** A Government from Eastern Europe represented by a foreign law firm requested the Secretary-General to designate an appointing authority for the purpose of deciding on the challenge of the arbitrator designated by the respondent in accordance with Article 6(2) of the UNCITRAL Arbitration Rules. The respondent, a European company, proposed to the Secretary-General the name of an arbitral institution. The respondent raised the question whether, based on claimant’s national law, it could be validly represented by a foreign law firm rather than its own national authorities. After extensive correspondence with the Secretary-General, the parties sent the Secretary-General a copy of a Memorandum of Understanding by which the parties agreed to suspend proceedings. The Secretary-General remains charged with the task of designating an appointing authority in the case that the parties cannot settle their dispute.

48. In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, a European company requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator. The respondent, a Governmental entity from the Middle East, did not reply to the notification sent by the Secretary-General. The Secretary-General designated the **Arbitration Institute of the Oslo Chamber of Commerce.** Upon receipt of this designation by the Secretary-General, the respondent appointed its arbitrator. The Arbitration Institute of Oslo has subsequently been requested by claimant to appoint the president of the tribunal.

49. In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, a European company requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator. The respondent, a European company, did not reply to the notification sent by the Secretary-General. The Secretary-General designated the **German Institution of Arbitration.** Two months later, the institution informed the Secretary-General that the parties had settled their dispute.

50. In accordance with Articles 13(1) and 7(2) of the UNCITRAL Arbitration Rules, a European company requested the Secretary-General to designate an appointing authority for the purpose of selecting a substitute arbitrator. The respondent, a Middle Eastern Government, questioned that the time limit for appointment of the substitute arbitrator had elapsed and informed the Secretary-General that it was about to appoint its arbitrator. Although respondent appointed its substitute arbitrator, the claimant maintained its request to the Secretary-General to designate an appointing authority in order to have an appointing authority in place should any need therefore appear in the future. The Secretary-General informed the claimant that the request to designate an appointing authority was not admissible as the tribunal was already constituted.

51. **May:** The claimant, a European company, sent a request for the purpose of designating an arbitrator to an arbitral institution mentioned in the arbitration clause. However, the clause was not clearly drafted and the respondent, an Eastern European company, had a different interpretation of this clause. The respondent disputed the competence of the arbitral institution and the arbitral institution found it was not competent to make the appointment. The claimant therefore requested the Secretary-General, in accordance with Article 7(2) of the UNCITRAL Arbitration Rules, to designate an appointing authority for the purpose of selecting the second arbitrator. In reply to the notification sent by the Secretary-General, the respondent raised objections related to the validity of the notice of arbitration. The Secretary-General informed the respondent that the tribunal once fully constituted would be competent to decide on this issue. The Secretary-General designated the **German Institution of Arbitration.**
52. In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, an Asian company requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator. As the request indicated that this arbitration was the continuation of an earlier arbitration involving the same contract, the Secretary-General declared that he was not competent to proceed with the designation of an appointing authority. The claimant subsequently explained that, in fact, it was not a continuation of an earlier arbitration and that its request contained new claims. On the basis of the additional information provided, the Secretary-General decided to proceed with the designation and designated the The Kuala Lumpur Regional Centre for Arbitration.

53. **July:** In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, a European company requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator. In reply to the Secretary-General’s notification of the request, the respondent, a State-owned Caribbean company, raised the issue of the validity of the arbitral clause as well as the question of court proceedings on this matter initiated in its country. The Secretary-General replied that the objections raised could only appropriately be disposed of by the arbitral tribunal once constituted. The Secretary-General designated the International Court of Arbitration of the International Chamber of Commerce, in Paris.

54. **August:** In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, a European company requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator. In reply to the Secretary-General’s notification of the request, the respondent, a European company, expressed its wish to try to resolve the dispute amicably. To date, there have been no further developments.

55. **October:** In accordance with Articles 7(3) and 6 of the UNCITRAL Arbitration Rules, a European Company requested the Secretary-General to designate an appointing authority for the purpose of selecting the president. The respondent, a North American company, in reply to the Secretary-General’s notification of the request, raised objections as to the identity of the parties and informed the Secretary-General that court proceedings had been initiated in its country. The Secretary-General replied that the objections raised could only appropriately be disposed of by the arbitral tribunal once constituted. The Secretary-General designated the International Court of Arbitration of the International Chamber of Commerce, in Paris.

56. **November:** An Eastern European company informed the Secretary-General that he might be called upon to act in the very near future as appointing authority for the purpose of selecting the sole arbitrator. To date, the respondents, European companies, are still negotiating with the claimant.

57. In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, an Eastern European company requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator. In reply to the Secretary-General’s notification of the request, the respondent, a European company, informed him that it had just appointed its arbitrator. The Secretary-General remains charged with the task of designating an appointing authority if the two party-appointed arbitrators cannot reach agreement on the choice of the presiding arbitrator.

58. A North American company requested the Secretary-General to designate an appointing authority for the purpose of selecting a sole arbitrator. The claimant then informed the Secretary-General that the respondents, Middle Eastern companies, were willing to attempt to agree on the identity of the sole arbitrator. To date, the parties are still negotiating.

59. An African company requested the Secretary-General to designate an appointing authority. The Secretary-General is awaiting the receipt of the administrative fees before taking any action.

60. **December:** In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, a North American company requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator. The Secretary-General is awaiting the receipt of the administrative fees before taking any action.

61. In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, the claimant, a South American party, requested the Secretary-General to designate an appointing authority for the purpose of selecting
the second arbitrator. The Secretary-General is awaiting the receipt of the administrative fees before taking any action.

62. In accordance with Article 7(2) of the UNCITRAL Arbitration Rules, a Central Asian company requested the Secretary-General to designate an appointing authority for the purpose of selecting the second arbitrator. The Secretary-General is awaiting the receipt of the administrative fees before taking any action.

63. An Asian company requested the Secretary-General to designate the second arbitrator in accordance with the arbitral clause. In reply to the Secretary-General’s notification of the request, the respondent, an Asian company, informed that it had just appointed its arbitrator. The Secretary-General remains charged with the task of designating an appointing authority in the case that the two party-appointed arbitrators cannot reach agreement on the choice of the presiding arbitrator.

Environmental Dispute Resolution

64. The International Bureau prepared draft Rules for the Resolution of Disputes Relating to the Environment and/or Natural Resources which were then circulated in August to the drafting committee and the Working Group for comments. The draft Rules were sent on September 5, 2000 to the Administrative Council for consideration by the Member States. The final draft of the Rules, which takes into consideration the comments received from the Governments, will be presented to the Administrative Council at the March 6, 2001 meeting.

65. Arbitration clauses with a reference to the PCA have been included in a number of Conventions pertaining to environmental protection, *inter alia*, the Convention on International Trade and Endangered Species of Wild Fauna and Flora (1973) and the Convention on the Conservation of Migratory Species of Wild Animals (1979), as well as in the dispute resolution Protocol (2000) to the Convention for the Protection of the Alps.

Cooperation Agreements

66. The editorial staff of the International Council for Commercial Arbitration (ICCA) began operations under PCA auspices on February 1, 1997. The International Bureau employs the editorial staff of the ICCA Publications and provides them with office space and administrative and other support in the preparation of the *Yearbook Commercial Arbitration*, *International Handbook on Commercial Arbitration* and *ICCA Congress Series*. This arrangement arose out of the Mutual Cooperation Agreement entered into between ICCA and the International Bureau on January 20, 1989. In 2000 the editorial staff produced the 1342 page *Yearbook* (Volume XXV) and Supplements 30, 31 and 32 of the *Handbook*, containing *inter alia*, new or revised National Reports on arbitration law and practice in Hungary, India, Italy, Malaysia and Sweden as well as the texts of new arbitration statutes in Costa Rica and Ireland.

67. The PCA has significantly expanded its research and publications activities with Kluwer Law International (KLI). In March 2000 Ms. Bette Shifman returned to the International Bureau in the position of Principal Legal Counsel. She has editorial responsibility for the KLI database and CD-Rom on international arbitration, and serves as editor of the *Journal of International Arbitration* and *World Trade and Arbitration Materials*.

Increasing Awareness of the PCA System

68. During 2000 the Secretary-General and other members of the International Bureau addressed a large number of lawyers, students and other visitors to the Peace Palace. The International Bureau also organized its second International Law Seminar, entitled “International Investments and Protection of the Environment: The Role of Dispute Resolution Mechanisms”. Keynote speaker at the seminar was H.E. Mr. Jan Pronk, Dutch Minister for the Environment. Leading experts in this field from Europe and North America participated as panelists and “floor leaders”. Their interventions along with other relevant material have been collected in the second edition of *The Permanent Court of Arbitration/Peace Palace Papers* series, scheduled to be published by Kluwer Law International in the first quarter of 2001. In the course of the year, the PCA has been preparing for the third International Law Seminar which will be held
on February 23, 2001. This one-day seminar will focus on “Arbitration in Air and Space Law including Telecommunications Activities: Enforcing Regulatory Measures”. Panelists include authorities in the fields of Air, Space and Telecommunications Law as well as arbitration practitioners.

69. During this year the PCA was honored by the visits of the State Secretary of Defense of Romania on June 27, the Vice-Minister for the Environment of Uruguay on September 7, the Minister of Justice of Hungary on October 17 and the President of Costa Rica on November 23. The mechanics of international dispute resolution through the PCA was the recurrent topic of discussion. On May 24, the Secretary-General was introduced to the Emperor and Empress of Japan during their visit to the Peace Palace, by the President of the ICJ and Mme. Guillaume.

70. During the year under review the PCA participated in several important international conferences.

- On February 18, 2000, the Secretary-General attended the International Bar Association (IBA) International Arbitration Day in Hong Kong and on February 19, 2000, he attended the London Court of International Arbitration (LCIA) European Council Symposium, also in Hong Kong.
- On May 24, 2000, the Secretary-General was introduced to the Emperor and Empress of Japan during their visit to the Peace Palace, by the President of the ICJ and Mme. Guillaume.
- On June 1-3, 2000, the Principal Legal Counsel attended the Schmitthoff Conference 2000 in London, on the theme “Law and Trade in the 21st Century”.
- On June 13-15, 2000, the First Secretary acted as a panelist at the South West Legal Foundation Conference on Arbitration in Dallas.
- The Earth Charter ceremonies, held in the presence of the Queen of the Netherlands, took place on June 29, 2000 at the Hague Academy. The Deputy Secretary-General participated in a panel composed of the Hon. Michail Gorbachev, former President of the USSR, Prof. Steven Rockefeller, the Hon. Ruud Lubbers, former Prime Minister of the Netherlands and the Hon. Maurice Strong, special assistant to the UN Secretary-General.
- On September 15-16, 2000, the General Counsel attended the London Court of International Arbitration (LCIA) European Council Symposium in Scheveningen, The Netherlands.
- On September 17-22, 2000, senior members of the International Bureau attended the International Bar Association (IBA) 2000 Conference in Amsterdam. The Secretary-General delivered an address at the luncheon for the Committee on Arbitration.
- On November 10, 2000, the Principal Legal Counsel attended the Joint Colloquium on International Arbitration at the International Centre for Settlement of Investment Disputes (ICSID) in Washington, D.C.

71. In January 2000 the Deputy Secretary-General gave a lecture at the Rusk Institute of the University of Georgia Law School. On March 14 and 15, 2000, the Deputy Secretary-General and the General Counsel gave guest lectures in the International Commercial Law Master’s Degree Program at Leiden University. On April 10, 2000, at the Fourth Meeting of the Confidentiality Commission of the Organisation for the Prohibition of Chemical Weapons (OPCW), the Principal Legal Counsel and the General Counsel were part of a team leading a Dispute Resolution Workshop training exercise for the Confidentiality Commission. In the period of April through June 2000, the General Counsel was joint coordinator and lecturer for the course in International Commercial Arbitration at the University of Utrecht. On April 27, 2000, the Principal Legal Counsel gave a guest lecture in this course. In the period May to July 2000, the Deputy Secretary-General taught a course on International Business Law in the MBA program at Webster University in Leiden. In the period of October through December 2000, the General Counsel taught a
course in International Commercial Arbitration in the International Commercial Law Master’s Degree Program at the Free University Amsterdam.

72. The International Bureau notes a significant increase in requests for information concerning the PCA’s Optional Arbitration Rules, and for assistance in drafting arbitration clauses with recourse to the PCA for use in conventions and international agreements and contracts. In addition to these more traditional modes of communication, the International Bureau notes an explosive increase of visits to its website: http://www.pca-cpa.org.

III. STATES PARTIES TO THE CONVENTIONS OF 1899 AND 1907

73. Zambia acceded to the 1907 Convention for the Pacific Settlement of International Disputes on November 1, 1999 with effect from January 1, 2000. Bulgaria, already a Member State, reconfirmed the 1907 Convention, with an interpretation on April 11, 2000, with effect from June 10, 2000. In December the former Yugoslav Republic of Macedonia acceded to the 1907 Convention, which will make that country a Member State as of February 17, 2001. Membership has now increased to 92 States. A number of other countries have indicated that internal procedures have been initiated and accession can be expected in the year 2001. A list of States Parties to the 1899 and 1907 Conventions as of March 6, 2001 is set forth in Annex 1 to this Report.

IV. MEMBERS OF THE PERMANENT COURT OF ARBITRATION

74. Each State Party is entitled to select four persons at the most, of known competency in questions of international law, of the highest moral reputation and disposed to accept the duties of arbitration for inscription as Member of the Court. A list of all the persons so inscribed as of March 6, 2001, as well as brief biographical notes, is set forth in Annex 6 to this Report.

75. Members of the Court are appointed for a term of six years. These appointments are renewable. States Parties are invited to bring to the attention of the International Bureau without delay any alteration in their lists of persons selected for membership of the Court. The Secretary-General has invited all Members to indicate whether they wish to have any special fields of experience mentioned in the biographical notes. Information received in response to this request has also been included in the notes.

76. In accordance with article 4, paragraph 1, of the Statute of the International Court of Justice, the Members of the Permanent Court of Arbitration appointed from each State Party constitute “national groups” which are entitled to nominate candidates for election, by the General Assembly and the Security Council of the United Nations, to the International Court of Justice. Apart from this role assigned to the Members of the Permanent Court of Arbitration by the ICJ Statute, they may also propose candidates for the Nobel Peace Prize.

V. ADMINISTRATIVE MATTERS

Administrative Council

77. According to article 49 of the Convention of 1907 (article 28 of the Convention of 1899) the “Administrative Council is composed of the diplomatic representatives of the Contracting Powers accredited to The Hague, and the Netherlands Minister of Foreign Affairs, who acts as President”.

78. During the year under review the Administrative Council, which is charged with the direction and control of the International Bureau, met on March 27 (when it dealt with the financial reports of the previous year) and on October 10 (when it considered and approved the budget for the year 2001 and considered the draft Rules for the Resolution of Disputes Relating to the Environment and/or Natural Resources). Increasingly, the Administrative Council is being involved in more substantive, policy related issues.
79. The Administrative Council entrusts financial supervision of the International Bureau to a Committee composed of three Members of the Administrative Council resident in The Hague. Its membership is “renewed annually on the first day of January, by replacement of one member, according to the alphabetical order of the Powers” (in French), pursuant to article XI of the Rules of Procedure of the Administrative Council. The representative of Finland served as a Member of the Committee from 1998 through 2000, and will be succeeded with effect of January 2001 by the representative of Greece. With effect of January 1, 2001, the Committee will be composed of the representatives of France, the United Kingdom and Greece. During the year under review the Committee met prior to each of the two meetings of the Administrative Council.

International Bureau

80. In the year under review the International Bureau was composed of:

Core:
- Secretary-General: Mr. Tjaco T. van den Hout
- First Secretary and Deputy Secretary-General: Ms. Phyllis Pieper Hamilton
- Second Secretary: Ms. Laurence de Blocq van Scheltinga
- Administrator: Mr. Jan Endlich
- Office Manager: Ms. Gertie Burgers

ICCA Publications:
- Managing Editor*: Ms. Judy Freedberg
- Assistant Managing Editor*: Ms. Heather Kurzbauer (from January 4, 2000)
- Desk Editor*: Ms. Hilmara Requena (until November 1, 2000)
- Desk Editor*: Ms. Alice Siegel (from October 1, 2000)
- Editorial Staff*: Ms. Silvia Borelli

Projects:
- Principal Legal Counsel*: Ms. Bette Shifman (from March 1, 2000)
- Legal Officer*: Ms. Alexa Duverger
- Assistant Office Manager/
- Administrative & IT Assistant*: Ms. Karen Franz (from October 30, 2000)
- Administrative and Editorial Assistant*: Ms. Anna Rich (from November 20, 2000)

(*extra-budgetary posts that are financed from sources of income other than Member States’ contributions)

Finance

81. The Budget Performance Report 2000, the 2000 Performance Report of the Financial Assistance Fund and the 2000 Performance Report of the Relief and Pension Fund were duly examined by the Financial Committee on January 17, 2001 and will be examined by the Administrative Council on March 6, 2001. They are available to Member States in a separate Annex to this Report.

82. The Budget for the year 2001 was approved by the Administrative Council at its meeting of October 10, 2000. It is available to Member States in a separate Annex to this Report.

83. Pursuant to article 50 of the Hague Convention of 1907, “The expenses of the Bureau shall be borne by the Contracting Powers in the proportion fixed for the International Bureau of the Universal Postal Union.” In conformity with the General Rules of the Union, which were approved at Seoul in 1994 and became effective on January 1, 1996, States Parties are divided into 11 categories contributing respectively 50, 40, 30, 25, 20, 15, 10, 5, 3, 1 and 0.5 units. The amount of the Budget, divided by the total number of units, is the unit of assessment.

84. The contributions of each Contracting Power, payable to the International Bureau by April 1, 2001, are set out in the Scale of Assessments, approved by the Administrative Council at its meeting of October 10, 2000. This scale is available to Member States in a separate Annex to this Report.
ANNEXES
Annex 1

LIST OF THE SIGNATORY AND CONTRACTING POWERS OF THE HAGUE CONVENTIONS
OF 1899 AND 1907 AND DATES ON WHICH THE CONVENTION(S) TOOK EFFECT FOR
EACH OF THEM

as at March 6, 2001

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<thead>
<tr>
<th></th>
<th>1899</th>
<th>1907</th>
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# Annex 2

## Cases Submitted to Arbitration before the Permanent Court of Arbitration,
or Conducted with the Cooperation of the International Bureau

<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of the “compromis”</th>
<th>First session</th>
<th>Closing session</th>
<th>Number of sessions</th>
<th>Date of the award</th>
<th>Arbitrators</th>
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<tbody>
<tr>
<td>I. Great Britain, Germany and Italy – Venezuela</td>
<td>Preferential Treatment of Claims of Blockading Powers Against Venezuela</td>
<td>7 May 1903</td>
<td>1 Oct. 1903</td>
<td>13 Nov. 1903</td>
<td>14</td>
<td>22 Feb. 1904</td>
<td>Mourawieff, Lammasch, de Martens</td>
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<tr>
<td>III. Japan – Germany, France and Great Britain</td>
<td>Japanese House Tax (leases held in perpetuity)</td>
<td>28 Aug. 1902</td>
<td>21 Nov. 1904</td>
<td>15 May 1905</td>
<td>4</td>
<td>22 May 1905</td>
<td>Gram, Renault, Motono</td>
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<td>V. France – Germany</td>
<td>Deserterers of Casablanca</td>
<td>10/24 Nov. 1908</td>
<td>1 May 1909</td>
<td>17 May 1909</td>
<td>6</td>
<td>22 May 1909</td>
<td>Hammarskjöld, Sir Fry, Gray, Sir Fitzpatrick, Drago</td>
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For summaries of the arbitral awards in most of these cases, see P. Hamilton, et al., *The Permanent Court of Arbitration: International Arbitration and Dispute Resolution – Summaries of Awards, Settlement Agreements and Reports* (Kluwer Law International 1999) pp. 29-281.

1. Including the opening session and the session where the award was read.
2. The names in bold type are those of the Presidents.
3. Pursuant to article 47 of the 1907 Convention (art. 26 of the 1899 Convention).
4. Excluding visits to sites from July 14 to 20, 1909.
5. Not a Member of the Permanent Court of Arbitration.
<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of the &quot;compromis&quot;</th>
<th>First session</th>
<th>Closing session</th>
<th>Number of sessions</th>
<th>Date of the award</th>
<th>Arbitrators</th>
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</thead>
<tbody>
<tr>
<td>XI. Russia – Turkey</td>
<td>Russian Claim for Indemnities (damages claimed by Russia for the delay in payment of compensation owed to Russian private persons injured in the war of 1877-1878)</td>
<td>22 July/4 Aug. 1910</td>
<td>15 Feb. 1911</td>
<td>6 Nov. 1912</td>
<td>10</td>
<td>11 Nov. 1912</td>
<td>Lardy Bon de Taube Mandelstam H.A. Bey A.R. Bey</td>
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<td>XII. France – Italy</td>
<td>French Postal Vessel “Manouba” (capture of the “Manouba”)</td>
<td>26 Jan./6 Mar. 1912</td>
<td>31 Mar. 1913</td>
<td>26 Apr. 1913</td>
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<td>6 May 1913</td>
<td>Hammarskjöld Fusinato Krieger Renault Bon de Taube</td>
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<td>XIII. France – Italy</td>
<td>The “Carthage” (capture of the “Carthage”)</td>
<td>26 Jan./6 Mar. 1912</td>
<td>31 Mar. 1913</td>
<td>26 Apr. 1913</td>
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<td>6 May 1913</td>
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<td>XIV. France – Italy</td>
<td>The “Tavignano”, “Camouna” and “Gaulois” Incident (capture of the “Tavignano” and cannon shots fired at the Tunesian ships “Camouna” and “Gaulois”)</td>
<td>8 Nov. 1912</td>
<td>26 Apr. 1913</td>
<td>3 May 1913</td>
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<td>The parties agreed to settle these cases directly</td>
<td>Hammarskjöld Fusinato Krieger Renault Bon de Taube</td>
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<td>XV. The Netherlands – Portugal</td>
<td>Dutch-Portuguese Boundaries on the Island of Timor</td>
<td>3 Apr. 1913</td>
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<td>25 June 1914</td>
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<td>XVI. Great Britain, Spain and France – Portugal</td>
<td>Expropriated Religious Properties (religious property claims in Portugal)</td>
<td>31 July 1913</td>
<td>2 Sept. 1920</td>
<td>4 Sept. 1920</td>
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<td>2 and 4 Sept. 1920</td>
<td>Root de Savornin Lohman Lardy</td>
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<td>XIX. United States of America – The Netherlands</td>
<td>The Island of Palmas Case (or Miangas) (sovereignty over the island of Palmas)</td>
<td>23 Jan. 1925</td>
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<td>XX. Great Britain – France</td>
<td>Chevreau Claims</td>
<td>4 Mar. 1930</td>
<td>5 May 1931</td>
<td>8 May 1931</td>
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<td>9 June 1931</td>
<td>Beichmann</td>
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</table>

1. Pursuant to article 47 of the 1907 Convention (art. 26 of the 1899 Convention).
2. To settle the procedural questions. At this date the Tribunal was adjourned sine die. The oral procedure started on October 28, 1912.
3. Not a Member of the Permanent Court of Arbitration.
4. The proceedings in this case were exclusively conducted in writing.
5. In this case the summary procedure provided for in Chapter IV of the Convention of October 18, 1907 was applied.
6. Pursuant to the Compromis the award was rendered in writing.
<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of the &quot;compromis&quot;</th>
<th>First session</th>
<th>Closing session</th>
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<tbody>
<tr>
<td>Former members: Bellet,2 Briner,2 Böckstiegel,2 Lagergren, Mangård,2 Riphagen, Virally,2 Ansari,2 Bahrami, Khalilian,2 Mostafavi, San,2 Shafeiei2, Brower,2 Ruda, Holtzmann,2 Allison2</td>
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</tr>
<tr>
<td>Opening second phase</td>
<td>2 May 1994 Settlement on amount of damages; order discontinuing proceedings pending</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Of the Tribunals V, VI, IX, XI, XII, XIII and XIV only the opening and closing sessions were public; the sessions of the Tribunals XX, XXII and XXV were closed sessions.

Of the Arbitral Tribunal XXIV all sessions were public, except the first session of Monday, August 2, 1954.

1. Pursuant to article 47 of the 1907 Convention (art. 26 of the 1899 Convention).
2. Not a Member of the Permanent Court of Arbitration.
<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of the “compromis”</th>
<th>First session</th>
<th>Closing session</th>
<th>Number of sessions</th>
<th>Date of the award</th>
<th>Arbitrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>XXIX. African State – two foreign nationals&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Investment dispute</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>30 Sept. 1997</td>
<td>Jennings Wallace&lt;sup&gt;2&lt;/sup&gt; Hossain&lt;sup&gt;2&lt;/sup&gt; Dispute settled by agreement of Parties</td>
</tr>
<tr>
<td>XXXI. Asian State-owned enterprise – three European enterprises&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Contract dispute</td>
<td>–</td>
<td>16 Sept. 1996</td>
<td>–</td>
<td>1</td>
<td>2 Oct. 1996</td>
<td>Jennings Wallace&lt;sup&gt;1&lt;/sup&gt; Parker&lt;sup&gt;1&lt;/sup&gt; Hossain&lt;sup&gt;2&lt;/sup&gt; Award on agreed terms</td>
</tr>
<tr>
<td>XXXII. State of Eritrea – Republic of Yemen&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Eritrea/Yemen – Sovereignty of Various Red Sea Islands&lt;sup&gt;1&lt;/sup&gt; (sovereignty; maritime delimitation)</td>
<td>3 Oct. 1996</td>
<td>26 Jan. 1998</td>
<td>–</td>
<td>–</td>
<td>9 Oct. 1998</td>
<td>Jennings Schwebei&lt;sup&gt;2&lt;/sup&gt; El-Kosheri&lt;sup&gt;2&lt;/sup&gt; Hight&lt;sup&gt;2&lt;/sup&gt; Higgins Award in the first stage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(maritime delimitation)</td>
<td></td>
<td>5-16 July 1999</td>
<td>1</td>
<td>17 Dec. 1999</td>
<td>Lalive&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>XXXIII. Italy – Costa Rica&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Loan Agreement between Italy and Costa Rica&lt;sup&gt;1&lt;/sup&gt; (dispute arising under financing agreement)</td>
<td>11 Sept. 1997</td>
<td>14 and 15 Apr. 1998</td>
<td>–</td>
<td>–</td>
<td>26 June 1998</td>
<td>Lalive&lt;sup&gt;2&lt;/sup&gt; Ferrari Bravo Hernandez Valle&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>XXXIV. Larsen – Hawaiian Kingdom&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Interpretation of an international treaty</td>
<td>30 Oct. 1999</td>
<td>8-11 Dec. 2000</td>
<td>–</td>
<td>–</td>
<td>5 Feb. 2001</td>
<td>Crawford&lt;sup&gt;2&lt;/sup&gt; Greenwood&lt;sup&gt;2&lt;/sup&gt; Griffith&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>XXXV. The Netherlands – France&lt;sup&gt;1&lt;/sup&gt;</td>
<td>1976 Convention on Protection of the Rhine Against Pollution by Chlorides</td>
<td>21 Oct./17 Dec. 1999</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>Skubiszewski Guillaume Kooijmans&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

1. Pursuant to article 47 of the 1907 Convention (art. 26 of the 1899 Convention).
2. Not a Member of the Permanent Court of Arbitration.
### International Commissions of Inquiry

<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of the inquiry</th>
<th>First session</th>
<th>Closing session</th>
<th>Number of sessions</th>
<th>Date of the report</th>
<th>Commissioners¹</th>
</tr>
</thead>
</table>
| I. Great Britain – Russia
| II. France – Italy
  Capture of the “Tavignano” and cannon shots fired at the “Canoua” and the “Galois” | 20 May 1912 1 Julv 1912 23 July 1912 21 23 July 1912² | Segrova Somborn Genoese Zerbi |
| III. Germany – Spain
  The Steamship “Tiger” (sinking of the steamer “Tiger”) | – 1 Nov. 1918 8 Nov. 1918 6 8 Nov. 1918 | Garde Montagut y Miro Horn |
| IV. Germany – The Netherlands
| V. Great Britain – Denmark


1. The names in bold type are those of the Presidents.
2. In conformity with the Inquiry Convention, this report was transmitted by the Parties to the Arbitral Tribunal charged with deciding these cases. As the Parties agreed to settle these cases, the report was not published.
### International Conciliation Commissions

<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of submission of the request</th>
<th>First session</th>
<th>Closing session</th>
<th>Number of sessions</th>
<th>Date of the “procès-verbal”</th>
<th>Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Denmark – Lithuania</td>
<td>Method of payment of the balance of the claim of the Højgaard and Schultz company on the Lithuanian Government</td>
<td>1 Sept. 1937</td>
<td>12 Nov. 1937</td>
<td>4 June 1938</td>
<td>12</td>
<td>30 Sept. 1938</td>
<td>van Karnebeek Oldenburg Vie de Fontenay Römer is Ozolins</td>
</tr>
</tbody>
</table>


1. On May 1, 1937, the Administrative Council authorized the International Bureau to put its offices and organization henceforth at the disposal of Conciliation Commissions.

2. The names in bold type are those of the Presidents.
Establishment of a Financial Assistance Fund

1. The Hague Conventions for the Pacific Settlement of International Disputes of 1899 and 1907 brought into being what is today the oldest existing global system for the peaceful settlement of international disputes. They established the Permanent Court of Arbitration, and provided for the settlement of such disputes by States Parties through arbitration and other peaceful means of their own choice.

2. States Parties to the Conventions undertake to use their best efforts to ensure the peaceful settlement of their disputes. However, there may be instances when States are deterred from recourse to international arbitration or other means of settlement offered by the Conventions because they find it difficult at the time to allocate funds to meet the costs involved. Such costs may include the fees and expenses of members of an arbitral or other body entrusted with settling the dispute; the expenses of implementing an award or other decision or recommendation of such a body; payments to agents, counsel, experts and witnesses; and operational or administrative expenses connected with oral or written proceedings. Making funds available to meet costs of this nature could facilitate recourse to arbitration or other means of settlement, thus advancing the aims and purposes of the Conventions, and promoting friendly relations and cooperation among States.

3. Accordingly, the Secretary-General of the Permanent Court of Arbitration (the “Secretary-General”) has, with the approval of the Administrative Council, established a Financial Assistance Fund for the Settlement of International Disputes (the “Fund”). The Fund will provide financial assistance to Qualifying States (as defined herein), in accordance with the terms and conditions specified herein, to enable them to meet, in whole or in part, expenses of the type referred to in paragraph 2.

Contributions to the Fund

4. The Fund shall consist of voluntary financial contributions by States, intergovernmental organizations, national institutions, as well as natural and legal persons.

Request for Financial Assistance from the Fund

5. For purposes of this document, “Qualifying State” shall mean a State that is a party to the Convention of 1899 or 1907, or any institution or enterprise owned and controlled by such State, which has concluded an agreement for the purpose of submitting one or more disputes, whether existing or future, for settlement under the auspices of the Permanent Court of Arbitration by any of the means administered by the Permanent Court of Arbitration, and which State, at the time of requesting financial assistance from the Fund, is listed on the “DAC List of Aid Recipients” prepared by the Organization for Economic Co-operation and Development (OECD).

6. Any Qualifying State may seek financial assistance from the Fund, by submitting a written request therefor to the Secretary-General, accompanied by:

   i. a copy of the above-mentioned dispute resolution agreement, as well as, in the case of an agreement to submit future disputes, a brief description of the specific dispute concerned;
   ii. an itemized statement of the estimated costs for which financial assistance is sought from the Fund;
   iii. an undertaking that the requesting State shall supply a final statement of account providing details of the expenditures made from the approved amounts, audited by an independent accountant acceptable to the International Bureau of the Permanent Court of Arbitration.
Implementing Office

7. The International Bureau of the Permanent Court of Arbitration shall be the implementing office for the Fund, and shall be responsible for the administration of the Fund. The International Bureau shall make no allocations or disbursements from the Fund, other than pursuant to a decision of the Board of Trustees, as set forth below.

Board of Trustees

8. For purposes of deciding on requests for financial assistance from the Fund, there shall be a Board of Trustees (the “Board”), composed of no fewer than three and no more than seven members who have experience in international dispute resolution and are of the highest moral standing. Members shall be appointed by the Secretary-General with the approval of the Administrative Council, and shall serve for a term of four years, which may be renewed. The Secretary-General shall be entitled to fill any vacancy occurring in the membership of the Board with immediate effect, pending approval by the Administrative Council at its next following meeting.

9. The Secretary-General shall serve as chairman of the Board. He shall conduct and participate fully in meetings of the Board, but shall not vote on any request for financial assistance from the Fund.

10. The Board shall examine requests for financial assistance from the Fund, and shall determine the amount of financial assistance to be given, if any, the categories of expenses to which it may be applied, as well as any terms and conditions it deems appropriate.

11. After having consulted the Board of Trustees, the Secretary-General shall adopt rules governing, inter alia, the manner in which the work of the Board is to be conducted. The work of the Board shall be conducted in strict confidentiality.

12. In considering a request for disbursement, the Board shall be guided, inter alia, by the financial needs of the requesting State and the availability of funds.

13. Members of the Board shall not be entitled to receive fees for their services, or reimbursement of expenses incurred in that connection. The Secretary-General may, in exceptional cases and in his sole discretion, determine the amount to be paid to a member by way of reimbursement of expenses for travel and subsistence incurred in connection with the rendering of services to the Board.

14. Upon the approval of a request for financial assistance, the amount granted shall be disbursed to the requesting State out of the Fund, pursuant to the terms and conditions set forth by the Board in its decision.

15. The decision of the Board concerning a request for financial assistance from the Fund shall be final, and not subject to recourse or review.

Reporting

16. The Secretary-General shall report to the Administrative Council at least once annually in detail on the activities and transactions relative to the Fund, including contributions pledged and received, and allocations and disbursements made. The Annual Report of the PCA shall contain a summary report on the activities of the Fund.
**Argentina**

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21-11-83 12-04-96

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26-04-95

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09-01-96

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25-07-97

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23-10-86 23-10-92

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20-04-89 21-12-95

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26-08-99
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