# Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Executive Summary</td>
<td>5</td>
</tr>
<tr>
<td>II. The Work of the Court and Its International Bureau</td>
<td>6</td>
</tr>
<tr>
<td>A. Scope of Activity</td>
<td>6</td>
</tr>
<tr>
<td>Arbitration</td>
<td>6</td>
</tr>
<tr>
<td>International Commissions of Inquiry and Conciliation</td>
<td>6</td>
</tr>
<tr>
<td>Provision of Facilities</td>
<td>7</td>
</tr>
<tr>
<td>Financial Assistance Fund</td>
<td>7</td>
</tr>
<tr>
<td>International Cooperation</td>
<td>7</td>
</tr>
<tr>
<td>B. Developments in 2005</td>
<td>8</td>
</tr>
<tr>
<td>Registry and Related Activities</td>
<td>8</td>
</tr>
<tr>
<td>(a) Registry</td>
<td>8</td>
</tr>
<tr>
<td>(b) Iran-United States Claims Tribunal</td>
<td>10</td>
</tr>
<tr>
<td>(c) Other Tribunals</td>
<td>11</td>
</tr>
<tr>
<td>Designation of Appointing Authorities and Arbitrators by the Secretary-General</td>
<td>11</td>
</tr>
<tr>
<td>Environmental Dispute Resolution</td>
<td>15</td>
</tr>
<tr>
<td>Mass Claims</td>
<td>15</td>
</tr>
<tr>
<td>Cooperation Agreements</td>
<td>16</td>
</tr>
<tr>
<td>Seminars and Conferences</td>
<td>16</td>
</tr>
<tr>
<td>Publications</td>
<td>16</td>
</tr>
<tr>
<td>Increasing Awareness of the PCA</td>
<td>17</td>
</tr>
<tr>
<td>III. State Parties to the Conventions of 1899 and 1907</td>
<td>18</td>
</tr>
<tr>
<td>IV. Members of the Permanent Court of Arbitration</td>
<td>18</td>
</tr>
<tr>
<td>V. Specialized Panels</td>
<td>18</td>
</tr>
<tr>
<td>VI. Administrative Matters</td>
<td>19</td>
</tr>
<tr>
<td>Administrative Council</td>
<td>19</td>
</tr>
<tr>
<td>International Bureau Staff</td>
<td>19</td>
</tr>
<tr>
<td>Legal Assistant and Internship Programs</td>
<td>20</td>
</tr>
<tr>
<td>Budget and Finance</td>
<td>20</td>
</tr>
<tr>
<td>Annex 1: List of Signatory and Contracting Powers of the Hague Conventions of 1899 and 1907</td>
<td>46</td>
</tr>
<tr>
<td>Annex 2: Cases Submitted to Arbitration before the Permanent Court of Arbitration, or Conducted with the Cooperation of the International Bureau</td>
<td>50</td>
</tr>
<tr>
<td>Annex 3: International Commissions of Inquiry</td>
<td>58</td>
</tr>
<tr>
<td>Annex 4: International Conciliation Commissions</td>
<td>60</td>
</tr>
<tr>
<td>Annex 6: List of Members of the Permanent Court of Arbitration</td>
<td>66</td>
</tr>
<tr>
<td>Annex 7: Members of the Specialized Panels</td>
<td>105</td>
</tr>
</tbody>
</table>
REPORT

I. EXECUTIVE SUMMARY

1. In the course of 2005, the registry caseload of the Permanent Court of Arbitration (PCA) reached an all-time high of nineteen pending cases and twenty-four requests for designation of an appointing authority or services as appointing authority.

2. With the accession of Benin and Qatar, the number of PCA member states increased to 105.

3. The PCA continued to serve as registry for both the Eritrea-Ethiopia Boundary Commission and the Eritrea-Ethiopia Claims Commission, several investor-state disputes arising under contracts or bilateral investment treaties, a number of tribunals established under Annex VII of the 1982 United Nations Convention of the Law of the Sea (UNCLOS), and the arbitration between Belgium and the Netherlands concerning the “Iron Rhine” railway. A number of new arbitrations were initiated in 2005.

4. The PCA’s cooperation with the International Council for Commercial Arbitration (ICCA) continued in 2005, with the publication of the *Yearbook Commercial Arbitration* (Volume XXX), and two supplements to the *International Handbook on Commercial Arbitration*, and *ICCA Congress Series No.12*.


6. The Secretary-General visited the United Nations Headquarters in New York on October 4, and met with UN Secretary-General, H.E. Mr. Kofi Annan, the Under Secretary-General for Political Affairs and members of the Office of the Legal Counsel.

7. The Secretary-General was introduced to the President of the Russian Federation, H.E. Mr. Vladimir Putin, who visited the Peace Palace on November 2 and delivered an address to the International Court of Justice in the Great Hall of Justice with the diplomatic corps and other dignitaries in attendance.

8. The Secretary-General gave a presentation to the British Branch of the International Law Association in London on February 16 and participated in a working meeting with representatives of the International Institute for Conflict Prevention and Resolution in New York on October 3. Members of the PCA legal staff attended, and in some cases addressed, conferences, universities and meetings in such venues as Geneva, London, Montreal, New Delhi, New York, Paris, Prague, Stockholm, and Vienna.

9. The Secretary-General and other staff members of the International Bureau made a number of presentations in the Peace Palace and elsewhere to high-ranking officials from Australia, Canada, India, and Turkey, as well as to judges, legal advisors, members of the diplomatic corps, lawyers, law students, and other groups, on subjects relating to the PCA.

10. In December, the PCA concluded an exchange of letters between the Secretary-General and the Registrar of the International Tribunal for the Law of the Sea (ITLOS) in Hamburg, Germany, concerning cooperation between the two institutions on relevant legal and administrative matters.

II. THE WORK OF THE PCA AND ITS INTERNATIONAL BUREAU

A. Scope of Activity

12. The Permanent Court of Arbitration was established by the Convention for the Pacific Settlement of International Disputes, concluded at The Hague in 1899 during the first Hague Peace Conference. The Conference was convened at the initiative of Czar Nicolas II of Russia “with the object of seeking the most objective means of ensuring to all peoples the benefits of a real and lasting peace, and above all, of limiting the progressive development of existing armaments.” The most lasting achievement of the Conference was the establishment of the PCA: the first global mechanism for the settlement of interstate disputes. The 1899 Convention, which provided the legal basis for the PCA, was revised at the second Hague Peace Conference in 1907.

13. Although the 1899 and 1907 Conventions contain basic rules of procedure, parties may, by agreement, adopt their own procedural framework, or may elect to use the PCA’s own modern rules of procedure, which are based on the highly regarded and widely used arbitration rules 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 (adopted in 1992); the Permanent Court of Arbitration Optional Rules for Arbitrating Disputes between Two Parties of Which Only One Is a State (1993); the Permanent Court of Arbitration Optional Rules for Arbitration Involving International Organizations and States (1996); the Permanent Court of Arbitration Optional Rules for Arbitration between International Organizations and Private Parties (1996); the Permanent Court of Arbitration Optional Conciliation Rules (1996); the Permanent Court of Arbitration Optional Rules for Fact-finding Commissions of Inquiry (1997); the Permanent Court of Arbitration Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment (2001); and the Permanent Court of Arbitration Optional Rules for Conciliation of Disputes Relating to Natural Resources and/or the Environment (2002).

14. Initially conceived as an instrument for the settlement of disputes between states, the PCA was authorized, in the 1930s, to use its facilities for conciliation, and for the arbitration of international disputes between states and private parties, thus making it available for resolving certain commercial and investment disputes. The 1899 and 1907 Conventions expressly empower the PCA to administer dispute resolution between non-contracting powers or between contracting powers and non-contracting powers, if the parties have agreed to have recourse to the PCA. International commercial arbitration can also be conducted under PCA auspices; to this end, the PCA has adopted a set of Procedures for Cases Under the UNCITRAL Arbitration Rules, describing the types of registry services it makes available to such tribunals. The PCA’s current caseload – the largest in its 106-year history – reflects the breadth of PCA involvement in international dispute resolution, encompassing territorial, treaty, and human rights disputes between states; and commercial and investment disputes, including disputes arising under bilateral and multilateral investment treaties.

15. A list of cases submitted to arbitration under the auspices of the PCA is – to the extent permitted by confidentiality requirements of parties – set out in annex 2 to this Report.

International Commissions of Inquiry and Conciliation

16. 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 through impartial investigation. A list of cases submitted to International Commissions of Inquiry is set forth in annex 3 to this Report. The Permanent Court of Arbitration Optional Rules of Procedure for Fact-finding Commissions of Inquiry were adopted in 1997.

17. 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. The Permanent Court of Arbitration Optional Conciliation Rules, which follow closely the 1980 UNCITRAL Conciliation Rules, were adopted in 1996. On April 16, 2002, the Administrative Council adopted the Permanent Court of Arbitration Optional Rules for Conciliation of Disputes Relating to Natural Resources and/or the
Environment, which complement the 2001 Permanent Court of Arbitration Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment.

Provision of Facilities

18. The PCA provides full registry services and legal support to tribunals and commissions, serving as the official channel of communication and ensuring safe custody of documents, in addition to services such as research, financial administration, logistical and technical support at meetings and hearings, travel arrangements, translation and interpretation, and general secretarial support. At its headquarters in the Peace Palace in The Hague, the PCA has a spacious and well-appointed courtroom, as well as several hearing rooms and administrative areas, all of which are available not only for its own proceedings, but also – at reasonable rates charged by the Peace Palace in accordance with an established schedule – to non-PCA tribunals that wish to hold their hearings at the Peace Palace.

Financial Assistance Fund

19. 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 state 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). A qualifying state may seek financial assistance from the fund by submitting a written request to the Secretary-General of the PCA. An independent Board of Trustees decides on the request. The Terms of Reference and Guidelines have been reproduced in annex 5 this Report.

20. Since the establishment of the fund, Norway, Cyprus, the United Kingdom, South Africa, the Netherlands, and Costa Rica have made contributions, and four grants of assistance have been made: one to a Central Asian state, one to an Asian state, and two to African states. These grants have allowed the parties to defray the costs of arbitration.

International Cooperation

21. 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.

22. A 1989 cooperation agreement with the International Council for Commercial Arbitration (ICCA) provides that ICCA will provide the Secretary-General, at his request, with information concerning arbitration institutions, experts, procedure 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.

23. For over a decade, the PCA has been a member of the International Federation of Commercial Arbitration Institutions (IFCAI), which aims to establish and maintain permanent relationships among commercial arbitration institutions; facilitate the exchange and distribution of information on services offered and potential arbitrators and conciliators; promote and facilitate the publication of research on conciliation and arbitration; and 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).

24. In December 1997, the Conference of State 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. The relevant agreement was concluded on December 9, 1998, and became effective in 1999.

25. In recent years the PCA has embarked on the development of “PCA Regional Facilities,” with the aim of making the PCA’s experience and expertise in dispute resolution more accessible. This initiative seeks to establish a “legal framework” under which future PCA-administered arbitrations can be conducted in a selected host country on an ad hoc basis, without the need for a permanent physical presence. Under this framework, the PCA and the host state will cooperate to ensure that arbitrators and PCA staff are able to perform their functions under the same type of conditions that are guaranteed under the PCA’s Headquarter’s Agreement with the government of The Netherlands.

B. Developments in 2005

Registry and Related Activities

(a) Registry

26. In the course of 2005, the Permanent Court of Arbitration (PCA) acted as registry in nineteen cases. This was the highest level of activity in the institution’s history. Cases included inter-state and state/non-state arbitrations. The registry experience in these cases has added considerably to the International Bureau’s capacity to deal with a wide variety of disputes. To the extent permitted by the parties’ own confidentiality requirements, information on recent and pending cases is set forth in this report and in greater detail on the PCA’s website: http://www.pca-cpa.org.
27. The International Bureau serves as registry for the arbitral tribunal concerning the Bank for International Settlements, established pursuant to Article XV of an Agreement signed at The Hague on January 20, 1930. The tribunal is composed of Professor W. Michael Reisman (President), Professor Dr. Dres. h.c. Jochen Abr. Frowein, Professor Mathias Krafft, Professor Paul Lagarde, and Professor Albert Jan van den Berg. On September 19, 2003, the tribunal issued a final award in a dispute between the Bank and three of its former private shareholders. There are no arbitrations currently pending.

28. Since 2001, the International Bureau has served as registry for the Boundary and Claims Commissions established pursuant to the December 12, 2000 Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia.

29. The Eritrea-Ethiopia Boundary Commission, composed of Sir Elihu Lauterpacht, CBE QC (President), His Excellency Prince Bola Adesumbo Ajibola (appointed by Ethiopia), Professor W. Michael Reisman (appointed by Eritrea), Judge Stephen M. Schwebel (appointed by Eritrea), and Sir Arthur Watts, KCMG QC (appointed by Ethiopia), delivered its Decision on Delimitation of the Border in April 2002. Thereafter, as required by the December 2000 Algiers Peace Agreement, the Commission proceeded with activities aimed at the physical demarcation of the border. The Commission reports regularly on its work to the Secretary-General of the United Nations. These reports are annexed to the Secretary-General’s quarterly reports to the UN Security Council, and are available, inter alia, on the PCA’s website. Over the course of 2005, the Commission reported to the UN Secretary-General that the Commission had, regrettably, and for reasons beyond its control, been unable to make progress with its demarcation activities. In keeping with its undertaking to continue its work, if the parties cooperate fully in the manner foreseen in the Algiers Agreement, the Commission has maintained its presence in the area, but has reduced its activity to the minimum compatible with its being able to resume it, if and when the parties make it possible for the Commission to do so.

30. The Eritrea-Ethiopia Claims Commission is composed of Professor Hans van Houtte (President), Judge George Aldrich and Dean James Paul (both appointed by Ethiopia), and Mr. John Crook and Ms. Lucy Reed (both appointed by Eritrea). Its mandate is to “decide through binding arbitration all claims for loss, damage or injury by one government against the other, and by nationals (including both natural and juridical persons) of one party against the government of the other party or entities owned or controlled by the other party that are (a) related to the conflict that was the subject of the Framework Agreement, the Modalities for its Implementation and the Cessation of Hostilities Agreement, and (b) result from violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law.” The International Bureau continued to serve as registry for the Commission in 2005. The Commission held hearings in camera at the Peace Palace on the Parties’ remaining liability claims during April and rendered its awards on those claims on December 19, 2005. The next stage in the Commission’s work will be the quantum phase.
31. Arbitration of a dispute between Saluka Investments B.V. and the Czech Republic is being conducted under the UNCITRAL Arbitration Rules, with the International Bureau as registry. The members of the arbitral tribunal are Sir Arthur Watts, KCMG QC (Chairman), Professor Dr. Peter Behrens, and Maître L. Yves Fortier, CC QC.

32. The International Bureau continued in 2005 to serve as registry for the arbitral tribunal established under Annex VII of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to decide a dispute between Ireland and the United Kingdom concerning a nuclear power facility in the United Kingdom (the “MOX Case”). Proceedings in the MOX Case were suspended in 2003 pending resolution of certain European law issues in the European Court of Justice, and they remained suspended throughout 2005, with the Parties submitting periodic progress reports to the MOX tribunal. The tribunal is composed of Judge Thomas A. Mensah (President), Professor James Crawford, SC, Maître L. Yves Fortier, CC QC, Professor Gerhard Hafner, and Sir Arthur Watts, KCMG QC.

33. On May 24, 2005, an award was rendered by the arbitral tribunal constituted to resolve a dispute between The Kingdom of Belgium and The Kingdom of the Netherlands. The dispute concerned the reactivation of the Iron Rhine, or “IJzeren Rijn” as it is known in Dutch, which is a railway linking the port of Antwerp, Belgium, to the Rhine basin in Germany, via the Dutch provinces of Noord-Brabant and Limburg. The dispute was submitted by agreement of the Parties in July 2003 to an arbitral tribunal established under the auspices of the PCA. Pursuant to Requests submitted by Belgium, the arbitral tribunal also issued an Interpretation of the Award and Correction to the Award on September 20, 2005. The arbitral tribunal was composed of Judge Rosalyn Higgins (President), Professor Guy Schrans, Judge Bruno Simma, Professor Alfred Soons, and Judge Peter Tomka.

34. The International Bureau continued to act as registry in an arbitration between Malaysia and Singapore. The case concerned land reclamation by Singapore in and around the Straits of Johor and was instituted by Malaysia on July 4, 2003, pursuant to Article 287 of UNCLOS and Article 1 of UNCLOS Annex VII. The Parties signed a Settlement Agreement on April 26, 2005, and an Award on Agreed Terms was issued by the Tribunal on September 1, 2005. The arbitral tribunal consisted of Mr. M.C.W. Pinto (President), Dr. Kamal Hossain, Professor Bernard H. Oxman, Professor Ivan Shearer, and Sir Arthur Watts, KCMG QC.

35. An arbitration conducted under the UNCITRAL Arbitration Rules and concerning an investment dispute between Telekom Malaysia Berhad, a Malaysian company, and the Government of the Republic of Ghana also settled in the spring of 2005, and the Final Award on Agreed Terms was issued on September 1, 2005. The International Bureau provided registry services for the tribunal, which consisted of Professor Albert Jan van den Berg (President), Professor Emmanuel Gaillard, and Mr. Robert Layton.

36. The International Bureau continued in 2005 to serve as registry in an arbitration between Barbados and the Republic of Trinidad and Tobago relating to the delimitation of the maritime boundary between them. The proceedings, which were submitted pursuant to Part XV of UNCLOS and UNCLOS Annex VII, were instituted by Barbados in February 2004. A hearing was held in London in October 2005 and an award is due to be rendered in early 2006. The tribunal consists of Judge Stephen Schwebel (President), Mr. Ian Brownlie, CBE, QC, Professor Vaughan Lowe, Professor Francisco Orrego Vicuña, and Sir Arthur Watts, KCMG QC.

37. The International Bureau also continued in 2005 to serve as registry in an arbitration between Guyana and Suriname concerning delimitation of their maritime boundary. The proceedings, submitted pursuant to Part XV of UNCLOS and UNCLOS Annex VII, were instituted by Guyana in February 2004. The case is in the written pleading phase, with a hearing expected to be held in late 2006. The tribunal consists of Judge Dolliver Nelson (President), Professor Thomas Franck, Professor Hans Smit, Professor Ivan Shearer, and Dr. Kamal Hossain.

(b) Iran-United States Claims Tribunal

38. The PCA provided the Iran-United States Claims Tribunal with office space and secretarial support before the latter moved to its own premises in 1982. The PCA continues to serve as secretariat of the Claims Tribunal’s appointing authority, who, according to the tribunal rules, is appointed by the Secretary-General of the PCA. The current appointing authority is former President of the Supreme Court of The Netherlands (“Hoge Raad”), Justice W.E. Haak.
(c) Other Tribunals

39. The PCA makes its facilities available, upon request, to tribunals established under the rules of certain international commercial arbitration institutions, or pursuant to rules agreed to ad hoc. In 2005 the following tribunals made use of the PCA’s facilities:

- an ad hoc ICSID Committee consisting of Judge Florentino Feliciano (President), Mr. Omar Nabulsi and Professor Brigitte Stern held a meeting on May 19;
- an NAI tribunal consisting of the Rt. Hon. Lord Mustill (President), Prof. Dr. M.J.G.C. Raaijmakers, and Mr. S. Royer held a hearing on June 3;
- an ICC tribunal consisting of Judge Charles N. Brower (President), Lord Slynn of Hadley and Mr. William Laurence Craig held hearings from November 14–22.

Designation of Appointing Authorities and the Appointment of Arbitrators by the Secretary-General

40. Articles 6, 7 and 12 of the 1976 United Nations UNCITRAL Arbitration Rules, reproduced below, entrust the Secretary-General of the PCA with maintaining the integrity of the international arbitral process, 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 as appointing authority under the UNCITRAL Rules or other instruments.

RESOLUTION 31/98 ADOPTED BY THE UN GENERAL ASSEMBLY ON 15 DECEMBER 1976


The General Assembly,

Recognizing the value of arbitration as a method of settling disputes arising in the context of international commercial relations,

Being convinced that the establishment of rules for ad hoc arbitration that are acceptable in countries with different legal, social and economic systems would significantly contribute to the development of harmonious international economic relations,

Bearing in mind that the Arbitration Rules of the United Nations Commission on International Trade Law have been prepared after extensive consultation with arbitral institutions and centres of international commercial arbitration,

Noting that the Arbitration Rules were adopted by the United Nations Commission on International Trade Law at its ninth session after due deliberation,

1. Recommends the use of the Arbitration Rules of the United Nations Commission on International Trade Law in the settlement of disputes arising in the context of international commercial relations, particularly by reference to the Arbitration Rules in commercial contracts;
2. Requests the Secretary-General to arrange for the widest possible distribution of the Arbitration Rules.

UNCITRAL ARBITRATION RULES
SECTION II. COMPOSITION OF THE ARBITRAL TRIBUNAL

APPOINTMENT OF ARBITRATORS

Article 6

1. If a sole arbitrator is to be appointed, either party may propose to the other:
   (a) The names of one or more persons, one of whom would serve as the sole arbitrator; and
   (b) If no appointing authority has been agreed upon by the parties, the name or names of one or more institutions or persons, one of whom would serve as appointing authority.

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2. If within thirty days after receipt by a party of a proposal made in accordance with paragraph 1 the parties have not reached agreement on the choice of a sole arbitrator, the sole arbitrator shall be appointed by the appointing authority agreed upon by the parties. If no appointing authority has been agreed upon by the parties, or if the appointing authority agreed upon refuses to act or fails to appoint the arbitrator within sixty days of the receipt of a party’s request therefor, either party may request the Secretary-General of the Permanent Court of Arbitration at The Hague to designate an appointing authority.

3. The appointing authority shall, at the request of one of the parties, appoint the sole arbitrator as promptly as possible. In making the appointment the appointing authority shall use the following list-procedure, unless both parties agree that the list-procedure should not be used or unless the appointing authority determines in its discretion that the use of the list-procedure is not appropriate for the case:
   (a) At the request of one of the parties the appointing authority shall communicate to both parties an identical list containing at least three names;
   (b) Within fifteen days after the receipt of this list, each party may return the list to the appointing authority after having deleted the name or names to which he objects and numbered the remaining names on the list in the order of his preference;
   (c) After the expiration of the above period of time the appointing authority shall appoint the sole arbitrator from among the names approved on the lists returned to it and in accordance with the order of preference indicated by the parties;
   (d) If for any reason the appointment cannot be made according to this procedure, the appointing authority may exercise its discretion in appointing the sole arbitrator.

4. In making the appointment, the appointing authority shall have regard to such considerations as are likely to secure the appointment of an independent and impartial arbitrator and shall take into account as well the advisability of appointing an arbitrator of a nationality other than the nationalities of the parties.

Article 7

1. If three arbitrators are to be appointed, each party shall appoint one arbitrator. The two arbitrators thus appointed shall choose the third arbitrator who will act as the presiding arbitrator of the tribunal.

2. If within thirty days after the receipt of a party’s notification of the appointment of an arbitrator the other party has not notified the first party of the arbitrator he has appointed:
   (a) The first party may request the appointing authority previously designated by the parties to appoint the second arbitrator; or
   (b) If no such authority has been previously designated by the parties, or if the appointing authority previously designated refuses to act or fails to appoint the arbitrator within thirty days after receipt of a party’s request therefor, the first party may request the Secretary-General of the Permanent Court of Arbitration at The Hague to designate the appointing authority. The first party may then request the appointing authority so designated to appoint the second arbitrator. In either case, the appointing authority may exercise its discretion in appointing the arbitrator.

3. If within thirty days after the appointment of the second arbitrator the two arbitrators have not agreed on the choice of the presiding arbitrator, the presiding arbitrator shall be appointed by an appointing authority in the same way as a sole arbitrator would be appointed under Article 6.

CHALLENGE OF ARBITRATORS

Article 12

1. If the other party does not agree to the challenge and the challenged arbitrator does not withdraw, the decision on the challenge will be made:
   (a) When the initial appointment was made by an appointing authority, by that authority;
   (b) When the initial appointment was not made by an appointing authority, but an appointing authority has been previously designated, by that authority;
   (c) In all other cases, by the appointing authority to be designated in accordance with the procedure for designating an appointing authority as provided for in Article 6.

2. If the appointing authority sustains the challenge, a substitute arbitrator shall be appointed or chosen pursuant to the procedure applicable to the appointment or choice of an arbitrator as provided in Articles 6 to 9 except that, when this procedure would call for the designation of an appointing authority, the appointment of the arbitrator shall be made by the appointing authority which decided on the challenge.
41. Requests relating to appointing authority services often require careful review of the dispute settlement provisions of the underlying contracts and/or treaties, in order to establish the prima facie existence of an arbitration agreement. Only then is a search made for a suitable appointing authority or arbitrator.

42. During 2005, the PCA received twenty-four new requests relating to its appointing authority services under the UNCITRAL Arbitration Rules or other ad hoc arbitration provisions. These requests included sixteen requests that the Secretary-General designate an appointing authority, six requests that the Secretary-General act as the appointing authority for the appointment of arbitrators, and one request that the Secretary-General appoint an independent expert.

43. Overview of appointing authority activity in 2005:

**Case No. AA209**: In a case introduced in 2004 (see 2004 Annual Report), the Secretary-General was called upon by Claimant, a European company, and Respondent, a North American company, to act as appointing authority for the appointment of a presiding arbitrator. The Secretary-General appointed the presiding arbitrator.

**Case No. AA220**: In a case introduced in 2004 (see 2004 Annual Report) in connection with a request for information regarding arbitrators’ fees, Claimant, a European company, submitted a new request that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a Caribbean company. The Secretary-General designated an individual as appointing authority.

**Case No. AA223**: Claimants, two European individuals and an African company, requested that the Secretary-General designate an appointing authority for the appointment of a sole arbitrator in a dispute with Respondents, an African government and an African state entity. The Secretary-General designated an individual as appointing authority.

**Case No. AA224**: The Secretary-General was requested by a Caribbean corporation to appoint an independent expert in connection with a dispute arising out its agreement with an African corporation. The Secretary-General appointed an expert.

**Case No. AA225**: Claimant, a Caribbean company, requested that the Secretary-General designate an appointing authority for the appointment of a presiding arbitrator in a dispute with Respondent, another Caribbean company. The Secretary-General designated an individual as appointing authority.

**Case Nos. AA226, 227 & 288**: In three related disputes, Claimants, three European companies, and Respondent, a European government, agreed that the Secretary-General act as appointing authority for the appointment of the presiding arbitrator. The Secretary-General appointed the presiding arbitrator in these three proceedings.
Case No. AA229: Claimants, a Caribbean company and a North American company, served Respondent, an African company, with a notice of arbitration and appointed the first arbitrator. Respondent appointed the second arbitrator and challenged the arbitrator appointed by Claimants. Respondent requested that the Secretary-General designate an appointing authority to decide on the challenge. The Secretary-General designated an institution as appointing authority.

Case No. AA230: The agreement governing the relationship between Claimant, a North American government, and Respondent, an Asian government, called for the Secretary-General to appoint the arbitrators in the event of default by one party or failure to agree on a presiding arbitrator. A request to appoint was subsequently withdrawn following the settlement of the dispute.

Case No. AA231: The Secretary-General was contacted regarding the appointment of an arbitrator in a dispute between Claimants, a joint venture based in Asia, and Respondents, an African government and an African state entity. The case is pending.

Case No. AA232: Claimant, an African company, served Respondents, a European company and a North American corporation, with a notice of arbitration and appointed the first arbitrator. Respondents appointed the second arbitrator who was subsequently challenged by Claimant. Claimant requested that the Secretary-General designate an appointing authority to decide on the challenge. The Secretary-General designated an institution as appointing authority.

Case No. AA233: Claimant, a Caribbean company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a North American company. The Secretary-General designated an institution as appointing authority.

Case No. AA234: Claimant, a Central American company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondents, a Central American government and a Central American state entity. Following appointment of the second arbitrator by Respondent, Claimant withdrew its request.

Case No. AA235: Claimant, a European company, and Respondent, an Asian state entity, appointed their co-arbitrators. The party-appointed arbitrators were not able to reach agreement on the presiding arbitrator within the thirty-day time limit foreseen in the UNCITRAL Rules. At Respondent’s request, the institution designated as appointing authority in the parties’ agreement appointed the presiding arbitrator. On the basis that the designated appointing authority did not appoint the presiding arbitrator within the sixty-day time limit foreseen in the UNCITRAL Rules, Claimant requested that the Secretary-General designate an appointing authority to appoint a presiding arbitrator. The Secretary-General designated the institution named in the parties’ agreement as appointing authority.

Case No. AA236: Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a European government. The Secretary-General designated an individual as appointing authority.

Case No. AA237: Claimant, a European individual, and Respondent, a European government, appointed their co-arbitrators. The party-appointed arbitrators were not able to reach agreement on the presiding arbitrator within the thirty-day time limit foreseen in the UNCITRAL Rules. Both parties requested that the Secretary-General designate an appointing authority to appoint a presiding arbitrator. The Secretary-General designated an institution as appointing authority.

Case No. AA238: Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with Respondent, a Middle Eastern company. The Secretary-General designated an institution as appointing authority.

Case No. AA239: Claimant, an African company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, another African company. The Secretary-General designated an individual as appointing authority.

Case No. AA240: Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a European government. The Secretary-General designated an individual as appointing authority.
Case No. AA241: Claimant, a European company, and Respondent, a South American government, appointed their co-arbitrators and the two party-appointed arbitrators agreed upon a presiding arbitrator. Respondent challenged the presiding arbitrator and requested that the Secretary-General designate an appointing authority to decide on the challenge. The Secretary-General designated an institution as appointing authority.

Case No. AA242: The agreement governing the relationship between Claimant, an Asian state entity, and Respondent, a European company, called for the Secretary-General to act as appointing authority. Each party appointed a co-arbitrator. After the party-appointed arbitrators were not able to reach agreement on the presiding arbitrator within the thirty-day time limit foreseen in the UNCITRAL Rules, Claimant requested that the Secretary-General proceed with the appointment of a presiding arbitrator. The Secretary-General appointed the presiding arbitrator.

Case No. AA243: Claimant, a Caribbean company, requested that the Secretary-General designate an appointing authority for the appointment of a sole arbitrator in a dispute with Respondent, a Caribbean government. The Secretary-General designated an institution as appointing authority.

Case No. AA244: Claimant, an Australasian individual, requested that the Secretary-General act as appointing authority for the appointment of a sole arbitrator in a dispute with Respondent, a European state entity. The Secretary-General declined to act in the absence of Respondent’s agreement.

Case No. AA245: Claimants, three Australasian companies, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondents, another Australasian company and an Asian company. The Secretary-General designated an institution as appointing authority.

Environmental Dispute Resolution

44. The PCA continued to develop its role in the field of environmental dispute resolution through promotion of the 2001 Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment, and the 2002 Optional Rules for Conciliation of Disputes Relating to Natural Resources and/or the Environment (Environmental Rules). The International Bureau administered several cases with an environmental component in 2005, including four relating to the UN Convention on the Law of the Sea, one under the OSPAR Convention, the Iron-Rhine case between Belgium and The Netherlands, and several disputes involving private parties.

45. In the field of climate change, the Environmental Rules have been referred to in the arbitration clauses of numerous agreements relating to emissions trading.

46. The Environmental Rules were designed as dispute resolution procedures for multilateral environmental agreements (MEAs). To assist the incorporation of the Environmental Rules in these instruments, during 2005 the PCA participated in negotiations of MEAs, including the 11th Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) in Montreal. It also participated in meetings on International Emissions Trading (CarbonExpo), the Experts Meeting of the Centre for International Sustainable Development Law (CISDL), and on Foreign Direct Investment and Environment (at the UN Conference on Trade and Development (UNCTAD), the International Institute for Sustainable Development (IISD), and the International Construction Superconference.

Mass Claims

47. The PCA compiled and edited a volume of fifteen studies in the field of mass claims settlement addressing such topics as lessons learned from past and current mass claims processes, innovations to speed mass claims, and the role of these mechanisms in redressing injustices. The volume, Redressing Injustices Through Mass Claims Processes: Innovative Responses to Unique Challenges, will be published by Oxford University Press in early 2006.

48. The PCA’s Steering Committee on Mass Claims Processes, chaired by Judge Howard Holtzmann, met at the Peace Palace in June 2005 to review the latest draft of the text it has compiled on international mass claims processes. The final draft was circulated to the Committee for its review in September 2005. The editors, Judge Holtzmann and Edda Kristjánsdóttir (former Assistant Legal Counsel at the PCA), expect that volume, International Mass Claims Processes – which will cover eleven mass claims processes – to be published by Oxford University Press in mid-2006.
Cooperation Agreements

49. The editorial staff of the International Council for Commercial Arbitration (ICCA) began operations under PCA auspices on February 1, 1997. The PCA 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 PCA on January 20, 1989. In 2005, the editorial staff produced the 1308 page *Yearbook* (Volume XXX). In addition, Supplements 43–44 of the *Handbook* and *ICCA Congress Series No. 12, New Horizons in International Commercial Arbitration and Beyond*, were published.

50. The PCA continued its research and publication activities with Kluwer Law International (KLI) during 2005. The Deputy Secretary-General served as editor of the *Journal of International Arbitration* and *World Trade and Arbitration Materials*, and had editorial responsibility for the KLI database and CD-ROM on international arbitration. KLI maintained, in collaboration with the PCA and the Dallas-based Institute for Transnational Arbitration, a comprehensive internet portal for arbitrators and arbitration practitioners.

51. The PCA entered into an agreement with TMC Asser Press for the publication of a PCA Award Series. The Series will feature recent arbitral awards rendered under the auspices of the PCA, accompanied by commentary from pre-eminent international legal scholars. The first volume of the series, containing the awards of the Eritrea-Yemen Arbitration and commentary by Professor Jean-Pierre Queneudec, Professor Emeritus at the University of Paris I, was published in 2005. The second volume of the series, containing the decisions of the Eritrea-Ethiopia Boundary Commission, is expected to be published in 2006. Forthcoming volumes will include the awards of the Ireland/United Kingdom OSPAR Arbitration, the Bank for International Settlements Arbitration, the Eritrea-Ethiopia Claims Commission, and several pending arbitrations under Annex VII to the UN Convention on the Law of the Sea.

52. The PCA entered into an agreement with Oxford University Press for the publication of a volume on mass claims processes. *Redressing Injustices Through Mass Claims Processes: Innovative Responses to Unique Challenges* will be published in early 2006.

53. In December, the PCA concluded an exchange of letters between the Secretary-General and the Registrar of the International Tribunal for the Law of the Sea (ITLOS) in Hamburg, Germany, concerning cooperation between the two institutions on relevant legal and administrative matters. The exchange of letters followed meetings in Hamburg between the PCA Deputy General Counsel and the Registrar and President of ITLOS. Under the arrangement, the two institutions have undertaken to exchange documents, particularly those connected with disputes dealt with under Annex VII to the UN Convention on the Law of the Sea, and to explore cooperation in areas of mutual concern.

Seminars and Conferences


Publications


56. During the year under review, the PCA Steering Committee on International Mass Claims Processes continued to compile and edit the research it has conducted since 2000 on eleven mass claims processes. *International Mass Claims Processes* will be published by Oxford University Press in 2006.


58. The PCA published a second edition of its Basic Documents in 2005 in English and French, with a new Foreword by the United Nations Secretary-General, H.E. Mr. Kofi Annan.
Increasing Awareness of the PCA

59. The PCA participated in several important international conferences and meetings during the year under review. The Secretary-General gave a presentation to the British Branch of the International Law Association on February 16 in London and participated in a working meeting with representatives of the International Institute for Conflict Prevention and Resolution in New York on October 3. Members of the PCA legal staff attended and, in some cases addressed, conferences, universities and meetings in such venues as Geneva, London, Montreal, New Delhi, New York, Paris, Prague, Stockholm, and Vienna.

60. The Secretary-General visited United Nations Headquarters in New York on October 4, and met with UN Secretary-General, H.E. Mr. Kofi Annan, the Under Secretary-General for Political Affairs and members of the office of the Legal Counsel. At the meeting with the Secretary-General, various matters pertaining to international dispute resolution were discussed, in particular the status of a number of interstate disputes currently being arbitrated, or having been recently arbitrated, before tribunals and commissions under PCA auspices.

61. The President of the Russian Federation, H.E. Mr. Vladimir Putin, visited the Peace Palace on November 2 and delivered an address to the International Court of Justice with the diplomatic corps and other dignitaries in attendance. Judge Vladlen S. Vereshchetin of the International Court of Justice introduced the Secretary-General to the President in the PCA’s courtroom.

62. The Deputy Secretary-General represented the PCA at a number of events, including the London Court of International Arbitration (LCIA) Tylney Hall Symposium in May. She also was a member of a panel at the Seventh Hague Joint Conference on Contemporary Issues of International Law on July 1–2.

63. The General Counsel attended as an observer the Forty-second session of UNCITRAL Working Group II on Arbitration and Conciliation held in New York in January, and the Forty-third session of this Working Group in Vienna in October. These sessions addressed the proposed amendments to the provisions on the formal requirements for an arbitration agreement in writing and interim measures in aid of arbitration of the UNCITRAL Model Law on International Commercial Arbitration. In addition she attended a Conference in Cologne presenting the Draft Digest on the UNCITRAL Model Law on International Commercial Arbitration hosted by UNCITRAL, the Law Centre for European and International Cooperation (RIZ) and the German Institution of Arbitration (DIS) on March 3 and 4. She was a member of a panel at the Conference hosted by UNCITRAL and the International Centre of the Austrian Federal Economic Chamber on 20 Years of the UNCITRAL Model Law on International Commercial Arbitration on March 17–18 and a panel at the Seventh Hague Joint Conference on Contemporary Issues of International Law on July 1–2. She also attended a meeting of the International Council for Commercial Arbitration (ICCA) in Dublin on May 20.

64. The Deputy General Counsel attended the Annual Meeting of the American Society for International Law (ASIL) in April 2005 in Washington D.C.

65. The Senior Legal Counsel participated as a panelist in a Young Arbitrator’s Forum organized by the USCIB Arbitration Committee in New York on February 28. He attended the 12th Annual Willem C. Vis International Commercial Arbitration Moot in Vienna from March 18–24. In Stockholm, he attended a conference on Investment Arbitration and the Energy Charter Treaty on June 9–10. On September 6, the Senior Legal Counsel addressed a meeting at the law firm Clifford Chance in Amsterdam. From September 25–30, he attended the International Bar Association (IBA) Conference in Prague. In Amsterdam, he attended a seminar at the law firm Freshfields Bruckhaus Deringer on October 5. He attended meetings in Paris of the ICC Commission on Arbitration on May 26, and again on November 18. From December 6–21, he traveled to India when he met with lawyers at several government ministries, law firms, and the International Centre for Alternative Dispute Resolution.

66. A Legal Counsel of the PCA participated in the 11th Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) in Montreal in the week of December 3, and a meeting in The Hague on Foreign Direct Investment and Environment.

67. During 2005, the Secretary-General and other PCA staff members addressed groups of judges, lawyers, students, and other visitors to the Peace Palace on the activities of the PCA, and also gave a number of lectures elsewhere.
68. The PCA’s General Counsel taught a course in international commercial arbitration at the Free University (Amsterdam) in the master’s degree program in international business law, where she also delivered the graduation address. In addition, she lectured in masters’ level courses in international arbitration at both Leiden University and Utrecht University, to students in the Bachelor of Law program at the University of Amsterdam and made a presentation to students at the Hague Academy of International Law on August 8.

69. The PCA’s Senior Legal Counsel taught a course on international arbitration from March to May to students enrolled in two Masters of Law programs at Leiden University. He also made presentations to students at the Hague Academy of International Law on July 11–12, and on August 1.

III. STATE PARTIES TO THE CONVENTIONS OF 1899 AND 1907

70. Benin acceded to the 1907 Convention for the Pacific Settlement of International Disputes on July 18, 2005, and became a member state effective September 16, 2005. Qatar acceded to the 1907 Convention on October 3, 2005, and became a member state effective December 2, 2005. A list of state parties to the 1899 and 1907 Conventions, as of May 8, 2006, is set forth in annex 1 to this Report.

IV. MEMBERS OF THE PERMANENT COURT OF ARBITRATION

71. Each member state is entitled to select up to four persons of “known competency in questions of international law, of the highest moral reputation and disposed to accept the duties of arbitrators” for inscription as a Member of the Court. A list of all the persons so inscribed as of May 8, 2006, along with brief biographical notes, is set forth in annex 6 to this Report.

72. Members of the Court are appointed for a term of six years. These appointments are renewable. 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. Member states are requested to bring to the immediate attention of the International Bureau any alteration in the status of persons selected as Members of the Court, so that the list may be amended.

73. 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 by 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. In addition to this statutory role granted to the Members of the PCA, they may also propose candidates for the Nobel Peace Prize.

V. SPECIALIZED PANELS

74. The PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment were adopted on June 19, 2001, and the Optional Rules for Conciliation of Disputes Relating to Natural Resources and/or the Environment were adopted on April 16, 2002. The working
group, drafting committee and member states agreed that, given the highly technical nature of most environmental disputes, tribunals and conciliation committees should be made up of highly skilled experts on the subject matter. At the Administrative Council meeting of June 19, 2001, member states agreed to nominate one environmental law expert and one environmental science expert to be appointed to the lists of persons referred to in Articles 8(3) and 27(5) of the Environmental Arbitration Rules. The Secretary-General may make these lists available to assist the parties, the tribunal, and/or the appointing authority, depending on the circumstances of the case. A list of members of the specialized panels as of May 8, 2006, is set forth in annex 7 to this Report, and includes nominations put forth by the Secretary-General.

VI. ADMINISTRATIVE MATTERS

Administrative Council

75. According to Article 49 of the 1907 Convention (Article 28 of the 1899 Convention) 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.”

76. At its regular meeting on May 23, 2005, the Administrative Council, which is charged with the direction and control of the International Bureau, examined and adopted the Budget Performance Report 2004 and the Performance Report on the Financial Assistance Fund 2004. At the same meeting the Council adopted a proposed budget for the biennium 2006–2007.

77. 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 India served as a member of the Committee from 2004 through 2005, and will be succeeded as of January 2006 by the representative of Italy. As of January 1, 2006, the Committee will be composed of the representatives of Iran, Ireland and Italy. During the year under review, the Committee met on March 16, prior to the regular spring meeting of the Administrative Council on May 23, 2005.

78. At its meeting of November 8, 2004, the Administrative Council established a Budget Committee to exist and function parallel to the Financial Committee. The committee is open to the representatives of all member states, enabling the full membership of the organization to have an early consideration of Council documents of a financial nature, including those pertaining to the proposed biennial budget, before they are considered by the Administrative Council at its regular session(s). The Budget Committee met on March 21, and April 18, 2005.

International Bureau Staff

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

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretary-General:</td>
<td>Mr. Tjaco T. van den Hout</td>
</tr>
<tr>
<td>Principal Legal Counsel and Deputy</td>
<td>Ms. Bette E. Shifman</td>
</tr>
<tr>
<td>Secretary-General:</td>
<td></td>
</tr>
<tr>
<td>General Counsel: (also see below)</td>
<td>Ms. Judith Freedberg</td>
</tr>
<tr>
<td>Deputy General Counsel:</td>
<td>Ms. Anne Joyce</td>
</tr>
<tr>
<td>Senior Legal Counsel:</td>
<td>Mr. Brooks W. Daly</td>
</tr>
<tr>
<td>Legal Counsel:</td>
<td>Mr. Dane Ratliff</td>
</tr>
<tr>
<td>Legal Counsel/Chief Editor:</td>
<td>Ms. Belinda Macmahon</td>
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<tr>
<td>Legal Counsel:</td>
<td>Mr. Guillaume Tattevin</td>
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<tr>
<td>Finance Officer:</td>
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<tr>
<td>Office Manager:</td>
<td>Ms. Gertie Burgers</td>
</tr>
<tr>
<td>Assistant Office Manager/Assistant Editor:</td>
<td>Mr. Theodore Mercredi</td>
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<tr>
<td>Legal Secretary:</td>
<td>Ms. Evelien ter Meulen</td>
</tr>
<tr>
<td>Legal Secretary:</td>
<td>Ms. Kimberly Pronk</td>
</tr>
</tbody>
</table>
Legal Assistant and Internship Programs

80. In cooperation with McGill University (Montreal), the PCA established a legal assistant program in 2005. Participants in the legal assistant program spend nine months at the International Bureau working closely with legal staff and arbitral tribunals. McGill University’s Faculty of Law accepts applications for the program and recommends a shortlist of law graduates to the PCA for final selection. Each candidate is proficient in English and French and has completed studies in both common and civil law with high academic standing. One candidate was selected in the year under review:


81. The PCA’s internship program provides law students and graduates with the opportunity to participate in the functioning of the International Bureau, usually for a period of three months. The following individuals participated in the program in 2005:

Sonja Dünnwald (Germany): Geprüfte Rechtskandidatin; Humboldt University (Berlin), 2005; Hague Academy of International Law 2003.

Budget and Finance

82. The budget for the biennium 2006–2007 was approved by the Administrative Council at its meeting of May 23, 2005. It is made available to member states in a supplement to this report.

83. The Combined Financial Report (containing the Audited Financial Accounts 2005 and the Budget Performance Report 2005), was duly examined by the Financial Committee on March 16, 2006, considered by the Budget Committee on March 20, 2006, and approved by the Administrative Council on May 8, 2006. It is available to member states in a supplement to this Report.

84. Article 47 of the 1907 Convention states: “With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Contracting Powers undertake to maintain the Permanent Court of Arbitration, as established by the First Peace Conference, accessible at all times.” Further, pursuant to Article 50 of the 1907 Convention “[t]he 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, state parties are divided into eleven 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 attributed to member states, is the unit of assessment.
85. The contributions of each Contracting Power (member state), payable to the PCA by April 1, 2005, are set out in the Scale of Assessments, approved by the Administrative Council at its meeting of September 15, 2003. This scale is available to member states in a supplement to this Report.

** **
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 May 8, 2006*

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<th>Country</th>
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<td>15-06-1907</td>
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<td>Romania</td>
<td>04-09-1900</td>
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<td>Russian Federation</td>
<td>07-03-1955</td>
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<td>Saudi Arabia</td>
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<td>20-01-2002</td>
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<tr>
<td>Senegal</td>
<td>01-08-1977</td>
<td>30-09-1977</td>
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<tr>
<td>Republic of Serbia (Declaration of Succession)</td>
<td>04-09-2001</td>
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<tr>
<td>Singapore</td>
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<td>11-09-1993</td>
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<td>Slovak Republic</td>
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<tr>
<td>Slovenia (Declaration of Succession)</td>
<td>05-09-1996</td>
<td>29-03-2004</td>
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<tr>
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<td>17-05-1913</td>
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<td>01-01-2000</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>19-09-1984</td>
<td></td>
</tr>
</tbody>
</table>
### 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 Arbitration Initiated</th>
<th>Date of Award</th>
<th>Arbitrators&lt;sup&gt;1&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>United States of America – Republic of Mexico</td>
<td>Pious Fund of the Californias</td>
<td>22 May 1902</td>
<td>14 October 1902</td>
</tr>
<tr>
<td>II.</td>
<td>Great Britain, Germany and Italy – Venezuela</td>
<td>Preferential Treatment of Claims of Blockading Powers Against Venezuela</td>
<td>7 May 1903</td>
<td>22 February 1904</td>
</tr>
<tr>
<td>III.</td>
<td>Japan – Germany, France and Great Britain</td>
<td>Japanese House Tax (leases held in perpetuity)</td>
<td>28 August 1902</td>
<td>22 May 1905</td>
</tr>
<tr>
<td>IV.</td>
<td>France – Great Britain</td>
<td>Muscat Dhows (fishing boats of Muscat)</td>
<td>13 October 1904</td>
<td>8 August 1905</td>
</tr>
<tr>
<td>V.</td>
<td>France – Germany</td>
<td>Deserters of Casablanca</td>
<td>10/24 November 1908</td>
<td>22 May 1909</td>
</tr>
<tr>
<td>VI.</td>
<td>Norway – Sweden&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Maritime Boundary (Grissbomsa Case)</td>
<td>14 March 1908</td>
<td>23 October 1909</td>
</tr>
<tr>
<td>VII.</td>
<td>United States of America – Great Britain</td>
<td>North Atlantic Coast Fisheries</td>
<td>27 January 1909</td>
<td>7 September 1910</td>
</tr>
<tr>
<td>IX.</td>
<td>France – Great Britain</td>
<td>Arrest and Restoration of Savarkar</td>
<td>25 October 1910</td>
<td>24 February 1911</td>
</tr>
<tr>
<td>X.</td>
<td>Italy – Peru</td>
<td>Canevaro Claim</td>
<td>25 April 1910</td>
<td>3 May 1912</td>
</tr>
<tr>
<td>XI.</td>
<td>Russia – Turkey&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Russian Claim for Indemnities (damages claimed by Russia for delay in payment of compensation owed to Russians injured in the war of 1877-1878)</td>
<td>22 July/4 August 1910</td>
<td>11 November 1912</td>
</tr>
<tr>
<td>XII.</td>
<td>France – Italy</td>
<td>French Postal Vessel “Manouba”</td>
<td>26 January/6 March 1912</td>
<td>6 May 1913</td>
</tr>
</tbody>
</table>

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For summaries of the arbitral awards in many 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. The names in bold type are those of the Presidents.
2. Pursuant to article 47 of the 1907 Convention (art. 26 of the 1899 Convention).
3. Not a Member of the Permanent Court of Arbitration.

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- 50 -
<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date Arbitration Initiated</th>
<th>Date of Award</th>
<th>Arbitrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>XIII.</td>
<td>France – Italy</td>
<td>The “Carthage”</td>
<td>26 January/6 March 1912 6 May 1913</td>
<td>Hammarskjöld Fusinato Krieger Renault Bon de Taube</td>
</tr>
<tr>
<td>XIV.</td>
<td>France – Italy</td>
<td>The “Tavignano”, “Carnoula” and “Gaulois” Incident</td>
<td>8 November 1912 settled by agreement of parties</td>
<td>Hammarskjöld Fusinato Krieger Renault Bon de Taube</td>
</tr>
<tr>
<td>XV.</td>
<td>The Netherlands – Portugal</td>
<td>Dutch-Portuguese Boundaries on the Island of Timor</td>
<td>3 April 1913 25 June 1914</td>
<td>Lardy</td>
</tr>
<tr>
<td>XVI.</td>
<td>Great Britain, Spain and France – Portugal</td>
<td>Expropriated Religious Properties</td>
<td>31 July 1913 2 and 4 September 1920</td>
<td>Root de Savornin Lohman Lardy</td>
</tr>
<tr>
<td>XVII.</td>
<td>France – Peru</td>
<td>French claims against Peru</td>
<td>2 February 1914 11 October 1921</td>
<td>Ostertag Sarut Elguera</td>
</tr>
<tr>
<td>XVIII.</td>
<td>United States of America – Norway</td>
<td>Norwegian claims case</td>
<td>30 June 1921 13 October 1922</td>
<td>Vallotton Anderson Vogt</td>
</tr>
<tr>
<td>XIX.</td>
<td>United States of America – The Netherlands</td>
<td>The Island of Palmas Case (or Miangas)</td>
<td>23 January 1925 4 April 1928</td>
<td>Huber</td>
</tr>
<tr>
<td>XX.</td>
<td>Great Britain – France</td>
<td>Che-ouau claims</td>
<td>4 March 1930 9 June 1931</td>
<td>Beichmann</td>
</tr>
<tr>
<td>XXI.</td>
<td>Sweden – United States of America</td>
<td>Claims of the Nordstjernan Company</td>
<td>17 December 1930 18 July 1932</td>
<td>Børel</td>
</tr>
<tr>
<td>XXII.</td>
<td>Radio Corporation of America – China</td>
<td>interpretation of a contract of radio-telegraphic traffic</td>
<td>10 November 1928 13 April 1935</td>
<td>van Hame Jr Hubert Furrer</td>
</tr>
<tr>
<td>XXIII.</td>
<td>States of Levant under French Mandate – Egypt</td>
<td>Radio-Orient</td>
<td>11 November 1938 2 April 1940</td>
<td>van Lanschot Raestad Mondrup</td>
</tr>
<tr>
<td>XXIV.</td>
<td>France – Greece</td>
<td>Administration of Lighthouses</td>
<td>15 July 1931 24 July 1950</td>
<td>Verzijl Mestre Charbouris</td>
</tr>
<tr>
<td>XXV.</td>
<td>Turriff Construction (Sudan) Limited – Sudan</td>
<td>Interpretation of a construction contract</td>
<td>21 October 1966 23 April 1970</td>
<td>Erades Parker Bents-Enchili</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.
3. The proceedings in this case were exclusively conducted in writing.
4. In this case the summary procedure provided for in Chapter IV of the Convention of October 18, 1907 was applied.
5. Pursuant to the Arbitration Agreement the award was rendered in writing.
<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date Arbitration Initiated</th>
<th>Date of Award</th>
<th>Arbitrators</th>
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</thead>
<tbody>
<tr>
<td>XXVII. United States of America – United Kingdom of Great Britain and Northern Ireland</td>
<td>Heathrow Airport User Charges (treaty obligations; amount of damages)</td>
<td>16 December 1988</td>
<td>30 November 1992; 2 May 1994</td>
<td>Foighel; Fielding; Lever</td>
</tr>
<tr>
<td>XXIX. African State – two foreign nationals</td>
<td>Investment dispute</td>
<td>–</td>
<td>30 September 1997; Settled by agreement of parties</td>
<td>Jennings; Wallace; Hossain</td>
</tr>
<tr>
<td>XXXI. Asian State-owned enterprise – three European enterprises</td>
<td>Contract dispute</td>
<td>–</td>
<td>2 October 1996; Award on agreed terms</td>
<td>Jennings; Parker; Hossain</td>
</tr>
<tr>
<td>XXXII. State of Eritrea – Republic of Yemen</td>
<td>Eritrea/Yemen – Sovereignty of Various Red Sea Islands (sovereignty; maritime delimitation)</td>
<td>3 October 1996</td>
<td>9 October 1998; Award on sovereignty; 17 December 1999; Award on maritime delimitation</td>
<td>Jennings; Schwobel; El-Kosher; Hghet; Higgins</td>
</tr>
<tr>
<td>XXXIII. Italy – Costa Rica</td>
<td>Loan Agreement between Italy and Costa Rica (dispute arising under financing agreement)</td>
<td>11 September 1997</td>
<td>26 June 1998</td>
<td>Laliv; Ferrari Bravo; Hernandez Valle</td>
</tr>
<tr>
<td>XXXIV. Larsen – Hawaiian Kingdom</td>
<td>Treaty interpretation</td>
<td>30 October 1999</td>
<td>5 February 2001</td>
<td>Crawford; Greenwood; Griffith</td>
</tr>
<tr>
<td>XXXV. The Netherlands – France</td>
<td>Treaty interpretation</td>
<td>21 October/17 December 1999</td>
<td>12 March 2004</td>
<td>Skubiszewski; Guillaume; Kooijmans</td>
</tr>
<tr>
<td>XXXVI. European corporation – African government</td>
<td>Contract dispute</td>
<td>4 August 2000</td>
<td>Settled by agreement of parties</td>
<td>Kuckenberg</td>
</tr>
<tr>
<td>XXXVII. Eritrea-Ethiopia Boundary Commission</td>
<td>Boundary dispute</td>
<td>12 December 2000</td>
<td>13 April 2002</td>
<td>Lauterpacht; Ajibola; Reisman; Schwobel; Watts</td>
</tr>
<tr>
<td>XXXVIII Eritrea-Ethiopia Claims Commission</td>
<td>Settlement of claims arising from armed conflict</td>
<td>12 December 2000</td>
<td>1 July 2003; Partial Awards for Prisoner of War claims 28 April 2004; Partial Awards for Central Front claims 17 December 2004; Partial Awards for Civilians Claims 19 December 2005; Partial Awards for Remaining Liability Claims</td>
<td>van Houtte; Aldrich; Crook; Paul; Reed</td>
</tr>
<tr>
<td>XXXIX. Dr. Horst Reiseccius; First Eagle SG Gen Funds, Inc., Mr.P.M. Mathieu – Bank for International Settlements</td>
<td>Dispute with former private shareholders</td>
<td>7 March 2001; 31 August 2001; 24 October 2001</td>
<td>22 November 2002; Partial Award 19 September 2003; Final Award</td>
<td>Reisman; van den Berg; Frowein; Kraft; Lagarde</td>
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</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.
<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date Arbitration Initiated</th>
<th>Date of Award</th>
<th>Arbitrators</th>
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<tbody>
<tr>
<td>XL.</td>
<td>Ireland – United Kingdom1</td>
<td>15 June 2001</td>
<td>2 July 2003</td>
<td>Reisman¹</td>
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<tr>
<td></td>
<td>Proceedings pursuant to the OSPAR Convention</td>
<td></td>
<td></td>
<td>Griffith¹</td>
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<tr>
<td>XLI.</td>
<td>Saluka investments B.V. – Czech Republic¹</td>
<td>18 June 2001</td>
<td>–</td>
<td>Watts</td>
</tr>
<tr>
<td></td>
<td>Investment treaty dispute</td>
<td></td>
<td></td>
<td>Behrens²</td>
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<td>Fortier²</td>
</tr>
<tr>
<td>XLII.</td>
<td>Ireland – United Kingdom¹</td>
<td>25 October 2001</td>
<td>–</td>
<td>Mensah²</td>
</tr>
<tr>
<td></td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td></td>
<td></td>
<td>Fortier²</td>
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<td></td>
<td>Watts</td>
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<tr>
<td>XLIII.</td>
<td>European government – European corporation</td>
<td>30 April 2002</td>
<td>24 May 2004</td>
<td>Hanotiau²</td>
</tr>
<tr>
<td></td>
<td>Investment treaty dispute</td>
<td></td>
<td>(settled by agreement of parties)</td>
<td>Schneider²</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Jarvin²</td>
</tr>
<tr>
<td>XLIV.</td>
<td>Two corporations – Asian government</td>
<td>16 August 2002</td>
<td>12 October 2004</td>
<td>Partial Award</td>
</tr>
<tr>
<td></td>
<td>Contract dispute</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>XLV.</td>
<td>Malaysian company – African government</td>
<td>10 February 2003</td>
<td>–</td>
<td>Van den Berg²</td>
</tr>
<tr>
<td></td>
<td>Investment treaty dispute</td>
<td></td>
<td></td>
<td>Gaillarde³</td>
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<tr>
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<td></td>
<td></td>
<td>Layton³</td>
</tr>
<tr>
<td>XLVI.</td>
<td>Belgium – The Netherlands</td>
<td>22/23 July 2003</td>
<td>24 May 2005</td>
<td>Higgins</td>
</tr>
<tr>
<td></td>
<td>Dispute regarding the use and modernization of the “Ijzeren Rijn” on the territory of The Netherlands</td>
<td></td>
<td></td>
<td>Schrans¹</td>
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<tr>
<td></td>
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<td>Tonka¹</td>
</tr>
<tr>
<td>XLVII.</td>
<td>Barbados – Trinidad and Tobago</td>
<td>16 February 2004</td>
<td>–</td>
<td>Schwebel²</td>
</tr>
<tr>
<td></td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td></td>
<td></td>
<td>Browne³</td>
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<td>Orrego Vicuña³</td>
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<td></td>
<td></td>
<td>Watts</td>
</tr>
<tr>
<td>XLVIII</td>
<td>Guyana – Suriname</td>
<td>24 February 2004</td>
<td>–</td>
<td>Nelson²</td>
</tr>
<tr>
<td></td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td></td>
<td></td>
<td>Hossain²</td>
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<td>Smir²</td>
</tr>
<tr>
<td>XLIX</td>
<td>Malaysia – Singapore</td>
<td>4 July 2003</td>
<td>1 September 2005</td>
<td>Award on Agreed Terms</td>
</tr>
<tr>
<td></td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td></td>
<td></td>
<td>Pinto¹</td>
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<td>Watts</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.
# Annex 3

## International Commissions of Inquiry

<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of Inquiry Agreement</th>
<th>Date of Report</th>
<th>Commissioners¹</th>
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<tbody>
<tr>
<td>I. Great Britain – Russia</td>
<td>Incident in the North Sea (The Dogger Bank Case)</td>
<td>25 November 1904</td>
<td>26 February 1905</td>
<td>Spaun</td>
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<td>Fournier</td>
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<td>Doubscoff</td>
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<td>Beaumont</td>
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<td>Davis</td>
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<tr>
<td>II. France – Italy</td>
<td>Capture of the “Tavignano” and cannon shots fired at the “Canouna” and the “Galois”</td>
<td>20 May 1912</td>
<td>23 July 1912²</td>
<td>Segrave</td>
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<td>Somborn</td>
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<td>Genoese Zerbi</td>
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<tr>
<td>III. Germany – Spain</td>
<td>The Steamship “Tiger” (sinking of the steamer “Tiger”)</td>
<td>–</td>
<td>8 November 1918</td>
<td>Garde</td>
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<td>Montagut y Miro</td>
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<td>Horn</td>
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<tr>
<td>IV. Germany – The Netherlands</td>
<td>Loss of the Dutch Steamer “Tubantia”</td>
<td>30 March 1921</td>
<td>27 February 1922</td>
<td>Hoffmann</td>
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<td>Gayet</td>
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<tr>
<td>V. Great Britain – Denmark</td>
<td>“Red Crusader” Incident</td>
<td>15 November 1961</td>
<td>23 March 1962</td>
<td>de Visscher</td>
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<td>Moolenburgh</td>
</tr>
</tbody>
</table>


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.
### Annex 4

#### International Conciliation Commissions¹

<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of Request</th>
<th>Date of Report</th>
<th>Commissioners²</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Denmark – Lithuania</td>
<td>Method of payment of the balance of the claim of Haigard and Schultz against the Lithuanian Government</td>
<td>1 September 1937</td>
<td>30 September 1938</td>
<td>van Karnebeek Oldenburg Vie de Fontenay Römer's Osolins</td>
</tr>
<tr>
<td>II. France – Switzerland</td>
<td>Customs irregularities (costs of internment in Switzerland of the 2nd Polish division)</td>
<td>20 August 1954</td>
<td>24 November 1955</td>
<td>van Asbeck de Zaldua Corbin Panchaud McNair</td>
</tr>
<tr>
<td>III. Greece – Italy</td>
<td>Destruction of the Greek steamship “Roula”</td>
<td>19 March 1955</td>
<td>20 October 1956</td>
<td>François Spiropoulos Monaco</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.
Annex 5

Permanent Court of Arbitration

Financial Assistance Fund for Settlement of International Disputes

Terms of Reference and Guidelines

(as approved by the Administrative Council on December 11, 1995)

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.
List of Members of the Permanent Court of Arbitration

Liste des membres de la Cour permanente d’arbitrage

as at May 8, 2006

<table>
<thead>
<tr>
<th>Argentina</th>
<th>Argentine</th>
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<tbody>
<tr>
<td>Her Excellency Ms. SUSANA MYRTA RUIZ CERUTTI, Lawyer and career diplomat, former Ambassador to Switzerland, Agent to the International Arbitral Tribunal dealing with a border dispute between Argentina and Chile, former member or head of delegations to several arbitral proceedings, former Legal Adviser, former Vice-Minister and Minister of Foreign Affairs, former Ambassador to Canada, since November 2000 Secretary of State for Foreign Relations, Av. Libertador Gral. San Martín 4408, piso 13°, 1424 Buenos Aires;</td>
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<td>03-07-01</td>
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| His Excellency Mr. ANTONIO BOGGIANO, Judge and former President of the Supreme Court of Argentina, Professor of Law, University of Buenos Aires, Representative to the Hague Conference on Private International Law, Member of the Governing Council of UNIDROIT, Rome, former Representative to UNCITRAL, Palace of Justice, Ticaluano 550, Buenos Aires, fax: +54 1 43 72 15 25; |

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| His Excellency Mr. ENRIQUE J.A. CANDIOTI, Argentine Ambassador to Germany, Member of the United Nations International Law Commission, former Secretary of State for Foreign Affairs and former Legal Adviser of the Argentine Foreign Ministry, former Ambassador to the United States of America, Australia and New Zealand, specializations: public international law, law of the sea, territorial and boundary matters, international arbitration, Dorotheenstrasse 89, D-10117 Berlin, Germany; |

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| His Excellency Mr. HORACIO A. BASABE, Director of the Argentine Institute for the Foreign Service, former professor of public international law (University of Buenos Aires), former legal adviser and former under Secretary for Foreign Policy of the Argentine Foreign Ministry, former Ambassador to the Czech Republic, former agent in the Laguna del Desierto Arbitration, Beruti 535, Banfield, Argentina. |

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Australia | Australie

Prof. IVAN A. SHEARER, A.M. R.F.D., Emeritus Professor, Doctor of Law, member of the United Nations Human Rights Committee (appointed 2001), Senior Member (Part Time) Administrative Appeals Tribunal, former Chalvis Professor of International Law, specializations: law of the seas, law of armed conflict, international criminal law, international human rights law, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney NSW 2000, fax: +61 2 9351 02 00; |

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Envoy to Bangladesh, former Chairman of the United Nations Expert Group on Cambodia, 4 Treasury Place, Melbourne, Victoria, 3002, fax: +61 3 9650 02 19;

The Honourable Mr. MURRAY GLEESON, AC, Q.C., Chief Justice of the High Court of Australia, former Chief Justice of the Supreme Court of New South Wales, graduated in arts and law from the University of Sydney, admitted to the New South Wales Bar (1963), former President of the New South Wales Bar Association, former Lieutenant Governor of New South Wales, fax: +61 2 6270 69 47;

The Honourable Mr. DAVID BENNETT, A.O., Q.C., B.A., LL.B., S.J.D. (Harvard), Solicitor-General of Australia, former President of the New South Wales Bar Association, former President of the Australian Bar Association, fax: +61 2 6250 59 00.

Austria

Autriche

Prof. emer. Dr. KARL ZEMANEK, Doctor of Law, Professor emeritus, former Director of the Institute of International Law and International Relations at the University of Vienna, Legal Consultant at the Austrian Ministry of Foreign Affairs, Member of the Institute of International Law and of the International Academy of Astronautics, specializations: treaty law, state succession, state responsibility, international watercourses, Outer Space, c/o Institut für Völkerrecht und Internationale Beziehungen, Universitätsstrasse 2, A-1090 Vienna, fax: +43 1 42 77 93 53;

Prof. emer. Dr. FRANZ MATSCHER, Docteur en droit des Universités de Graz et de Paris, Docteur honoris causa de l’Université de Innsbruck, Professeur émérite à la Faculté de Droit de l’Université de Salzburg, ancien Juge à la Cour européenne des droits de l’homme, Directeur de l’Institut autrichien des droits de l’homme de Salzburg, spécialisations: procédure civile et droit comparé, arbitrage commercial international, droits de l’homme, droit international public et privé, Institut für zivilgerichtliches Verfahren, Churfürstenstrasse 1, A-5020 Salzburg, fax: +43 662 804 41 46;

His Excellency Dr. HELMUT TÜRK, Doctor of Law, former Legal Advisor of the Austrian Federal Ministry of Foreign Affairs, former Chairman of the Legal Committee of the United Nations General Assembly (1989), Member of the Deutsche Gesellschaft für Völkerrecht, the American Society of International Law and the International Law Association (Austrian branch), specializations: law of the sea, outer space law, human rights law, neutrality law; Director General of the Office of the Federal President, Hofburg, A-1014 Vienna; tel: +43 1 534 22100, fax: +43 1 534 22117, email: helmut.tuerk@hofburg.at;

Prof. Dr. GERHARD HAFNER, Professor for International Law, Vienna University (since 1990); Permanent Guest Professor, Law Faculty, Comenius University Bratislava; Associated Member of the Institut de Droit International; Professor, Vienna Diplomatic University; Member of the Deutsche Gesellschaft für Völkerrecht, American Society of Law, and International Law Association (Austrian Branch); Chairman of the Ad Hoc Committee of the General Assembly of the United Nations on Jurisdictional Immunities (February 2002); Consultant for the UN-Economic Commission for Europe, Chairman of the Task Force of the ECE on Responsibility and Liability; Institut für Völkerrecht und Internationale Beziehungen, Universitätsstrasse 2, A-1090, Wien; tel: +43 1 4277 35306, fax: +43 1 4277 9353.

Belarus

Bélarus

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His Excellency Mr. MIKHAIL M. KHVOSTOV, Deputy Prime-Minister and Minister of Foreign Affairs of the Republic of Belarus, former Ambassador of the Republic of Belarus to Canada, specializations: public international law, international economic law, international organizations, diplomatic and consular law, treaty law, 19 Lenin Str., Minsk 220050, fax: +375 17 227 45 21;

Mr. VLADIMIR A. KUCHINSKI, Head of the Department of Legal Expertise, Secretariat of the Constitutional Court of the Republic of Belarus, 32 K. Marx Str., Minsk 220016, fax: +375 17 227 17 61/227 80 12.

**Belgium**

Prof. JEAN J.A. SALMON, Docteur en droit de l’Université libre de Bruxelles et de l’Université de Paris, Professeur émérite de l’Université libre de Bruxelles, Président du Centre de droit international de la Faculté de Droit, Directeur de la Revue belge de droit international, Membre de l’Institut de droit international, 4, Clos du Rouge-Cloître, B-1310 La Hulpe, fax: +32 2 652 12 30;

M. JOE VERHOEVEN, Docteur en droit, Professeur à l’Université catholique de Louvain, Membre de l’Institut de droit international, 2, place Montesquieu, B-1348 Louvain-la-Neuve, fax: +32 10 47 30 58;


Mr. MARC BOSSUYT, Professeur extraordinaire (Faculté de Droit de l’Université d’Anvers) de droit international public et d’organisations internationales, Juge à la Cour d’Arbitrage de Belgique, commissaire général aux réfugiés et aux apatrides, Place Royale 7, B-1000 Bruxelles, tél.: +32 2 500 1289, fax: +32 2 500 1200, e-mail: marc.bossuyt@arbitrage.be.

**Bolivia**

Dr. JAVIER MURILLO DE LA ROCHA, Doctor of Law, Professor of International Law, Minister of Foreign Affairs and Religion, former Ambassador to the Russian Federation, Head of Delegation for 43 special missions, Adjunct Ambassador to the United Nations, Secretary-General of the Andean Development Corporation, Calle las Retamas No. 8646, La Paz, tel:+59 127 924 00;

Dr. FERNANDO SALAZAR-PAREDES, Doctor of Law, Political and Social Sciences, former Minister of State, Member of Parliament and Ambassador, Professor of International Private Law and Foreign Policy at Bolivia’s main state university; Chairman of the III Interamerican Specialized Conference on Private International Law.
and the head of the delegation to the IV and V Conferences; Chairman of the Board of the Andean Development Corporation, President of the Paramount Body of the Andean Group, Chairman of the Permanent Council of the Organization of American States; Founder and President of the Center for the Study of International Relations and Development, CERID, Former UNDP Resident Representative in Ecuador, Peru, Cuba and the Dominican Republic; Calle Rosando Gutiérrez No. 550 (Sopocachi) La Paz; Email: fernando@salazar-law.com.bo; www.fernando-salazar.com; tel: +591 715 25557; fax: +591 2 211 2407;

Dr. RAMIRO GASTON ORIAS ARREDONDO, Lawyer, graduated in Law and Political Science at the “Universidad Mayor de San Simón”, Cochabamba, Bolivia. MA in International Studies, Universidad de Chile. Participated in Annual Courses on International Law of the Organization of American States and IJC. Professor of International Law at the Bolivian Diplomatic Academy. Professor of International Private Law at the Catholic University of Bolivia. Former Secretary-General of the Presidency of the Republic of Bolivia. Legal consultant of the Ministry of Foreign Affairs of Bolivia, Legal Adviser in the National Chamber of Commerce of Bolivia and former Director of its Conciliation and Arbitration Centre. Member of the arbitrators’ list of the Interamerican Commercial Arbitration Commission (IACAC). Author of several academic articles related to foreign relations, regional integration, international law, peaceful settlement of disputes, Law of the Sea, and on freedom of transit for landlocked countries;

Dr. ALBERTO ZELADA CASTEDO.

Brazil  

Prof. M. CELSO LAFER, Minister of Foreign Relations, graduate of Political Science at Cornell University, New York, post-doctoral studies in International Public Law at University of Sao Paulo (USP) (1977), professor at the Law School, (USP) since 1971; former Chairman of the Department of Jurisprudence and General Theory of Law School (USP), Vice-Chairman of 1992 United Nations Rio Conference on Environment and Development; Ambassador and Permanent Representative of Brazil to the World Trade Organisation (WTO) (1995-1998); Av. Brigadeiro Faria Lima, 1306-10 andar, CEP: 01451-914, Sao Paulo; tel: +005511 3816 0306; fax: +005511 3815 6014;

Ms. NADIA DE ARAUJO, Master of Comparative law, (George Washington University), Docteur en Droit (Université de Sao Paulo), Membre et Secrétaire-Générale de la Société Brésilienne de Droit International, Procureur de Justice pour l’état de Rio de Janeiro, Professeur de Droit International Privé de la Pontificale Université Catholique, Rio de Janeiro, (PUC-Rio), Arbitre désigné par le Gouvernement du Brésil au système de solution de disputes du MERCOSUL, spécialisations: droit international privé, arbitrage commercial, droit de l’intégration. Rua General Rabelo, 64 ap. 201, Rio de Janeiro, 22.451-010, tel: +552125124673, fax: +552125125890, e-mail: nadia@infolink.com.br;

M. EDUARDO GREBLER, Bachelor of Law (Federal University of Minas Gerais), LL.M., J.S.D. (Residence) (Columbia University Law School), Attorney-at-law, Professor of Private International Law at the School of Law of the Catholic University of Minas Gerais, member of the Committee on Law Firms of the Federal Brazilian Bar (OAB), chairman of the Board of Directors of the Chamber of Business Arbitration Brazil (Camarb), member of the Committee on Diplomatic Protection of Persons and Property of the International Law Association (ILA), member of the List of Brazilian Ad Hoc Arbitrators, appointed by the Brazilian Ministry of Foreign Affairs in the framework of the Mercosur Protocol of Olivos, speaker in seminars and conferences, author of published works on arbitration and international trade law. Rua Pernambuco, 353 - 7th floor, 30130-150 Belo Horizonte, MG, Brazil, tel: +553132611400, fax: +553132618199, e-mail: egrebler@gpmr.com.br.

Bulgaria

Mr. DIMITAR GOCHEV, Member of the Arbitration Court of the Bulgarian Chamber of Commerce and Industry; Vice-President of the Bulgarian Union of Lawyers; Former Judge at the Constitutional Court of the Republic of Bulgaria; Former Arbitrator at the International Chamber of Commerce, Paris; Former Judge at the European Court of Human Rights, Strasbourg; Former Vice-President of the Supreme Court of the Republic of Bulgaria; Former Chairman of the Commercial Department of the Supreme Court of the Republic of Bulgaria; Former Legal Adviser and Judge at the State Court of Arbitration, Sofia 1202, Kozludui Str. 34, tel.: +359 2 831 54 25; e-mail: dgochev@abv.bg;

Prof. TODOR TODOROV, Chairman of the Scientific Commission of Legal Studies at the Supreme Certifying Commission; Professor of International Private Law, Bourgas Free University, Bulgaria; Chairman of the Bulgarian Branch of the International Law Association; Former Judge at the Constitutional Court of the Republic of Bulgaria; Former Deputy Chairman of the Arbitration Court at the Bulgarian Chamber of Commerce and Industry; Former Head of the International Law and International Relations Chair, Sofia 1000, Ivan Vazov str. 24, tel.: +359 2 981 20 43, e-mail: todorov@abv.bg;

Mr. MARGARIT GANEV, Ph.D. of International Law; Vice-president of the Arbitral Court at the Bulgarian Stock Exchange Sofia; Chief of the Legal Directorate at the International Institute for Healthcare and Health Insurance Sofia; Professor in International Law and Diplomatic and Consular Law and Vice-Dean of the Law Faculty at the Free University of Bourgas; Attorney at Law Sofia Bar Association; Founder and Chairman of the Institute of International Law Sofia; Secretary-General of the Bulgarian Association of International Law; Individual Member of the International Law Association London; Member of the Bulgarian Association of International Law; Address: Bulgaria, Sofia 1680, Belite Brezi, bl. 6, apt 31; tel. +359 2 859 80 92, fax: +359 2 926 20 59, e-mail: margaritganev@yahoo.com;

Prof. Dr. TSVETANA KAMENOVA, Director of the Institute for Legal Studies, Bulgarian Academy of Science, Head of the international law department; Member of the International Law Association (Bulgarian Branch); Honorary Member of the Governing Council of UNIDROIT; Member of the Arbitration Court of the Bulgarian Chamber of Commerce and Industry; Head, International Law Department, Plovdiv University Law School; International Consultant; Former Chief Expert, Council of Ministers of the Republic of Bulgaria; Former member of a group of experts on intellectual property to the XII DG, EU Commission; Specializations: international economic law, private international law, commercial litigation, intellectual property, international protection of human rights; Sofia 1000, Serdika Str. No. 4, tel: +359 2 983 5424, fax: +359 2 989 2597, e-mail: kamenovat@dir.bg.

- 70 -
Canada

Mr. SIMON V. POTTER, Attorney-at-Law Ogilvy Renault, Montreal, Member of the Roster of Experts, United States-Canada Free Trade Agreement and North American Free Trade Agreement (NAFTA), specializations: commercial litigation, international trade, competition law and administrative law, 1981 McGill College Avenue, Room 1100, Montreal, Quebec, fax: +1 514 286 54 74;

Prof. DONALD M. MCRAE, L.L.B., L.L.M., Dipl. Int. Law of the Bars of New Zealand and Ontario, holds the Hyman Soloway Chair in Business and Trade Law, former Dean of the Common Law Section, University of Ottawa, former Professor and Associate Dean at the Faculty of Law at the University of British Columbia, former Advisor to the Department of Foreign Affairs and International Trade and Counsel for Canada in several international fishery and boundary arbitrations, Editor-in-Chief of the Canadian Yearbook of International Law;

Ms. COLLEEN SWORDS is currently the Ambassador of Canada to the Kingdom of the Netherlands. Prior to her current position she was Legal Advisor at the Department of Foreign Affairs and International Trade and she was also Deputy Legal Advisor and Director-General of the Legal Affairs Bureau. From 1997-2000, Ms. Swords was Minister-Counselor for Trade and Economic Policy at the Canadian Embassy in Washington, D.C. From 1994-1997, she was Canadian High Commissioner accredited to Barbados and the Eastern Caribbean. From 1989-1994, she served as Deputy Director and Director of the Economic and Trade Law Division in the Department of Foreign Affairs and International Trade. From 1983-1987, she was legal officer in the Legal Operations Division which had responsibility for international legal aspects of human rights, humanitarian and peace and security issues. She holds a B.A. in Politics from Brock University and an LL.B. from Osgoode Hall Law School. She received a graduate diploma in the law of the European Economic Community in 1979 from the Europa Institute of the University of Amsterdam. She is a member of the Law Society of Upper Canada;


Chile

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Annexe 6 - Membres de la CPA

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<tr>
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<tr>
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The Honourable Ms. MARGARET WILSON, Speaker of the House and Member of Parliament, former Attorney-General and Associate Minister of Justice, former Dean and Professor of Law, University of Waikato (Hamilton), former Commissioner of the New Zealand Law Commission, Parliament Buildings, Wellington;

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Nicaragua

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Dr. EDMUNDO CASTILLO, special Legal Advisor of the Ministry of Foreign Affairs, former Secretary-General of the Ministry of Foreign Affairs and former Deputy Minister, responsible for assisting the Minister in the formulation and implementation of Nicaragua’s Foreign Policy and in International Legal Affairs, Managua;

His Excellency, Dr. CARLOS J. ARGÜELLO GÓMEZ, Ambassador of Nicaragua to the Kingdom of the Netherlands, Agent of Nicaragua in all past and present cases before the International Court of Justice since 1984, former Minister of Justice, former Dean of the Law Faculty and former Professor of International Law at the Universidad Centro Americana in Managua; Embassy of Nicaragua, Laan Copes van Cattenburch 84, 2585 DG, The Hague; Fax: +31 70 350 8331;

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Nigeria

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Sheikh IBRAHIM BIN SULEIMAN AL RASHID, Court President of the Board of Grievances, lecturer in law, King Faisal University, participated as deputy of the Board of Grievances of Saudi Arabia in the Currency Forgery conference, Lyon (1989), participated as deputy attendant Bribe-Fighting conference, Lyon (2000);

Sheikh SALIH BIN OTHMANE AL SALIH, former Assistant Cultural Attache, Saudi Embassy, London (1968-1972), former Investigator and Sharia Consultant, Ministry of the Interior, President of Commercial and Criminal Circuit Courts, Cassation Judge and President of the Board of Grievances, Makah Al-Mukarrammah Province and President of the Commercial Circuit Court;

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**Senegal**

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M. CHRISTIAN VALANTIN, Avocat à la Cour, ancien Directeur de Cabinet du Président de la République, ancien Représentant personnel du Président de la République du Sénégal aux Comités du Suivi et de Préparation des Sommets de la Francophonie, ancien Président du Comité international du Suivi du Sommet de Dakar,
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Singapore  
Singapour

Membres de la CPA - Annexe 6

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- 97 -
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Annexe 6 - Membres de la CPA

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Mr. ALI MOHAMMED HAMIR, Private Legal Practitioner, former Attorney-General of Zambia;

Justice ERNEST LINESI SAKALA, Judge of the Supreme Court of Zambia;

Justice S.K. MUNTHALI, LL.B., former Judge of the High Court of Zambia since 1998, former Advocate of High Court of Zambia, former lecturer in Commercial Law, Evelyn Hone College, former Senior Legal Aid Counsel, former Principal State Advocate and Director of Public Prosecutions; P.O. Box 72351, Ndola; e-mail: kabuzimunthali@yahoo.com.

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Annex 7 / Annexe 7

Members of the Specialized Panels Established Pursuant to the PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment

Membres des Commissions spécialisées en vertu du Règlement facultatif de la CPA pour l'arbitrage des différends relatifs aux ressources naturelles et/ou à l'environnement

PANEL OF ARBITRATORS
as at May 8, 2006

NOMS DES ARBITRES
au 8 mai 2006

Date of appointment
Date de la nomination

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Professor JULIO BARBOZA is currently serving as Judge and First Vice-President of the UN Administrative Tribunal. He is a Professor of International Law at the Institute for Foreign Service, the Argentina Catholic University and Belgrano University. He was former Professor at the Buenos Aires National University, Salvador University and the Catholic University of Cordoba. He is visiting Professor of Civil Law at Southern Methodist University in Texas, USA, as well as at the Inter-American Institute of International Law, of the Organisation of the American States, in Rio de Janeiro, Brazil. Prof. Barboza has been a Legal Advisor for the Argentine Ministry of Foreign Affairs, and was a former Ambassador in Poland and Czechoslovakia. As Special Rapporteur for the UN Law Commission, he has submitted eleven reports on the topic of International Liability for the Injurious Consequences of Acts not Prohibited by International Law. He holds an LL.B from Buenos Aires National University School of Law, and a Master of Laws (cum laude) in Comparative Law from Southern Methodist University Law School, in Texas, USA.

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Annex 7 - Specialized Panels

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Annex 7 - Specialized Panels

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- 110 -
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**Panama**

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Annex 7 - Specialized Panels

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New Zealand

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New Zealand

Panama

Mr. GONZALO MÉNENDEZ G. specializes in Geo-chemistry, and is currently completing post-graduate studies, specializing in Environmental Management. He is currently the deputy general manager at the National Environmental Agency. Prior to that, he served as an environmental consultant for several organizations, including the World Health Organisation. He also served as an environmental controller manager at the Inter-American Regional Agency, in order to check the environmental parameters of goods exported to Panama and prepared studies on the area. He also worked for the private sector as a geo-chemical and geophysics environmental prospector and environmental auditor.

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Panama
Mr. RICARDO ROGELIO ANGELIZOLA MORALES is currently Administrator General for Panama’s Autoridad Nacional del Ambiente. He previously served as: Vice-President and General Manager at Grupo Melo; Founder of Ingenieria Avanzada S.A.; Technical Co-Director and Panamanian representative for the Program for Remote Sensing and Information Systems; Representative of the National Geographic Institute “Tommy Guardia” in the Commission BID-PANAMA; and Partner and Manager at Empresa LM/Cartografia. He also held the positions of Chief of the Photogrammetry Department, Deputy Manager, and Director at the National Geographic Institute “Tommy Guardia”. Mr. Morales has extensive geology and photogrammetry experience. He has participated in several seminars and conferences in environmental management, including seminars in environmental impact assessment methodology and in environmental security in Central America and the Caribbean. Mr. Morales received a Licenciado in Civil Engineering from the Universidad de Panama, as well as a post graduate Diploma in Photogrammetry and a Master’s degree in Photogrammetric Sciences from the International Institute for Aerospace Survey and Earth Sciences.

Peru

Mr. GUSTAVO SUAREZ DE FREITAS CALMET serves as the Director General for Protected Natural Areas at the National Institute of Natural Resources. He qualified as forest engineer after having obtained his postgraduate degree in Forest Resource Conversion from the Universidad Nacional Agraria La Molina, Peru.

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Romania

Mr. FLOREA-GABRIAN CORNEL OVIDIU acts as Deputy General Commissioner of the Environmental Guard of Romania. He has been in charge of the Ecological Control and Monitoring Directorate. Mr. Ovidiu also cooperated with the Water State Directorate of Romania, within the Ministry of Water and Environment Protection. In addition, he has gained experience in tailing dams, while working for the Ministry of Mines. He has earned his Master’s degree from the University of Constructions in Bucharest. He has been trained at the Ministry of Environment of the Netherlands, the International Agricultural Centre of Warmingen, the Netherlands, UNEP and the United States Agency for International Development. Mr. Ovidiu is fluent in English and French.

Slovak Republic

Professor Dr. IGOR MUCHA is a Senior Expert at Ground Water Consulting Ltd. and a former Professor of Hydrogeology at Comenius University in Bratislava. He has managed and advised on several ground water and hydrogeology projects in Europe and Asia, including the EU Project PHARE’s Dazubian Lowland-Ground Water Model and a ground water survey project at River Langat in Kuala Lumpur. Prof. Mucha has been integrally involved in the ICJ Case concerning the Gabcikovo-Nagymaros Project (Hungary v. Slovakia) and its subsequent implementation, serving as Technical and Ecological Expert and as Member of the Slovak government delegation. He previously taught at the Danish Technical University in Lyngby, advised Yemen’s Ministry of Agriculture on water resources and irrigation projects, and conducted ground water surveys as a Research Fellow in Yemen’s Ministry of Agriculture. Prof. Mucha has expertise in ground water surveys and hydraulics, modeling, and surface and ground water monitoring and ecology, and has published extensively in these fields. He holds a Diploma and Master’s, Dr. Sc. and Ph.D. degrees in Engineering, Geology, and Hydrogeology from Comenius University.

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Sri Lanka

Professor Dr. SARATH WIMALABANDARA KOTAGAMA is member of the National Academy of Science of Sri Lanka, Sri Lanka Association for the Advancement of Science and the Institute of Biology of Sri Lanka. He serves as the country representative to the Commission on National Parks and Protected Areas/World Conservation Union (IUCN). Prof. Kotagama has coordinated an Asian Wetland Survey through the support of the World Wide Fund for Nature and Asian Red Data Program, in the framework of BirdLife International. In the past, he has presided the Pan Asian Ornithological Congress and has coordinated the Sri Lanka Environment Congress. Prof. Kotagama has extensively contributed to the March for Conservation at the University of Colombo, serving in the capacity of Scientific Advisor, Coordinator, Joint Coordinator and General Secretary for over a decade. Prof. Kotagama has been a member of the Presidential Task Force on development of Wildlife Conservation, as well as the Ministerial Task Force on Development of Wildlife Sector. He also led the Central Environmental Authority of Sri Lanka, the State Environmental Council. He has widely participated in the work of the National Sea Turtle Survey Committee, the National Committee on Environment the Land Use Policy Planning Committee, and the Steering Committee for the Conference on Environmental Education and Advisory Council on Zoological Survey of Sri Lanka. He currently teaches Biodiversity, Ecology, Ornithology, Wildlife Conservation and Management at the University of Sri Lanka. Furthermore, he coordinates the Master’s Program in Environmental Science and chairs the Department of Zoology. He was a former lecturer in ecology, zoology and ornithology at the University of Colombo. He has been invited as a consultant to the Open University of India and contributed to the Master’s Degree course at the University College in Wales. Prof. Kotagama is the author of numerous publications, textbooks and reference books on ecology, conservation and environmental education. He has contributed significantly to the work of Sri Lanka Association for the Advancement of Science through manifold presentations and reports.

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Sudan

Dr. NADIR MOHAMMED AWAD is the Secretary-General of the Higher Council for Environment and Natural Resources of the Ministry of Environment and Tourism of Sudan. He is also a distinguished scholar and recognised botanist in his country. He obtained a Ph.D. in Wildlife Management from Colorado State University, U.S. and has served as a lecturer in various universities around the world. Dr. Awad has published numerous papers and scientific reports regarding wildlife and environment, and also has appeared as guest speaker in international conferences and workshops of environmental and sustainable development. He is a member of the Sudanese Environment Conservation Society and the UNESCO Water Resources Council.

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Sweden

Justice ANNA-LENA ROSENGARDTEN is a Technical Judge on the Environmental Court of Appeal, currently on leave to serve as Chief Secretary of a governmental committee for revision of the Swedish Environmental Code. She previously worked as Technical Member and as Technical Secretary at the Swedish Licensing Board for Environmental Protection. Prior to that, Justice Rosengardten was Chief Staff Engineer at the Swedish Environmental Protection Agency and an Assistant in the Department of Chemical Engineering and Technology at the Royal University of Technology in Stockholm. She has been a Member of the former Environmental Supervision Board in Sweden, instructed environmental court judges on the Swedish Environmental Code, and taught environmental courses to university students and others. Justice Rosengardten holds a Master’s degree in Chemical Engineering from the Royal University of Technology in Stockholm.

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Switzerland

Dr. PETER SCHMID is a Senior Research Associate in the Department of Organic Chemistry of the Swiss Federal Laboratories for Materials Testing and Research, where he heads a group working on organic analytical chemistry. He previously worked as a Senior Research Associate at the Institute of Toxicology of the Swiss Federal Institute of Technology and the University of Zurich. Dr. Schmid’s current research focuses on developing methods for the trace analysis of environmental pollutants (e.g., PCBs, dioxins, PCP, synthetic musks, pesticides, and others), methods for the determination of tire treads using marker compounds in dust samples (NFP 41), and methods for the investigation of distribution and pharmacokinetics of xenobiotics in humans (labelling techniques with stable isotopes). He also directs several Ph.D. research theses on pesticide risk evaluations, environmental transfer processes of dioxins and furans, and other topics in toxicology. Dr. Schmid is a Eurotox
registered Toxicologist, as well as registered in the Swiss Professional Register of Toxicology, and a Board Member of the Swiss Society of Food and Environmental Chemistry. Dr. Schmid received a Diploma in Chemistry and a Ph.D. from the Department of Organic Chemistry of the Swiss Federal Institute of Technology Zurich.

Thailand

Dr. SURAPHOL SUDARA is an expert in Marine Ecology, Environmental Management and Integrated Coastal Management. He has completed a Ph.D in Zoology (University of Hawaii), an M.Sc. in Marine Biology (Chulalongkorn University), and a B.Sc. in Zoology (Chulalongkorn University). He is currently President of the Marine Science Association of Thailand, the Association of South-East Asian Marine Scientists (ASEAMS), and the Siam Environmental Club. He has served as an Advisor to the House of Representatives Committee on Foreign Affairs and was Chairman of the Subcommittee on Marine Tourism of the National Committee for Promotion and Development of Tourism. He is a member of the Committee on Environmental Protection of the Law Society of Thailand, the Thai Marine Policy and Restoration Committee, and the Expert Committee on Water, Office of Environmental Policies and Planning (OEP), Ministry of Science, Technology and Environment. He has also worked as Advisor to the Minister of Agriculture and Cooperatives and acted as Head of the Department of Marine Science, Chulalongkorn University, as well as Member of the National Marine Science Committee. He has written extensively on environmental and marine policy, and lectured on environmental management in Scotland, the Philippines, Malaysia, Vietnam, Japan and China.

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Ukraine

Mr. SERHIY KALYNOVSKY is Director of the Department of Environmental Expertise and Environmental Impact Assessment of the Department of Ecological Safety, at the Ministry of Environment and Natural Resources. Moreover, he has served as the director of the Department of Nature Protection Programs and Investment Policy and the director of the Department of State Environmental Expertise and Audit of the Ministry of Environmental Protection. He graduated from the Department of Geography at the T. Shevchenko Kiev State University. Mr. Kalynovsky has experience working as senior inspector, leading inspector and chief inspector of State Inspectorate of Environmental Expertise on Projects of State Committee of Ukraine for Nature Protection. He has been awarded the honorary certificate of the Cabinet of Ministers of Ukraine.

United States of America

Dr. ROSINA BIERBAUM is Dean of the School of Natural Resources and Environment at the University of Michigan and Acting Director of the Office of Science and Technology Policy (OSTP) in the Executive Office of the President. She formerly served as Associate Director for Environment in OSTP, where she advised the Administration on national and international environmental matters such as global change, air and water quality, biodiversity, and energy research and development. Dr. Bierbaum has led the U.S. delegation to IPCC Plenary Meetings and has headed an IPCC Working Group. She works closely with the President’s National Science and Technology Council as Co-Chair of its Committee on Environmental and Natural Resources. She is a Member of the Scientific Advisory Board of the Defense Department’s Strategic Environmental Research and Development Program and serves as OSTP liaison to the National Ocean Research Leadership Council. Dr. Bierbaum previously worked on oceans and other environmental issues in various capacities in the former Office of Technology Assessment within the U.S. Congress. She has received awards for her contributions to the field of geophysics and for scientific leadership in climate protection. She has published and lectured extensively on environmental science and policy issues. Dr. Bierbaum holds Bachelor’s degrees in English and Biology from Boston College and a Ph.D. in Ecology and Evolution from the State University of New York at Stony Brook.

Uruguay

Mr. VICTOR CANTON

- 132 -