REPORT

I. EXECUTIVE SUMMARY

1. In the course of 2006, the registry caseload of the Permanent Court of Arbitration (PCA) again reached the previous year’s record of nineteen pending cases. Six cases were completed during 2006.

2. 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 and multilateral investment treaties, and a number of tribunals established under Annex VII of the 1982 United Nations Convention of the Law of the Sea (UNCLOS).

3. The PCA received a record twenty-eight requests for designation of an appointing authority or services as appointing authority under the UNCITRAL Arbitration Rules.

4. With the accession of Kenya, the number of PCA member states increased to 106.

5. In 2006 the PCA commenced the first stage of an ambitious project, in close cooperation with the Hague Justice Portal, to digitalize the PCA’s historic international arbitral awards, making them available for the first time in searchable electronic format.


7. The PCA’s cooperation with the International Council for Commercial Arbitration (ICCA) continued in 2006, with the publication of the *Yearbook Commercial Arbitration* (Volume XXXI) and two supplements to the *International Handbook on Commercial Arbitration*.

8. The PCA and the United Nations Environment Program (UNEP) hosted a meeting of academic experts in environmental law and policy at the Peace Palace in November. The UNEP/PCA Advisory Group on Dispute Avoidance and Settlement Concerning Environmental Issues reviewed recent developments, including, inter alia, the work of the PCA and the International Court of Justice in the field of environmental dispute settlement.

9. The Secretary-General attended the 18th ICCA Congress in Montreal on “International Arbitration 2006: Back to Basics?” with the PCA’s General Counsel in May.


11. In October, the Secretary-General attended a solemn sitting in the Great Hall of Justice organized by the International Court of Justice on the occasion of the visit of Their Majesties King Abdullah II and Queen Rania of Jordan.

12. The PCA’s Deputy Secretary-General gave presentations on the PCA’s thirty years of experience under the UNCITRAL Arbitration Rules in April at a conference in Vienna jointly organized by the Vienna International Arbitration Centre and UNCITRAL, and in November at a conference hosted by the Kuala Lumpur Regional Centre for Arbitration on “The Impact of the Rules on International Commercial Arbitration: History, Practices and Future.”

13. The Secretary-General visited Algeria in November and Bahrain, Saudi Arabia and Yemen in December, where he met with senior members of government and delivered a number of lectures on the role of arbitration in the resolution of international disputes. In Bahrain he was received by HRH the Crown Prince and Commander in Chief, Shaikh Salman Bin Hamad al Khalifa. In Saudi Arabia, the Secretary-General was introduced to His Majesty King Abdullah Bin Abdul Aziz Al Saud.
14. In December, one of the PCA’s Legal Counsel gave two presentations on the experience of the PCA under the UNCITRAL Rules in international arbitration at a conference on the UNCITRAL Rules hosted by the Cairo Regional Centre for International Commercial Arbitration.

15. 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 and judges, legal advisors, members of the diplomatic corps, lawyers, law students, and other groups, on subjects relating to the PCA.

II. THE WORK OF THE PCA AND ITS INTERNATIONAL BUREAU

A. Scope of Activity

Arbitration

16. The PCA was established by the Convention for the Pacific Settlement of International Disputes, concluded at The Hague in 1899, to facilitate arbitration and other forms of dispute resolution. It was the product of the first Hague Peace Conference, which was convened by Tsar Nicholas II of Russia “with the object of seeking the most effective means of ensuring to all peoples the benefits of a real and durable peace.” The 1899 Convention, the constitutive instrument of the PCA, was revised at the second Hague Peace Conference in 1907. The PCA’s founding conventions set out procedures for arbitrating disputes between states.

17. Although the 1899 and 1907 Conventions contain basic rules of procedure, parties may, by agreement, adopt their own procedural framework, or 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).

18. Although initially conceived as an instrument for the settlement of disputes between states, the PCA’s mandate was broadened in 1935 when it administered its first case between a state and a private party (Radio Corporation of America v. China), setting a precedent for its future activity providing services for the resolution of disputes involving various combinations of states, state entities, international organizations and private parties.

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

International Commissions of Inquiry and Conciliation

20. 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 out 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.

21. Since 1937, the International Bureau has been authorized to administer Conciliation Commissions. A list of cases submitted to Conciliation Commissions is set out 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. In 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

22. The PCA provides full registry services and legal and administrative 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 at 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 to non-PCA tribunals that wish to hold their hearings at the Peace Palace. In addition, a self-contained arbitration suite was built as part of the new Hague Academy Building, annexed to the Peace Palace. This suite will comprise a hearing room and several breakout rooms. The new building will be opened in early 2007.

Financial Assistance Fund

23. In October 1994, the Administrative Council established a Financial Assistance Fund. The Fund, which relies on voluntary contributions, is available to qualifying states to help offset costs related to 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 Fund’s Terms of Reference and Guidelines have been reproduced in annex 5 to this Report.

24. Since the establishment of the Fund, Norway, Cyprus, the United Kingdom, South Africa, the Netherlands, and Costa Rica have made contributions. Four grants of assistance have been made: one to a Central Asian state, one to an Asian state, and two to African states.

International Cooperation

25. 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.

26. 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.

27. The PCA is 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 the exercise of the Secretary-General’s special competence to designate appointing authorities under the UNCITRAL Arbitration Rules (see paragraph 45, below).

28. 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
In recent years the PCA has embarked on the establishment of “PCA Regional Facilities,” with the aim of making the PCA’s experience and expertise in dispute resolution more accessible. This initiative establishes a “legal framework” under which 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 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. The PCA continues to broaden its network of Regional Facilities.

An agreement was concluded in November with the government of Lebanon to establish a Regional Facility in the United Nations House in Beirut. During that month, the Secretary-General received the Foreign Minister of Costa Rica to discuss the terms of the agreement pertaining to the PCA Regional Facility in Costa Rica.

In 2005, 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. Under the arrangement, the PCA and ITLOS 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 other areas of concern.

### B. Developments in 2006

**Registry and Related Activities**

*(a) Registry*

In the course of 2006, the Permanent Court of Arbitration (PCA) acted as registry in nineteen cases. Six cases were completed during 2006. Cases included territorial, treaty, and human rights disputes between states; and commercial and investment disputes, including disputes arising under bilateral and multilateral investment treaties. To the extent permitted by the parties’ own confidentiality requirements, information on recent and pending cases is set out in this report and in greater detail on the PCA’s website: [http://www.pca-cpa.org](http://www.pca-cpa.org).

Total of 19 pending cases in 2006

- 2 Active as per December 31, 2006
- 6 Completed in 2006
- 11 Inactive
33. 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 Krahlf, 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. In 2006, the members of the BIS Tribunal were re-appointed for a period of five years in accordance with the appointment procedure foreseen in the 1930 Hague Agreement. There are no arbitrations currently pending under this Agreement.

34. 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.

35. 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. Schwbel (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 on the PCA’s website.

36. The International Bureau continued to serve as registry to the Commission in 2006. The Commission met with the Parties on March 10, 2006 in London, in order to discuss arrangements for the resumption of demarcation activities which had been halted in 2003 due to circumstances beyond the Commission’s
control. The Commission held a further meeting on May 17, 2006. The Commission met in private session on November 20, 2006 at the Peace Palace in order to consider further the procedures to be followed in connection with the demarcation of the boundary. The Parties declined the Commission’s invitation to attend the meeting, but the meeting was attended by representatives of the following witnesses of the Algiers Agreement: the United Nations, the European Union, the United States and the People’s Democratic Republic of Algeria. In view of the lack of necessary cooperation by the Parties, extending over more than four years, preventing the Commission from fixing boundary pillars on the ground, the Commission decided that it would instead use modern techniques of image processing and terrain modelling, combined with high resolution aerial photography, as well as knowledge acquired on the ground by the Commission field staff, to identify the locations where the line of the boundary changes direction and where boundary pillars would otherwise be located. These boundary points have been marked on 45 large scale maps (1:25,000) which have been given to the Parties. They have thus been informed in precise detail of where the demarcated boundary will run. However, the Commission has suspended the effect of this final identification of the boundary line for twelve months. During this period the Parties are at liberty to agree between themselves to fix pillars at the identified locations or to request the Commission to resume demarcation operations. The Commission will only be able to do this if both Parties undertake to cooperate and provide necessary security. If, at the end of the twelve month period, neither of these alternatives has been implemented, the locations now established by the Commission will take legal effect and will constitute the final demarcation of the boundary. The Commission issued a Statement on November 27, 2006 setting out the details of this procedure. The Statement is available on the PCA’s website.

37. 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 Commission has completed the liability phase of the proceedings, having rendered fifteen partial and final awards. The Commission has now embarked on the damages phase of its work. The International Bureau continued to serve as registry for the Commission in 2006.

38. 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. The tribunal rendered a Partial Award on March 17, 2006, which can be found on the PCA website.

39. The International Bureau continued in 2006 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 fuel reprocessing facility in the United Kingdom (“MOX Plant Case”). In 2003, the arbitral tribunal decided to suspend further proceedings in the MOX Plant Case, pending resolution of problems that had been raised regarding certain matters related to the internal operation of the legal order of the European Communities, to which both parties to the proceedings are subject. These problems were the subject of a judgment delivered by the European Court of Justice (ECJ) in May 2006. The arbitral proceedings remained suspended throughout 2006, with the parties submitting to the arbitral tribunal periodic progress reports, in accordance with previous Orders of the tribunal. The arbitral 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.

40. The International Bureau continued in 2006 to serve as registry in an arbitration between Barbados and the Republic of Trinidad and Tobago, relating to the delimitation of the Exclusive Economic Zone and Continental Shelf between them, submitted under Part XV of the United Nations Convention on the Law of the Sea (UNCLOS) to an arbitral tribunal constituted in accordance with UNCLOS Annex VII. Members of the tribunal were Judge Stephen Schwebel (President), Mr. Ian Brownlie, CBE QC, Professor Vaughan Lowe, Professor Francisco Orrego Vicuña, and Sir Arthur Watts, KCMG QC. The tribunal rendered its Award on April 11, 2006. The Award and other documents relating to the
arbitration can be found on the PCA’s website. The Award was the first ever rendered in a maritime delimitation submitted to arbitration pursuant to UNCLOS.

41. The International Bureau continued in 2006 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 tribunal consists of Judge Dolliver Nelson (President), Professor Thomas Franck, Professor Hans Smit, Professor Ivan Shearer, and Dr. Kamal Hossain.

42. The International Bureau is serving as registry in arbitration proceedings brought by the Channel Tunnel Group Limited and France-Manche S.A. against the governments of the United Kingdom and France in a dispute concerning the Channel Fixed Link (“Eurotunnel”). The members of the arbitral tribunal are Professor James Crawford SC (Chairman), Maître L. Yves Fortier CC QC, H.E. Judge Gilbert Guillaume, The Rt. Hon. Lord Millett, and Mr Jan Paulsson.

(b) Iran-United States Claims Tribunal

43. The PCA provided the Iran-United States Claims Tribunal (“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 Claims 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

44. 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 2006 the following tribunals made use of the PCA’s facilities:

- an ad hoc ICSID tribunal held hearings from January 18–19;
- an ICC tribunal held deliberations from February 20–21;
- an LCIA tribunal held a hearing on November 8; and
- an ICC tribunal held hearings from October 16–30.

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

45. 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 1 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.
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.

46. 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.

47. During 2006, the PCA received a record 28 new requests relating to its appointing authority services under the UNCITRAL Arbitration Rules or other ad hoc arbitration provisions. These requests included 26 requests that the Secretary-General designate an appointing authority and 2 requests that the Secretary-General act as the appointing authority for the appointment of arbitrators.

48. Overview of appointing authority activity in 2006:

**Case No. AA246:** Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, another Asian company. The Secretary-General designated an institution as appointing authority.

**Case No. AA247:** Claimant, a North American company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, an African company. Respondent made a late appointment of its arbitrator, to which Claimant consented. Accordingly, Claimant withdrew its request.

**Case No. AA248:** Claimant, a North American individual, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator in a dispute with Respondents, two European companies. The Secretary-General designated an institution as appointing authority.

**Case Nos. AA249-251:** Each of three Claimants, all Caribbean companies, commenced separate arbitrations against the Respondent, an African government. Claimants collectively requested that the Secretary-General designate an appointing authority in each case to appoint the second arbitrator on behalf of Respondent. The Secretary-General designated an individual as appointing authority.

**Case Nos. AA252-254:** Claimant, a European company, commenced three separate arbitrations against Respondents, three European companies. Claimant requested that the Secretary-General designate an appointing authority in each case to appoint the second arbitrator on behalf of Respondents. The Secretary-General designated an institution as appointing authority.

**Case No. AA255:** Claimant, a European company, requested that the Secretary-General designate an appointing authority in a dispute involving a European government entity. Claimant then requested that the matter be suspended pending settlement negotiations. No further action was taken by the Secretary-General.

**Case No. AA256:** Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, an Asian company. The Secretary-General designated an institution as appointing authority.

**Case No. AA257:** Claimant, a South American company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, an intergovernmental entity. The request was subsequently withdrawn following the settlement of the dispute.

**Case Nos. AA258 & 259:** An Asian company, the Claimant in both disputes which arose under related contracts, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, another Asian company. The Secretary-General designated an institution as appointing authority for both disputes. The parties later agreed on the appointment of a sole arbitrator for both disputes.
Case No. AA260: Claimant, an African company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, an African government. Respondent made a late appointment of its arbitrator, to which Claimant consented. No further action was taken by the Secretary-General.

Case No. AA261: Claimant, a North American company, requested that the Secretary-General designate an appointing authority for the appointment of the presiding arbitrator in a dispute involving a European company. The Secretary-General designated an individual as appointing authority.

Case No. AA262: Claimant, an African company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondents, a number of individuals and companies from Asia and the Caribbean. The Secretary-General designated an institution as appointing authority.

Case No. AA263: Claimant, an African government entity, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a Middle Eastern company. The case is suspended pending submission of further information from Claimant.

Case No. AA264: Claimant, a Caribbean company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, an Asian company. Respondent made a late appointment of its arbitrator, to which Claimant consented. Accordingly, Claimant withdrew its request.

Case No. AA265: The agreement governing the relationship between Claimant, a European company, and Respondent, another European company, called for the Secretary-General to act as appointing authority. Claimant requested that the Secretary-General appoint the sole arbitrator. The parties subsequently reached agreement on an individual to act as the sole arbitrator, and the request was withdrawn.

Case No. AA266: Claimant, a Caribbean company, approached the Secretary-General during the constitution of the arbitral tribunal in a dispute with Respondent, a European company. Claimant alleged that Respondent’s appointment of the second arbitrator was late. The parties subsequently settled the dispute, and no designation was made by the Secretary-General.

Case No. AA267: Claimant, an Eastern European company, approached the Secretary-General during the constitution of the arbitral tribunal in a dispute with two Eastern European governments. Further information was requested from the Claimant before any action could be taken by the Secretary-General. The case is pending.

Case No. AA268: Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, an intergovernmental entity. The Secretary-General designated an institution as appointing authority.

Case No. AA269: Claimant, a Caribbean company, approached the Secretary-General during the constitution of the arbitral tribunal in a dispute with Respondent, a European company. Claimant alleged that Respondent’s appointment of the second arbitrator was late. The parties subsequently settled the dispute, and no designation was made by the Secretary-General.

Case No. AA270: Claimant, a European company, requested the Secretary-General to appoint the presiding arbitrator in a dispute against the Respondent, a Central-American government, in accordance with their arbitration agreement that provided that the Secretary-General of the PCA would appoint the presiding arbitrator in the event the first two arbitrators failed to make the appointment within a certain time period. The case was subsequently suspended pending the parties’ settlement discussions.

Case No. AA271: Respondent, an Asian company, requested the Secretary-General to designate an appointing authority to decide its challenge to the arbitrator appointed by Claimants, two affiliated North American and Asian companies. Claimants subsequently withdrew their appointment of the first arbitrator, obviating the need for the Secretary-General to designate an appointing authority.

Case No. AA272: The Secretary-General was contacted regarding the appointment of an arbitrator in a dispute between Claimant, a European company, and Respondent, an Asian government. The case is pending.
Case No. AA273: The Secretary-General was contacted regarding the appointment of an arbitrator in a dispute between Claimant, a European company, and Respondent, an Asian government. The case is pending.

Environmental Dispute Resolution

49. The PCA was frequently called upon in 2006 to participate in environmental dispute resolution related conferences and meetings, given its role in the field, established through promotion of the PCA 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 (together known as “the Environmental Rules”), and moreover due to the growing number of PCA cases with a natural resources and/or environmental component.

50. In promoting the use of the Environmental Rules, a PCA Legal Counsel attended Carbon EXPO, an emissions trading conference in Cologne Germany, and meetings of the Institute of Environmental Security in The Hague and Brussels. As in previous years, the Environmental Rules were being referred to in the arbitration clauses of numerous agreements relating to emissions trading.

51. A key development in 2006 was intensified cooperation with the United Nations Environment Program (UNEP) which manifested in a UNEP-convened advisory group workshop being held at the Peace Palace on “Dispute Avoidance and Settlement Concerning Environmental Issues.” The group met over two days to consider recent developments in the field of environmental dispute avoidance and resolution, including the case law of the PCA and the International Court of Justice (ICJ). A report of the meeting will be posted on the UNEP and PCA websites.

Mass Claims

52. 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, was published by Oxford University Press in February 2006.

53. The PCA’s Steering Committee on Mass Claims Processes, chaired by Judge Howard Holtzmann, has produced a comprehensive book, addressing such matters as funding, balancing arbitral and administrative approaches, key elements in drafting rules of procedure, establishing standards of proof, defining the respective functions of arbitrators and the secretariat and utilizing computer technology. The book will describe the approaches to these matters taken by eleven modern mass claims processes. International Mass Claims Processes will be published by Oxford University Press in early 2007.

54. To accompany the publication of these works, the International Bureau is also gathering information concerning various mass claims tribunals and processes, in order to create a conveniently accessible source of useful information for those involved in existing mass claims tribunals as well as those responsible for the design of future ones. This information is available at the PCA’s website.

Cooperation Agreements

55. 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 2006, the editorial staff produced Volume XXXI of the Yearbook. In addition, Supplements 45-47 of the Handbook were published.

56. The PCA continued its publication activities with Kluwer Law International (KLI) during 2006. A PCA staff member served as assistant editor of the Journal of International Arbitration.

57. The PCA has entered into an agreement with TMC Asser Press for the publication of a PCA Award Series. The Series features 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. Forthcoming volumes will include the awards of the Bank for International Settlements Arbitration, the Iron Rhine Arbitration between Belgium and the Netherlands, the Ireland/United Kingdom OSPAR Arbitration, and several pending arbitrations under Annex VII to the UN Convention on the Law of the Sea.

58. The PCA is working in close cooperation with the Hague Justice Portal, a project of the Hague Academic Coalition, to digitalize the PCA’s historic international arbitral awards, making them available for the first time in electronic format.

Increasing Awareness of the PCA

59. The PCA participated in several important international conferences and meetings during the year under review.

60. A number of the PCA’s legal staff participated in a Pre-Moot for the Annual Willem C. Vis International Commercial Arbitration Moot that was held at the Peace Palace in April. The PCA was represented by the Deputy Secretary-General and one of the PCA’s Legal Counsel at the 13th Annual Willem C. Vis International Commercial Arbitration Moot, held in Vienna in April.

61. From May 31 to June 3, the Secretary-General attended the 18th ICCA Congress in Montreal on “International Arbitration 2006: Back to Basics?”


63. In October, the Secretary-General attended a solemn sitting in the Great Hall of Justice organized by the International Court of Justice on the occasion of the visit of Their Majesties King Abdullah II and Queen Rania of Jordan. The Secretary-General was also invited by Their Majesties to a cultural reception that evening.

64. The Deputy Secretary-General represented the PCA at a number of events over 2006. In March, he participated in a panel discussion regarding investment treaty arbitration organized by Jong Oranje. He participated as an arbitrator in the 13th Annual Willem C. Vis International Commercial Arbitration Moot in Vienna in April, and also spoke on the role of the Secretary-General of the PCA at a panel discussion at the Joint Conference on 30 years of the UNCITRAL Arbitration Rules held by UNCITRAL and the International Arbitral Centre of the Austrian Federal Economic Chamber. He attended meetings in Paris at the ICC Commission on Arbitration in May, and with the International Federation of Commercial Arbitration Institutions in October. In September he attended the International Bar Association Conference in Chicago, where he participated in a roundtable discussion hosted by The Iberian Lawyer regarding Spain as a place of arbitration. He participated at a meeting of the Chartered Institute of Arbitrators, European Branch, Dutch Chapter, at the Peace Palace in November. He gave an exposé on the PCA’s more than thirty years’ experience under the UNCITRAL Arbitration Rules at a conference hosted by the Kuala Lumpur Regional Centre for Arbitration in November on “The Impact of the Rules on International Commercial Arbitration: History, Practices and Future.”

65. The Secretary-General visited Algeria in November, where he met with senior members of the government, including, in particular, the Foreign Minister, H.E. Mr. Mohammed Bedjaoui, and delivered two lectures on the role of arbitration in the resolution of international disputes, referring to past and present cases before arbitral tribunals under PCA auspices.

66. During December, the Secretary-General visited Bahrain, Saudi Arabia and Yemen. In Bahrain he was received by HRH the Crown Prince and Commander in Chief, Shaikh Salman Bin Hamad Al Khalifa. The Secretary-General also met with senior members of the government and gave a lecture at the University of Bahrain on inter-state dispute resolution and international arbitration. In Saudi Arabia, the Secretary-General was introduced to His Majesty King Abdullah Bin Abdul Aziz Al Saud. He also met with senior members of the government, including, in particular, the Foreign Minister, HRH Prince Saud Al-Faisal. The Secretary-General gave a lecture at the Institute of Diplomatic Studies. He was received
in Yemen by senior members of the government, including the Minister for Legal Affairs and the Minister of Justice. The Secretary-General also delivered a lecture at the University of Sana’a.

67. The General Counsel attended as an observer the Forty-fourth session of UNCITRAL Working Group II on Arbitration and Conciliation held in New York in January, and the Forty-fifth session of this Working Group in Vienna in September. The January session 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. The September session addressed a revision of the UNCITRAL Rules. In April she attended a conference in Vienna jointly organized by the Vienna International Arbitral Centre and UNCITRAL on “30 Years UNCITRAL Arbitration Rules” and on May 31 to June 3, she attended the 18th ICCA Congress in Montreal on “International Arbitration 2006: Back to Basics?” She was a member of a panel at a seminar on the topic of “Topicalities in International Commercial Arbitration” organized in Riga by the State Chancellery of the Republic of Latvia on 3-4 September.

68. In September, a Legal Counsel attended the LCIA’s European Users’ Council Symposium at Tylney Hall, United Kingdom.

69. In December, one of the PCA’s Legal Counsel gave two presentations on the experience of the PCA under the UNCITRAL Rules in international arbitration at a conference on the UNCITRAL Rules hosted by the Cairo Regional Centre for International Commercial Arbitration.

70. During 2006, 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.

71. 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 in both the 2005-2006 spring semester and the 2006-2007 fall semester. In addition, she lectured in masters’ level courses in international arbitration at both Leiden University and Utrecht University and to students in the Bachelor of Law program at the Erasmus University, Rotterdam.

72. The PCA’s Deputy Secretary-General 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 20 and August 17.

III. STATE PARTIES TO THE CONVENTIONS OF 1899 AND 1907

73. Kenya acceded to the 1907 Convention for the Pacific Settlement of International Disputes on April 12, 2006, and became a member state effective June 11, 2006. A list of state parties to the 1899 and 1907 Conventions, as of May 24, 2007, is set out in annex 1 to this Report.

IV. MEMBERS OF THE PERMANENT COURT OF ARBITRATION

74. 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 24, 2007, along with brief biographical notes, is set out in annex 6 to this Report.

75. 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 annex 6. 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.

76. In accordance with Article 4, paragraph 1 of the Statute of the International Court of Justice, the Members of the Permanent Court of Arbitration appointed 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

77. 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 24, 2007, is set out in annex 7 to this Report, and includes nominations put forth by the Secretary-General.

VI. ADMINISTRATIVE MATTERS

Administrative Council

78. 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.”

79. At its regular meeting on May 8, 2006, the Administrative Council, which is charged with the direction and control of the International Bureau, examined and adopted the Budget Performance Report and Audited Financial Accounts 2005 and took note of the Medium Term Plan (2008-2011) for the Organization.

80. The Administrative Council entrusts financial supervision of the International Bureau to a Financial 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. In January 2006, the representative of Italy succeeded the representative of India, who served as a member of the Committee from 2004 through 2005. As of January 1, 2006, the Committee was 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 8, 2006.

81. 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 20, 2006.

International Bureau Staff

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

- Secretary-General: Mr. Tjaco T. van den Hout
- Deputy Secretary-General and Principal Legal Counsel: Mr. Brooks W. Daly (since April 1, 2006)
- General Counsel: Ms. Judith Freedberg
- General Counsel, Public International Law: Ms. Anne Joyce (until July 31, 2006)
- Legal Counsel: Mr. Dane Ratliff
- Legal Counsel/Chief Editor: Ms. Belinda Macmahon
Legal Assistant and Internship Programs

83. In cooperation with McGill University (Montreal), the PCA continued its legal assistant program in the year under review. Participants in the legal assistant program spend twelve 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. The candidate accepted to the program for 2006 was:

Samuel Moss (Canadian): BCL/LL.B. (Honours) with great distinction, McGill University (Montreal); Diplôme d’études collégiales (Pure and Applied Sciences), Champlain – St. Lawrence College (Quebec City).

84. 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 2006:

Chloé Latulippe (Canadian): LL.M., McGill University (Montreal) Institute of Comparative Law; LL.L., University of Ottawa.
Yang Cheng (Chinese): Master of International and Comparative Law, Uppsala University (Sweden); Master of Laws, Zhejiang University (China); Bachelor of Laws, Chu Kechen Honor’s College, Zhejiang University (China).
Evgeniya Rubinina (Russian): Magister juris, University of Oxford, Balliol College; Ph.D. (candidate) Moscow State Institute of International Relations; Specialist Degree in International Law and Foreign Languages summa cum laude, Moscow State Institute of International Relations; LL.B. summa cum laude, Moscow State Institute of International Relations.

Budget and Finance

85. The Budget Performance Report 2006 and the Audited Financial Accounts 2006 were duly examined by the Financial Committee on March 6, 2007, considered by the Budget Committee on March 8, 2007, and again on April 12, 2007, and approved by the Administrative Council on May 24, 2007. They are available to member states in a supplement to this Report.

86. 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.

87. The contributions of each Contracting Power (member state), payable to the PCA by April 1 every year, are set out in the Scale of Assessments, approved by the Administrative Council at its meeting of May 23, 2005. 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 of June 2007*

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<td>Swaziland</td>
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<td>17-12-2004</td>
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<tr>
<td>Turkey</td>
<td>12-06-1907</td>
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<td>Uganda</td>
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<td>Ukraine</td>
<td>04-04-1962</td>
<td>04-04-1962</td>
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<tr>
<td>United Kingdom of Great Britain and Northern Ireland</td>
<td>04-09-1900</td>
<td>12-10-1970</td>
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<td>United States of America</td>
<td>04-09-1900</td>
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<td>Uruguay</td>
<td>17-06-1907</td>
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<td>Venezuela</td>
<td>15-06-1907</td>
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<td>Zambia</td>
<td></td>
<td>01-01-2000</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>19-09-1984</td>
<td></td>
</tr>
</tbody>
</table>
## Cases Conducted Under the Auspices of 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. 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>
<td>Matzen, Sir Fry, de Martens, Asser, de Savornin Lohman</td>
</tr>
<tr>
<td>II. 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>
<td>Mourawieff, Lammash, de Martens</td>
</tr>
<tr>
<td>III. 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&lt;sup&gt;*&lt;/sup&gt;</td>
<td>Gram, Renault, Motono</td>
</tr>
<tr>
<td>IV. France – Great Britain</td>
<td>Muscat Dhows (fishing boats of Muscat)</td>
<td>13 October 1904</td>
<td>8 August 1905&lt;sup&gt;*&lt;/sup&gt;</td>
<td>Lammash, Fuller, de Savornin Lohman</td>
</tr>
<tr>
<td>V. France – Germany</td>
<td>Deserters of Casablanca</td>
<td>10/24 November 1908</td>
<td>22 May 1909&lt;sup&gt;*&lt;/sup&gt;</td>
<td>Hummarskjöld, Sir Fry, Fusinato, Kriege, Renault</td>
</tr>
<tr>
<td>VI. Norway – Sweden&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Maritime Boundary (Grisbådarna Case)</td>
<td>14 March 1908</td>
<td>23 October 1909&lt;sup&gt;*&lt;/sup&gt;</td>
<td>Loeff&lt;sup&gt;3&lt;/sup&gt;, Beichmann, Hummarskjöld</td>
</tr>
<tr>
<td>VII. United States of America – Great Britain</td>
<td>North Atlantic Coast Fisheries</td>
<td>27 January 1909</td>
<td>7 September 1910&lt;sup&gt;*&lt;/sup&gt;</td>
<td>Lammash, de Savornin Lohman, Gray, Sir Fitzpatrick, Drago</td>
</tr>
<tr>
<td>IX. France – Great Britain</td>
<td>Arrest and Restoration of Savarkar</td>
<td>25 October 1910</td>
<td>24 February 1911</td>
<td>Beernaert, Ce de Desart, Renault, Gram, de Savornin Lohman</td>
</tr>
<tr>
<td>X. Italy – Peru</td>
<td>Canevaro Claim</td>
<td>25 April 1910</td>
<td>3 May 1912</td>
<td>Renault, Fusinato, Alvarez, Calderón</td>
</tr>
<tr>
<td>XI. 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>
<td>Lardy, Bon de Taube, Mandelstam&lt;sup&gt;1&lt;/sup&gt;, H.A. Bey&lt;sup&gt;3&lt;/sup&gt;, A.R. Bey&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td>XII. France – Italy</td>
<td>French Postal Vessel “Manouba”</td>
<td>26 January/6 March 1912</td>
<td>6 May 1913</td>
<td>Hummarskjöld, Fusinato, Kriege, Renault, Bon de Taube</td>
</tr>
</tbody>
</table>

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.

<sup>*</sup> These awards and other case-related documents are available at the website of the Hague Justice Portal: http://www.haguejusticeportal.net.

1. The names of the presidents are typeset in bold.
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.
<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date Arbitration Initiated</th>
<th>Date of Award</th>
<th>Arbitrators</th>
</tr>
</thead>
</table>
| XIII. France – Italy | The “Carthage” | 26 January/6 March 1912 | 6 May 1913* | Hammarskjöld
|         |      |                           |               | Fusinato    |
|         |      |                           |               | Kriege      |
|         |      |                           |               | Renault     |
|         |      |                           |               | Bon de Taube|
| XIV. France – Italy | The “Tavignano”, “Camouna” and “Gaulois” Incident | 8 November 1912 | settled by agreement of parties | Hammarskjöld
|         |      |                           |               | Fusinato    |
|         |      |                           |               | Kriege      |
|         |      |                           |               | Renault     |
|         |      |                           |               | Bon de Taube|
| XV. The Netherlands – Portugal | Dutch-Portuguese Boundaries on the Island of Timor | 3 April 1913 | 25 June 1914* | Lardy |
| XVI. Great Britain, Spain and France – Portugal | Expropriated Religious Properties | 31 July 1913 | 2 and 4 September 1920 | Root |
|         |      |                           |               | de Savornin Lohman |
|         |      |                           |               | Lardy |
| XVII. France – Peru | French claims against Peru | 2 February 1914 | 11 October 1921 | Ostertag
|         |      |                           |               | Sarre²     |
|         |      |                           |               | Elguera     |
| XVIII. United States of America – Norway | Norwegian claims case | 30 June 1921 | 13 October 1922* | Vallotton
|         |      |                           |               | Anderson²  |
|         |      |                           |               | Vogi²       |
| XIX. United States of America – The Netherlands | The Island of Palmas Case (or Miangas) | 23 January 1925 | 4 April 1928* | Huber |
| XX. Great Britain – France | Chevreau claims | 4 March 1930 | 9 June 1931³ | Beichmann |
| XXI. Sweden – United States of America | Claims of the Nordstjernan company | 17 December 1930 | 18 July 1932 | Borel |
| XXII. Radio Corporation of America – China | Interpretation of a contract of radio-telegraphic traffic | 10 November 1928 | 13 April 1935 | van Hamel¹ |
|         |      |                           |               | Hubert²    |
|         |      |                           |               | Furrer²    |
| XXIII. States of Levant under French Mandate – Egypt | Radio-Orient | 11 November 1938 | 2 April 1940 | van Lantschoù² |
|         |      |                           |               | Raestad    |
|         |      |                           |               | Mondrup²   |
| XXIV. France – Greece | Administration of Lighthouses | 15 July 1931 | 24 July 1956 | Verzijl² |
|         |      |                           |               | Mestre     |
|         |      |                           |               | Charbouris²|
| XXV. Turriff Construction (Sudan) Limited – Sudan | Interpretation of a construction contract | 21 October 1966 | 23 April 1970 | Erades² |
|         |      |                           |               | Parker²    |
|         |      |                           |               | Bentisi-Enchill² |
| XXVI. Iran – United States of America | Claims | 19 January 1981 | up to 17 January 2006; 683 awards | Skubiszewski, Arangio-Ruiz², Broms |
|         |      |                           |               | Aghahosseini², Ameli² |
|         |      |                           |               | Noori², Aldrich² |
|         |      |                           |               | McDonald², Brower² |
|         |      |                           |               | Former members: |
|         |      |                           |               | Bellet², Briner², |
|         |      |                           |               | Böckstiegel², Lagergren, |
|         |      |                           |               | Mangard², Ripphagen, |
|         |      |                           |               | Virally², Ansari², |
|         |      |                           |               | Bahrani, Khalilian², |
|         |      |                           |               | Mostafavi, Sani², |
|         |      |                           |               | Shafeiei², Ruda, |
|         |      |                           |               | Holtzmann², Allison², |
|         |      |                           |               | Duncan², Mosk² |

* These awards and other case-related documents are available at the website of the Hague Justice Portal: http://www.haguejusticeportal.net.
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>
</tr>
</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</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</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; 17 December 1999</td>
<td>Jennings; Schwelbel; El-Kosheri; Hight; 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>Lalive; 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; De Moor; Desta</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; Schwelbel; 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; 17 December 2004; 19 December 2005</td>
<td>van Houtte; Aldrich; Crook; Paul; Reed</td>
</tr>
<tr>
<td>XXXIX. Dr. Horst Reineccius; First Eagle SoGen 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; 19 September 2003; Final Award</td>
<td>Reisman; van den Berg; Frowein; Krafft; Lagarde</td>
</tr>
</tbody>
</table>

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<table>
<thead>
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<th>Case</th>
<th>Date Arbitration Initiated</th>
<th>Date of Award</th>
<th>Arbitrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>XL. Ireland – United Kingdom</td>
<td>Proceedings pursuant to the OSPAR Convention</td>
<td>15 June 2001</td>
<td>2 July 2003</td>
<td>Reisman\textsuperscript{2}, Griffith\textsuperscript{2}, Mustill\textsuperscript{2}</td>
</tr>
<tr>
<td>XLI. Saluka Investments B.V. – Czech Republic</td>
<td>Investment treaty dispute</td>
<td>18 June 2001</td>
<td>–</td>
<td>Watts, Behrens\textsuperscript{2}, Fortier\textsuperscript{2}</td>
</tr>
<tr>
<td>XLI. Ireland – United Kingdom</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>25 October 2001</td>
<td>–</td>
<td>Mensah\textsuperscript{2}, Fortier\textsuperscript{2}, Hafner, Crawford\textsuperscript{2}, Watts</td>
</tr>
<tr>
<td>XLIII. European government – European corporation</td>
<td>Investment treaty dispute</td>
<td>30 April 2002</td>
<td>24 May 2004 (settled by agreement of parties)</td>
<td>Hanotiau\textsuperscript{2}, Schneider\textsuperscript{2}, Jarvis\textsuperscript{2}</td>
</tr>
<tr>
<td>XLIV. Two corporations – Asian government</td>
<td>Contract dispute</td>
<td>16 August 2002</td>
<td>12 October 2004 Partial Award</td>
<td>Van den Berg\textsuperscript{2}, Gaillard\textsuperscript{2}, Layton\textsuperscript{2}</td>
</tr>
<tr>
<td>XLV. Malaysian company – African government</td>
<td>Investment treaty dispute</td>
<td>10 February 2003</td>
<td>–</td>
<td>Van den Berg\textsuperscript{2}, Brownlie\textsuperscript{2}, Orrego Vicuña\textsuperscript{2}, Lowe\textsuperscript{2}, Watts</td>
</tr>
<tr>
<td>XLVI. Belgium – The Netherlands</td>
<td>Dispute regarding the use and modernization of the “IJzeren Rijn” on the territory of The Netherlands</td>
<td>22/23 July 2003</td>
<td>24 May 2005</td>
<td>Higgins, Schrans\textsuperscript{2}, Simma\textsuperscript{2}, Soons\textsuperscript{2}, Tomka</td>
</tr>
<tr>
<td>XLVII. Barbados – Trinidad and Tobago</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>16 February 2004</td>
<td>–</td>
<td>Schwebel\textsuperscript{2}, Brownlie\textsuperscript{2}, Orrego Vicuña\textsuperscript{2}, Lowe\textsuperscript{2}, Watts</td>
</tr>
<tr>
<td>XLVIII. Guyana – Suriname</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>24 February 2004</td>
<td>–</td>
<td>Nelson\textsuperscript{2}, Hossain\textsuperscript{2}, Franck\textsuperscript{2}, Shearer, Smir\textsuperscript{2}</td>
</tr>
<tr>
<td>XLIX. Malaysia – Singapore</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>4 July 2003</td>
<td>1 September 2005 Award on Agreed Terms</td>
<td>Pinto\textsuperscript{2}, Hossain\textsuperscript{2}, Shearer, Oxman\textsuperscript{2}, Watts</td>
</tr>
<tr>
<td>L</td>
<td>1. The Channel Tunnel Group Limited 2. France-Manche S.A. – 1. United Kingdom 2. France</td>
<td>Proceedings pursuant to the Treaty of Canterbury Concerning the Construction and Operation by Private Concessionaires of a Channel Fixed Link (Eurotunnel)</td>
<td>17 December 2003</td>
<td>30 January 2007 Partial Award</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of Inquiry Agreement</th>
<th>Date of Report</th>
<th>Commissioners¹</th>
</tr>
</thead>
<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 Fournier Doulbassoff Beaumont Davis</td>
</tr>
<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 1912</td>
<td>Segrave Somborn Genoese Zerbi</td>
</tr>
<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 Montagut y Miro Horn</td>
</tr>
<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 Surie Ravn Unger Gayer</td>
</tr>
<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 Gros 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.
### International Conciliation Commissions

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


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.
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

<table>
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<th>as of June 1, 2007</th>
<th>Date of appointment</th>
<th>Date of latest renewal</th>
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### Argentina

**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 Martin 4408, piso 13º, 1424 Buenos Aires;

Date of latest renewal: 03-07-01

**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 Counsel of UNIDROIT, Rome, former Representative to UNCITRAL, Palace of Justice, Talcahuano 550, Buenos Aires, fax: +54 1 43 72 15 25;

Date of latest renewal: 09-01-96

**Mr. ENRIQUE J.A. CANDIOTI**, Member and former Chairman of the United Nations International Law Commission, former Secretary of State for Foreign Affairs and Legal Adviser of the Argentine Foreign Ministry, former Ambassador to the United States of America, Germany, Australia and New Zealand, specializations: public international law, law of the sea, territorial and boundary matters, international arbitration, Avda. Coronel Diaz 2277 (10-A), C1425DQI Buenos Aires;

Date of latest renewal: 25-07-97

**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.

Date of latest renewal: 28-01-05

### Australia

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

Date of latest renewal: 17-06-05

Cambodia, 4 Treasury Place, Melbourne, Victoria, 3002, fax: +61 3 9650 02 10;

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 6273 3025;

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**

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 Salzbourg, ancien Juge à la Cour européenne des droits de l’homme, Directeur de l’Institut autrichien des droits de l’homme de Salzbourg, 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, Ambassador, former Legal Advisor of the Austrian Federal Ministry of Foreign Affairs, former Chairman of the Legal Committee of the United Nations General Assembly (1989), former Director General of the Office of the Federal President, 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, Embassy of Austria, Via Reno 9, 00198 Rome, Italy;

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, Universitätstrasse 2, A-1090, Wien; tel: +43 1 4277 35306, fax: +43 1 4277 9353.

**Belarus**

Mr. YEVGENI A. SMIRNOV, Judge, Deputy-Chairman of the Supreme Economic Court of the Republic of Belarus, specializations: international private law, business law, international commerce arbitration, 8 Volodarsky Str., Minsk 220050, fax: +375 17 227 16 41;

Ms. GALINA V. BOCHKKOVA, First Deputy-Director of the National Centre of Legislative Activity under the Auspices of the President of the Republic of Belarus, specializations: international private law, international economic law, financial law, 1-a
Annexe 6 - Membres de la CPA

PCA Members - Annex 6

<p>| appointment/ | renewal/ |</p>
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Stankevich Str., Minsk 220050, fax: +375 17 220 12 25;

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;

M. ERIK FRANCKX, Professeur et Directeur du Centre de droit international et européen à la « Vrije Universiteit Brussel », chargé de cours à l’Université libre de Bruxelles, Professeur adjoint au Vesalius College (Bruxelles) et enseignant à la Brussels School of International Studies (University of Kent at Canterbury, Bruxelles), 2, av. de la Plaine, B-1050 Bruxelles, tél.: +32 2 629 26 06, fax: +32 2 629 12 59, e-mail: Erik.Franckx@vub.ac.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
Annex 6 - PCA Members

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


Ms. NADIA DE ARAUJO, Master of Comparative law, (George Washington University), Docteur en Droit (Université de São 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 Mercosul Protocol of Olivos, speaker in seminars and conferences,

- 61 -
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; 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.

**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**, LL.B., LL.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;

Le Juge MICHEL BASTARACHE, B.A., LL.L, LL.B., D.E.S., a été nommé à la Cour
suprême du Canada en 1997. Il possède des diplômes des universités de Moncton, de
Montréal, d'Ottawa et de Nice, où il a fait des études supérieures en droit international
public. Au cours de sa carrière diversifiée, il a été fonctionnaire au Nouveau-Brunswick
et à Ottawa, doyen de la Faculté de droit à Moncton et doyen associé à Ottawa, PDG
d’une société d’assurance-vie, puis membre actif du barreau au Nouveau-Brunswick, en
Alberta et en Ontario. Le juge Bastarache a écrit de nombreux articles sur le droit public
et a coprésidé d’importants projets de recherche publics et privés ainsi que des
commissions gouvernementales au Nouveau-Brunswick et dans les Territoires du
Nord-Ouest. Il a édité deux livres dont il était l’auteur principal. Il a reçu cinq doctorats
honorifiques et de nombreuses médailles et décorations, la plus prestigieuse étant celle
dofficier de la Légion d’honneur (France). Avant d’être nommé à la Cour suprême, le
juge Bastarache siégeait à la Cour d’appel du Nouveau-Brunswick;

Mr. ALAN H. KESSEL, B.A., LL.B., Legal Adviser at the Department of Foreign
Affairs and International Trade, former Deputy Legal Adviser and Director General of
the Bureau of Legal Affairs. Mr. Kessel has held numerous positions in the Legal
Bureau of the Department of Foreign Affairs and International Trade including that as
Director of the United Nations, Criminal and Treaty Law Division. He was the head of
the Canadian Delegation to the United Nations preparatory committees negotiating the
establishment of the International Criminal Court. His postings abroad have included the
Canadian Embassy in Sweden, the Canadian Mission to the United Nations in Geneva,
Switzerland and most recently the Canadian High Commission in London, UK. Mr.
Kessel joined the Canadian Department of Foreign Affairs and International Trade in
1983 after several years in private practice in corporate and commercial law in Toronto.

Chile

Ms. XIMENA FUENTES TORRIJO, D.Phil. (Oxon.), Lawyer, Associate Professor of
International Law at the University Adolfo Ibañez, Assistant Professor of International
Law at University of Chile, Vice President of the Chilean Society of International Law,
Member of the International Law Association, Co-Rapporteur of the Committee on
Sustainable Development, Areas of expertise: international environmental law, human
rights, sustainable development, peaceful settlement of international disputes. Avenida
Presidente Errazuriz 3485, Las Condes, Providencia, Santiago de Chile, tel:
+5623693675, e-mail: ximena.fuentes@uai.cl;

Prof. Mr. HUGO LLANOS MANSILLA, Lawyer, University of Chile, LL.M. (Harvard
University), Professor International Law Central University, Santiago de Chile, Member
of the Court of Appeals of Santiago, Former Deputy Secretary-General for Legal Affairs
and former Secretary-General of the Permanent Commission of the South Pacific,
Member of the Hispano-Luso American International Law Institute, Honorary Professor
University of Talca, Chile, Visiting Professor University of Stanford. El Galeón 6859,
Las Condes, Santiago de Chile, tel: +5622297607;

His Excellency Mr. EDMUNDO VARGAS CARREÑO, Lawyer, Professor of
International Law, Secretary-General of the Agency for the Prohibition of Nuclear
Weapons in Latin America and the Caribbean (OPANAL), former Juridical Counsellor
at the Ministry of Foreign Affairs of Chile, former Director of the Diplomatic Academy,
former Executive-Secretary of the Inter-American Commission of Human Rights of the
OAS, former Under-Secretary of Foreign Affairs, former Member of the Int’l Law
Commission, Schiller 326, 11570 Mexico DF Mexico, e-mail:evargas@opanal.org;
Mr. EDUARDO VÍO GROSSI, Lawyer, Doctor in Public Law at the University of Social Sciences of Grenoble, France, President of the Inter-American Juridical Committee of the OAS, former President of the Administrative Tribunal of the Latin American Association for Integration, Professor of International Public Law at the University Diego Portales, Santiago de Chile, and at the Diplomatic Academy “Andrés Bello” of the Ministry of Foreign Affairs of Chile, La Concepción 65, oficina 704, Providencia, Santiago; tel: +56 2 374 9263 and 9264; fax: +56 2 374 9265, e-mail: edovio@terra.cl.

People’s Republic of China

Mr. SHAO TIANTREN, LL.B., Legal Adviser to the Ministry of Foreign Affairs, Member of the International Space Law Society, Adviser to the Chinese Society of International Law, Adviser to the China Arbitration Committee on International Economy and Trade, Part-time Professor at Peking University, Ministry of Foreign Affairs, Treaty & Law Department, 2 Chao Yang Men Nan Avenue, Beijing 100701, fax: +86 10 65 96 32 09;

Dr. DUANMU ZHENG, LL.B., LL.M., Doctor of Law, former Vice-President of the Supreme People’s Court, Vice-President of the Chinese Society of International Law, former Member of the Drafting Committee of the Basic Law of the Special Administrative Region of Hong Kong, Professor at the Institute of Legal Studies of the Zhongshan University, Guangzhou, 27 Dong Jiao Min Xiang St., Dongcheng District, Beijing 100745, fax: +86 10 65 12 50 12.

Colombia

His Excellency Prof. RAFAEL NIETO NAVIA, Judge of the International Criminal Court for the former Yugoslavia, Professor of International Law, former Director of the Department of Public Law at the Law School at Javeriana University in Bogotá, former President of the Inter-American Court of Human Rights, former President of the Argentinean-Chilean International Tribunal for the Laguna del Desierto case, ICTY, Churchillplein 1, 2517 JW, The Hague, The Netherlands, tel: +31 70 416 52 77, fax: +31 70 416 53 07, or Edificio Seguros Fénix, Carrera 7 No. 32-33, Piso 13, Bogotá, Colombia, tel: +57 1 334 57 92, fax: +57 1 334 51 66;

His Excellency Mr. RAFAEL RIVAS POSADA, Lawyer, former Minister of Education, Ambassador to the EEC, Belgium and Luxembourg, Ministry of Foreign Affairs of Colombia;

Dr. FERNANDO HINESTROSA, Doctor of Law, Professor of Civil Law at the University of Colombia, former Minister of Justice, former Minister of Education, President of the Court of Arbitration of the Bogotá Chamber of Commerce, Dean of the University of Colombia since 1963;

His Excellency GUILLERMO FERNÁNDEZ DE SOTO VALDERRAMA, Doctor of Law and Economics, with studies on International Relations and Conflict Management. Ambassador of Colombia to The Netherlands, former Minister of Foreign Affairs, former Secretary-General of the Andean Community, former Chairman of the Bogota’s Chamber of Commerce, former Chairman of the Ibero-american Association of Chambers of Commerce, former Director General of the Inter-American Commercial Arbitration Commission and former Head of the UN Technical Mission to draw up the Special Economic Cooperation Plan for Central America, Groot Hertoginnaelaan 14, 2517 EG The Hague, The Netherlands, tel.: +31 70 361 45 45, fax: +31 70 361 46 36.
Democratic Republic of the Congo

M. BALANDA MIKUIN LELELEIL, Docteur en droit, Premier Président de la Cour suprême de Justice, Président du Groupe de travail spécial d’Experts de la Commission des droits de l’homme de l’ONU sur l’Afrique australe, Membre du Tribunal administratif de l’ONU, Professeur ordinaire à la Faculté de Droit de Kinshasa, spécialisations: droit international public, droit international administratif, droit des organisations internationales, droit international criminel, Cour suprême de Justice, Boîte postale 3382, Kinshasa/Gombe ou 1, Avenue Bellevue, Kinshasa/Ngaliema, Boîte postale 13197, Kinshasa I;

Son Excellence M. RAYMOND SAYEMAN BULA-BULA, Docteur en droit, Directeur du projet de Chaire de droits de l’homme et de droit international humanitaire à l’Académie militaire de Bujumbura (Burundi), Juge ad hoc près la Cour internationale de Justice dans l’affaire du mandat du 11 avril 2000 (Congo RD c. Belgique), Expert agréé du programme des Nations Unies pour l’Environnement (PNUE) pour l’arbitrage spécial en matière de l’environnement marin et côtier, Professeur titulaire de la Chaire de droit international public et Professeur de droit international humanitaire, Professeur de droit international des droits de l’homme, Professeur de droit de la mer, ancien Vice-Doyen, Université de Kinshasa, ancien responsable du groupe de l’ONU en Haïti chargé de l’appui au renforcement de l’État de droit et des droits de l’homme, Consultant international, Maison G.18, Plateau des Résidents, Université de Kinshasa, Commune de Lemba, Kinshasa, e-mail: sayeman_bula@yahoo.fr;


Costa Rica

Dr. ELIZABETH BENITO ODIO, Second Vice-President of Costa Rica, Minister of Environment and Energy, former Minister of Justice, Permanent Representative to the United Nations Office at Geneva, former Minister of Justice and Attorney General, former Judge of the ICTY, former Vice-President of the ICTY, jurist; specializations: introduction to law, history of law, private law, labor law, family law, international human rights law; Apartado Postal 2292-1000, San José, tel: + 506 224 4092 fax: +506 253 6984;

Dr. SONIA PICADO, Jurist, Parliamentarian, Legislative Assembly of Costa Rica, President of Social Democrat Political Party “Liberación Nacional”, Chair of the Board of Directors of the Inter-American Institute of Human Rights, Commissioner of the International Commission on Human Security, Professor at the Interdisciplinary Course of the Inter-American Institute of Human Rights, Professor of the Interdisciplinary Course of the Inter-American Institute of Human Rights, PO Box 1224-1000, San José, tel: +506 243 2866;

Dr. RODOLFO PIZA ROCAFORT, Jurist;

Mr. SERGIO UGALDE GODINEZ, Magister Juris in European and Comparative Law from Oxford University; Counsel for Costa Rica at the International Court of Justice; Coordinator of the International Law Commission, Senior Advisor to the Minister and Deputy Minister of Foreign Affairs of Costa Rica; Professor of Justice and Human Rights;
Rights, University of Costa Rica; former Partner at the Law Firm Monte Blanco, former Consultant for Trade and Investment in Asia and Costa Rica. Paseo de los Estudiantes, P.O. Box 370-1002, San José, tel: +506 396 5755, fax: +506 256 0561, e-mail: sugalde@rree.go.cr.

Croatia

Her Excellency Mrs. LJERKA ALAJBEG, M.M.L. (International Trade Law), Ambassador to Belgium and Luxembourg, former Chief Legal Adviser of the Ministry of Foreign Affairs of the Republic of Croatia, former Head of the International Law Department of the Ministry of Foreign Affairs, former Minister Counselor of the Embassy of the Republic of Croatia in Canada;

Dr. BOZIDAR BAKOTIC, LL.B., J.S.D. (Zagreb), Professor of International Law of the University of Zagreb, Faculty of Law, Member of the OSCE Dispute Settlement Mechanism and conciliator of the Court of Conciliation and Arbitration within the OSCE, Member of the International Academy of Astronautics and formerly Member of the Board of Directors of the International Institute of Space Law; University of Zagreb, Faculty of Law, c/irilometodska 4/1, 10000 Zagreb, fax: +385 1 485 1801;

His Excellency Mr. JAKSA MULJACIC, LL.M. (Zagreb), Ambassador of the Republic of Croatia to the Kingdom of the Netherlands, former Senior Counsellor and Head of the Department at the Department of International Law at the Ministry of Foreign Affairs, Embassy of Croatia, 16 Amaliastraat, 2514 JC, The Hague, The Netherlands, fax: +31 70 362 31 95;

Dr. BUDISLAV VUKAS, LL.M. (Zagreb), Professor of Public International Law, University of Zagreb; Vice-President of the International Tribunal for the Law of the Sea; Member of the Institut de Droit International; University of Zagreb, Faculty of Law, c/irilometodska 4/1, 10000 Zagreb, tel: +385 1 489 5615, fax: +385 1 485 1801.

Cuba

M. MIGUEL A. D’STEFANO PISSANI, Docteur en droit, Membre du secrétariat du Comité pour les sciences politiques du ministère des Affaires étrangères, ministère des Affaires étrangères, La Havane;

Mme OLGA MIRANDA BRAVO, Docteur en droit, Directeur juridique du ministère du Tourisme, La Havane;

Dr. MIGUEL ALFONSO MARTINEZ, Titular Professor in the Superior Institute for International Relations, Ave. 31 No. 4214 (altos) e/42 y 44, Playa, Ciudad de La Habana, fax: +53 724 15 16.

Cyprus

His Excellency Prof. NICHOLAS EMILIOU, Ambassador, Ministry of Foreign Affairs;

Mr. ALECOS MARKIDES, former Attorney-General of the Republic of Cyprus;

His Excellency Mr. GEORGHIOS PIKIS, former President of the Supreme Court of Cyprus; Judge of the International Criminal Court;

Mr. SOTOS DEMETRIOU, former Member of the Public Service Commission, former President of the District Court of Nicosia, former Senior District Judge in Paphos; former District Judge in Famagusta, former Barrister at Law, former chairman and founder member of the Chartered Institute of Arbitrators; Rega Fereou 33, CY-1087 Nicosia; tel: +357 22 49 39 17, fax: +357 22 442 406.
Czech Republic

Dr. DALIBOR JÍLEK, Doctor of Law, Head of the International and European Law Department of the Faculty of Law of the Masaryk University in Brno, Head of the Humanitarian Law Department of the Military University of Ground Forces in Vyškov, Member of the Advisory Committee to the Framework Convention on Protection of National Minorities of the Council of Europe in Strasbourg, Chairman of the Appeal Commission for the Asylum Procedure of the Ministry of Internal Affairs of the Czech Republic, Vevěří 70, 611 80 Brno, tel: +420 5 41 55 93 13;

Dr. VLADIMÍR BALAŠ, Doctor of Law, Director of the Institute of State and Law of the Czech Academy of Sciences, Member of the International Academy of Comparative Law, President of the Czech Society of International Law, Member of the Czech Arbitration Court attached to the Economic Chamber and to the Agrarian Chamber of the Czech Republic, B. Smetany 1, 301 35 Plzeň, 116 91 Prague 1, fax: +420 2 24 93 30 56;

Prof. Dr. JIRÝ MALENOVSKÝ, Doctor of Law, Judge of the Constitutional Court of the Czech Republic and Associate Professor of Public International Law at the Masaryk University in Brno, former Judge of the Constitutional Court of the Czech and Slovak Federal Republic, former Ambassador, Permanent Representative of the Czech Republic to the Council of Europe in Strasbourg, former Chairman of the Committee of Ministers’ Deputies of the Council of Europe (1995) and former Chairman of its Group of Rapporteurs for legal co-operation, former Director-General of the Legal and Consular Section in the Ministry of Foreign Affairs of the Czech Republic, Constitutional Court of the Czech Republic, Joštova 8, 660 83 Brno, fax: +420 542 16 13 54;

Prof. Dr. PAVEL ŠTURMA, Doctor of Law, Professor and Head of the International Law Department of the Faculty of Law of the Charles University in Prague, Senior Research Fellow at the Institute of Law of the Czech Academy of Sciences, Member of the Legislative Council of the Government of the Czech Republic, Member of the Board of the Czech Society of International Law, Charles University, Faculty of Law, nám. Curieových 7, 116 40 Prague 1, fax: +420 2 21 00 53 48.

Denmark

His Excellency Mr. PAUL HENNING FISCHER, Doctor of Law, former Professor of the University of Copenhagen, former delegate of the General Assembly of the United Nations, former Ambassador to Poland, France and Germany, Judge ad hoc of the International Court of Justice, Member of the United Nations register of fact-finding experts, Straedet 8, DK3100 Hornbaek;

His Excellency Mr. TYGE LEHMANN, Ambassador, Senior Legal Adviser, Ministry of Foreign Affairs, Heerings Gaard, Asiatisk Plads 2, DK-1448 Copenhagen K, fax: +45 31 54 05 33;

Mr. MICHAEL LUNN, Permanent Secretary of State for Justice; former acting High Court Judge for High Court of Eastern Denmark; former Deputy Judge, Lower Court, former Head of Section, Ministry of Justice;

The Honourable TORBEN MELCHIOR, President, Supreme Court of Denmark, Chairman of the Government Committee on the Revision of the Inheritance Act, former Chairman of the Disciplinary Board of the Danish Bar and Law Society, former Member of the Nuclear Law Committee, OECD, former Member of the Standing Committee on Nuclear Liability, IAEA, former Co-editor of Danish Law in a European Perspective, Supreme Court of Denmark, Prins Jørgens Gård 13, DK-1218 Copenhagen K, fax: +45 33 15 00 10.
<table>
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<tr>
<th>Country</th>
<th>Member Details</th>
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<tbody>
<tr>
<td>Dominican Republic</td>
<td>Dr. Luis Arias Nuñez; Dr. Miguel A. Pichardo Olivier; Dr. Rhadys I. Abreu de Polano; Dr. Jorge A. Santiago Pérez.</td>
</tr>
<tr>
<td>Republic dominicaine</td>
<td>26-05-04 26-05-04 26-05-04 26-05-04</td>
</tr>
<tr>
<td>Ecuador</td>
<td>His Excellency Mr. Enrique Ponce Y. Carbo, Doctor of Law, Master of Laws, Yale University, Magistrate of the former Supreme Court of Justice, former Ambassador to the United Nations in Geneva and to the Holy See, Chairman of the Human Rights Commission of the United Nations, former Professor of Civil Law, Commercial Law, Procedural Law and Diplomacy, P.O. Box 17-12-454, Quito, fax:+593 252 6564;</td>
</tr>
<tr>
<td>Equateur</td>
<td>Son Excellence M. Galo Leoro Franco, Docteur en droit, Représentant permanent auprès de l’Office des Nations Unies à Genève; Avenida González Suárez No. 33-12 y Bosmediano (sector Bellavista), Quito; tel: +593 2 2462 802, fax: +593 2 2255 455;</td>
</tr>
<tr>
<td>Ecuador</td>
<td>Dr. Alejandro Ponce-Martínez, Professor of Law, Catholic University of Ecuador, Quevedo &amp; Ponce, 12 de Octubre and Lincoln, 16th Floor, P.O. Box 17-01-600, Quito, tel: +593 2 986 570 (ext. 218), fax: +593 2 986 580, e-mail: <a href="mailto:alejandro.poncem@quevedo-ponce.com">alejandro.poncem@quevedo-ponce.com</a>.</td>
</tr>
<tr>
<td>Egypt</td>
<td>His Excellency Dr. Ahmed Esmat Abdel-Meguid, Doctor of Law, Lawyer &amp; President of the Arab &amp; African Arbitrator’s Society, Member of the International Center for Settlement of Investment Disputes (ICSID) World Bank, Washington DC, Member of the High Level Advisory Panel of Eminent Persons of the Organization of African Unity (OAU), former Secretary-General of the League of Arab States, former Deputy-Prime Minister and Minister of Foreign Affairs, former Ambassador to France and to the United Nations, 78, El Nil Street, Giza, tel.: +20 2 748 91 11; fax: +20 2 748 99 50;</td>
</tr>
<tr>
<td>Egypt</td>
<td>Dr. Mohamed I.M. Aboul-Enein, Director, Cairo Regional Centre for International Commercial Arbitration, Constitutional Advisor to the People’s Assembly (Parliament), Professor of Law, Faculty of Law (English Section), Cairo University, former Senior Vice President of the Supreme Constitutional Court of Egypt, former Member of the Egyptian Judiciary and Justice of the Supreme Constitutional Court of Egypt, former Legal Advisor at the Presidency of the Republic;</td>
</tr>
<tr>
<td>Egypt</td>
<td>His Excellency Judge Nabil Elaraby, Judge at the International Court of Justice, former Ambassador of Egypt to the United Nations in New York and Geneva, former Member of the International Law Commission, former Judge at the Judicial Tribunal of the Organization of Arab Petroleum Exporting Countries, former Commissioner at the United Nations Compensation Commission in Geneva, Member of Unidroit, Member of ICAS, former Partner at Zaki Hashem &amp; Partners, Attorneys at Law, International Court of Justice, Peace Palace, Carreeplein 2, 2517 KJ The Hague; tel.: +31 70 302 2422, fax: +31 70 302 2409, e-mail: <a href="mailto:n.elaraby@icj-cij.org">n.elaraby@icj-cij.org</a>;</td>
</tr>
<tr>
<td>Egypt</td>
<td>Dr. Hisham Sadek Ali Sadek, Professor of Private International Law, Faculty of Law, Alexandria University, Chief of the Private International Law Department, Lawyer at the High Supreme Court in Egypt (Court of Review), Arbitrator and Legal Adviser in several arbitral cases.</td>
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El Salvador

His Excellency Dr. REYNALDO GALINDO POHL, Doctor of Law, Professor of International Law, former President of the National Constitutional Assembly, former Chief of State, former Minister of Culture, former Member of the Inter-American Legal Committee of the OAS, Ambassador, Ministry of Foreign Affairs, San Salvador, Boulevard Vista Hermosa II 22-36, Apto 1-D, Zona 15, Guatemala, Tel.: +502 2365 8594, Tel.: +503 2225 4171, fax: +503 225 41 71 (El Salvador);

Mr. ALFREDO MARTINEZ MORENO, Doctor of Law, Professor of International Law, former President of the Supreme Court, former Minister of Foreign Affairs, Member of the United Nations International Law Commission, Ministry of Foreign Affairs, San Salvador;

Dr. DAVID ESCOBAR GALINDO, Dean of the University “Doctor José Matías Delgado”, Member of the negotiating Commission of the 1980 General Peace Treaty between Honduras and El Salvador, Member of the 1992 Peace Commission, Member of the UNESCO Council;

Dr. GABRIEL MAURICIO GUTIÉRREZ CASTRO, former Vice-President of the Republic, former Judge and President of the Supreme Court, Member of the Inter-American Legal Committee of OAS, Substitute Judge of the Central American Court of Justice, Ministry of Foreign Affairs, San Salvador.

Estonia, Republic of

Her Excellency Mrs. MARINA KALJURAND, Undersecretary for Legal and Consular Affairs of the Ministry of Foreign Affairs of the Republic of Estonia; Ambassador to Israel; Islandi väljak, 15049 Tallinn, Estonia, tel: +372 631 74 00, fax: +372 631 74 39, e-mail: marina.kaljurand@mfa.ee;

Prof. HEIKI LINDPERE, PhD, Director and Extraordinary Professor of Institute of Law, University of Tartu; Member of Estonian Bar Association; Kaarli pst 3, 10119 Tallinn, Estonia, tel: +372 627 18 88, fax: +372 627 18 82, e-mail: heiki.lindpere@ut.ee;

Mr. UNO LÕHMUS, PhD, Visiting Professor of the University of Tartu; Judge at European Court of Human Rights (1994-1998); Chief Justice of Supreme Court of the Republic of Estonia (1998-2004); Judge at Court of Justice of the European Communities (since May 2004); Cour de justice des Communautés européennes, L-2925 Luxembourg, tel: +352 43 03 38 80;

Mr. RAIT MARUSTE, PhD, Chief Justice of Supreme Court of the Republic of Estonia (1992-1998); Judge at European Court of Human Rights (1998-2004 and since 2004); European Court of Human Rights, Council of Europe, F-67075 Strasbourg-Cedex, France, tel: +33 3 88 41 20 18, fax: +33 3 88 41 27 30.

Finland

Mr. BENGT BROMS, Professor emeritus of International and Constitutional Law at the University of Helsinki, Member of the Iran-United States Claims Tribunal, Raatimiehenkatu 2 a, FIN-00140 Helsinki or Iran-United States Claims Tribunal, Parkweg 13, 2585 JH, The Hague, The Netherlands, fax: +31 70 350 2 456;

Her Excellency Prof. KIRSTI RISSANEN, Secretary-General of the Ministry of Justice, Eteläesplanadi 10, P.O. Box 25, FIN-00023 Valtioneuvosto, fax: +358 9 1606 7525;

The Honorable Mr. GUSTAF MÖLLER, Justice, Supreme Court of Finland, Chairman of the Finnish Branch of the International Law Association, Member of the Executive Council of the International Law Association, Chairman of the Board of Arbitration of
the Central Chamber of Commerce of Finland, Chairman of the Finnish Arbitration Association, Helsinki; tel:+358 962 6168, fax:+358 965 2560, e-mail: gmoller@welho.com;

Her Excellency Mrs. IRMA ERTMAN, Ambassador, Director-General for Legal Affairs of the Ministry of Foreign Affairs, Ministry of Foreign Affairs, Legal Department, P.O. Box 176, FIN-00161 Helsinki, Finland, fax: +358 9 1605 5703.

**France**

Son Excellence M. GILBERT GUILLAUME, ancien juge de la Cour internationale de Justice, ancien Directeur des Affaires juridiques au ministère des Affaires étrangères, 36 rue Perronet, 92200 Neuilly-sur-Seine, fax: +33 1 47 45 67 84;

M. JEAN-PIERRE PUISSOCHET, Conseiller d’État, Juge à la Cour de justice des Communautés européennes, Plateau du Kirchberg, L-2925 Luxembourg, Grand Duché de Luxembourg, fax: +35 2 43 03 20 00;

M. PROSPER WEIL, Professeur émérite à l’Université de droit, d’économie et de sciences sociales de Paris, Membre de l’Institut de droit international, Membre et ancien Président du Tribunal administratif de la Banque Mondiale, 4 place du Président Mithouard, 75007 Paris, fax: +331456739 28;

M. MARC PERRIN DE BRICHAMBAUT, Conseiller d’État, Directeur chargé des affaires stratégiques, ministère de la Défense, Paris.

**Germany**

Prof. JOST DELBRÜCK, Docteur en droit, Magister legum (Indiana), Professeur de droit public à la Christian Albrechts-Universität de Kiel, Olshausenstrasse 40, D-24098 Kiel, fax: +49 431 880 16 19;

M. ALBRECHT RANDELZHOFER, Docteur en droit, Professeur de droit public et de droit international public à la Freie Universität Berlin, Ehrenbergstrasse 17, 14195 Berlin 33, fax: +49 30 838 64 32;

Prof. Dr. WALTER RUDOLF, Doctor of Law, Professor emeritus of Public Law at the University of Mainz, Commissioner for privacy protection, Rheinland-Pfalz, Member of the Institute of International Law, FB Rechts- und Wirtschaftswissenschaften, Johannes Gutenberg Universität Mainz, Saarstrasse 21, 55122 Mainz, fax: +49 61 31 392 54 39;

Prof. Dr. Dr.h.c. mult. KNUT IPSEN, Docteur en droit, Docteur honoris causa des Universités de Cracovie, de Wroclaw et de Sheffield, Président de la Croix-Rouge allemande, Carstennstrasse 58, 12205 Berlin, tél: +49 30 85 404.

**Greece**

Prof. Dr. CONSTANDINOS P. ECONOMIDES, ancien Directeur du Département juridique du ministère des Affaires étrangères de Grèce et actuellement jurisconsulte honoraire de ce ministère, Professeur émérite de droit international à l’Université Pandeion d’Athènes, Membre de la Commission du droit international des Nations unies, ancien Membre de la Commission de Venise pour la démocratie par le droit et du Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants, 5 rue Asklipiou, 14563 Politeia, Athènes, fax: +30 21 360 80 53;

Prof. M. ARGYRIS FATOUROS, JSD, Professeur à l’Université nationale d’Athènes, associé de l’Institut de droit international, ancien Représentant permanent de la Grèce près de l’OCDE, Directeur honoraire du Centre de droit économique international et européen (Thessaloniki), Ipitou 21, 10557 Athènes, fax: +30 1 325 23 52;
Annex 6 - PCA Members

Prof. Emeritus Dr. M.E. ROUCOUNAS, Member of the Athens Academy, Chair of Public International Law and President of the Scientific Council of the Ministry of Foreign Affairs, Member of the Institut de droit international, Geneva, Athens University, 84 Solonos Str., 106 80 Athens, tel/fax: +3013634597, e-mail: eroucon@academyofathens.gr.

Guatemala

M. JORGE SKINNER KLÉE, Doctor of Law and Social Sciences, former Minister of Foreign Affairs, ex-Counselor of State, ex-member of several Constituent Assemblies and of the Congress of the Republic of Guatemala, 9a Calle 3-72, Zona 1, Guatemala City, fax: +502 2 53 88 11;

Dr. ALBERTO HERRARTE GONZALEZ;

Dr. FRANCISCO VILLAGRÁN KRAMER;

Mr. GABRIEL ORELLANA ROJAS.

Guyana


Mr. BERTIE G. RAMCHARAN, LL.M., Ph.D., Barrister-at-Law (Lincoln’s Inn), Attorney-at-Law, Guyana, worked twenty-five years as a lawyer at the United Nations, presently Director in the Department of Political Affairs of the United Nations, United Nations Secretariat, Office Room S-3560A, New York, NY 10017, USA, fax: +212 963 89 76;

Mr. BARTON U.A. SCOTLAND, Bachelor of Laws (LL.B.), University of London, Master of Laws (LL.M.) (London), Doctor of Philosophy in International Law (Ph.D.) (London), former Ambassador, former Head of the Department of International Economic Cooperation, Attorney-at-Law in Private Practice which includes Civil and Criminal Litigation, Legal Advisory, Natural Resources and Investment Law, Negotiations and International Law, Nabaclis Village, East Coast Demerara, fax: +592 277779;

His Excellency Mr. MOHAMED SHAHABUDD EEN, B.Sc. (Econ.), LL.B., LL.M., Ph.D., LL.D. (London), hon. LL.D. (U.W.I.), Q.C., S.C., Honorary Bencher of the Middle Temple, former Solicitor-General of Guyana, former Attorney-General, former Minister of Foreign Affairs, former Judge International Court of Justice, former Vice-President International Criminal Tribunal for the former Yugoslavia, P.O. Box 13888, 2501 EW The Hague, The Netherlands, tel.: +31 70 512 53 13, fax: +31 70 512 52 52.

Haiti

M. GÉRARD DORCELY, ancien Ministre des Affaires étrangères et des Cultes, ancien Ministre de l’Éducation nationale, de la Jeunesse et des Sports, ancien Professeur de droit international privé à l’Université d’État d’Haïti, Département des Affaires étrangères, Port-au-Prince ou 150 Congress Street, Jersey City, NJ 07307, USA;

Son Excellence M. JEAN FORTIN CHERY, ancien Directeur général du ministère des Affaires étrangères et des Cultes, ancien Secrétaire d’État des Cultes, Ambassadeur consultant au ministère des Affaires étrangères et des Cultes, 4242 Carver Place, Gloucester, Ontario K1J 1B5, Canada;

M. DENIS RÉGIS, Avocat, ancien Directeur Général du Ministère des Affaires
Etrangères et des Cultes, Doyen de l’Institut National d’Administration, de Gestion et
des Hautes Etudes Internationales (INAGHEI), Directeur du Centre D’Etudes
Diplomatiques et Internationales (CEDI), Membre de l’Association Internationale de
Droit Pénal (France), Membre de l’Association des Sciences de Justice Criminelle
(U.S.A.), Professeur de Droit International Public, de Droit International Privé et de
Droit International Pénal à l’Université d’État d’Haïti, P.O. Box 16064, Petion-Ville,
W.I.; tel: 509 244 7636/257 9501, e-mail: cedi_haiti@yahoo.fr.

Honduras
Son Excellence M. CARLOS LOPEZ CONTRERAS, ancien Ambassadeur et Ministre
des Relations extérieures, Avocat et Notaire, Directeur de la Banque interaméricaine
d’intégration économique, Edif. Midence Soto, Tegucigalpa;

Son Excellence M. POLICARPO CALLEJAS BONILLA, Avocat et Notaire, ancien
Ambassadeur et Vice-Ministre des Relations extérieures, Membre de la Commission
juridique interaméricaine, Conseiller au ministère des Relations extérieures, ministre
des Relations extérieures, Tegucigalpa;

Mr. EDUARDO MARTELL has a degree in Law. He was Professor at the Catholic
University of Honduras and Advisor to the Ministry of Foreign Affairs. A career
diplomat, currently he is the Ambassador of Honduras to Spain;

Mr. MAX VELÁSQUEZ DÍAZ is an Attorney at Law and Notary Public. A career
diplomat, he was Ambassador of Honduras to Great Britain, Germany, Canada, France
and The Netherlands. Currently he is the Ambassador of Honduras to France.

Hungary
His Excellency Mr. ARPÁD PRANDLER, Ambassador, Head of the International Law
Department of the Ministry of Foreign Affairs, Honorary Professor of International Law,
former Director and Deputy to the Under-Secretary-General of the United Nations
(disarmament), President of the Hungarian Branch of the International Law Association,
Ministry of Foreign Affairs, P.O. Box 423, H-1394 Budapest 62, fax: +36 1 458 10 91;

Son Excellence M. GYÖRGY SZÉNÁSI, Ambassadeur, Agent de la Hongrie devant la
Cour internationale de Justice dans l’affaire concernant le projet Gabőkovo-Nagymaros
(Hongrie c. Slovaquie), ministère des Affaires étrangères, 1394 Boîte postale 62 PF 423,
H-1025 Budapest, fax: +36 1 458 1091;

Prof. Dr. JÁNOS BRUHÁCS, Professeur de droit international public et de droit
européen à l’Université Janus Pannonius de Pécs, ancien Doyen de la Faculté de Droit,
spécialisations: droit des cours d’eau internationaux, droit international de
l’environnement, droit des traités, 7622 Pécs, 48-astér 1, fax: +36 72 21 51 48;

Prof. VANDA LAMM, Professor of Public International Law at the Győr Law School
of the University of Budapest, Director of the Institute for Legal Studies of the
Hungarian Academy of Sciences, Deputy arbitrator of the Court of Conciliation and
Arbitration of the OSCE, Secretary-General of the Hungarian Branch of the
International Law Association, President of the International Nuclear Law Association,
Institute for Legal Studies of the Hungarian Academy of Sciences, Országház utca 30,
P.O. Box 25, H-1250 Budapest, fax: +36 1 375 75 58.

India
Honourable MILON K. BANERJI, Attorney General for India, B.Sc. (Gold Medalist)
and L.L.B. from Allahabad University, L.L.M. in International Law and Research
Diploma in International law from Cambridge University, Barrister and Honorary
Bencher of Lincoln’s Inn, started practice in the Allahabad High Court and shifted to the
Calcutta High Court and then to the Supreme Court of India, Lecturer in Law in Calcutta

- 72 -

Mr. M.H. KANIA, former Chief Justice of India, practiced as an advocate in the Bombay High Court till November 1969, when he was appointed as a Judge of that Court; former Acting Chief Justice and former Chief Justice of the Bombay High Court, former Judge of the Supreme Court of India and former Chief Justice of India; retired on November 18, 1992 and has been practicing as an arbitrator and doing advisory work since then; 6B, “Samata”, General Jagannath Bhosle Marg, Nariman Point, Mumbai - 400021, tel.: +91 22 228 557 57;

Mr. Y.K. SABHARWAL, Chief Justice of India, Judge at the Supreme Court of India since January 28, 2000, Chief Justice since November 1, 2005, former Judge of Delhi High Court; Acting Chief Justice of Delhi High Court and Chief Justice of the Bombay High Court. Mr. Sabharwal has held various other positions, including Secretary and President of the Bar Association and Member of Bar Council of India, representing Delhi; Chairman of the Advisory Board under Conservation of Foreign Exchange and Prevention of Smuggling Activities Act; Honorary Secretary of the I.L.A. - Indian Chapter; Chairman of the Supreme Court Legal Services Committee; and Executive Chairman, National Legal Services Authority, Supreme Court of India, New Delhi - 110 001, Tel.: +91 11 237 949 76;

Mr. B. SEN, of Gray’s Inn, Senior Advocate of the Supreme Court of India, Member of the Governing Council of UNIDROIT, Member of the Executive Committee, International Law Association, and of the Governing Council and Executive Committee, Indian Law Institute, former Legal Adviser, Ministry of External Affairs, Government of India and former Secretary-General of the Asian African Legal Consultative Organization, former visiting Fellow of the University of Cambridge Research Centre for International Law, acted as an arbitrator in several international commercial disputes under UNCITRAL and ICC rules. Publications: “A Diplomat’s Handbook of International Law and Practice (Martinus Nijhoff/UN); Halsbury’s Laws of India, Chapter on Oil and Gas. Mr. Sen has been awarded and decorated with the Order of the Rising Sun-Gold and Silver Star (Japan), 6B, 6 Southern Avenue, Maharani Bagh, New Delhi - 110065, tel.: +91 11 263 105 45.

Iran

Prof. DJAMCHID MOMTAZ, Professor of International Law, Faculty of Law and Political Sciences, Tehran University, Member, International Law Commission of the United Nations, 2000-2006, Chairman, 2005-2006, Legal Adviser of the Ministry of Foreign Affairs, Associate Member, Institute of International Law, Member, International Committee of Red Cross (ICRC) Group of International Advisers, Member, Curatorium of the Hague Academy of International Law;

Dr. SEYED JAMAL SEIFI, Principal Attorney with Dr. Jamal Seifi & Associates, former Lecturer in Law, The University of Hull, UK, Assistant Professor of Law, Shahid Beheshti (National) University of Iran, former visiting Professor of Law, The University of Hull, Dr. Jamal Seifi & Associates, 125 Karimkhan-Zand Ave, Tehran 15856, Tel: +98 21 88 30 14 58, Fax: +98 21 88 31 20 57, e-mail: sjseifi@dpimail.net;

Dr. ABBAS ALI KADKHODAEE, Professor of International Law, Faculty of Law and Political Sciences, Tehran University, Member of Iranian Guardian Council. Dr. Kadkhodaee has held various legal advisory positions in government in Iran since 1985 and has been a senior lecturer at Tehran University since 1997. Widely published in both English and Persian, he holds the following degrees: LL.B. Tehran University; LL.M.,
Mr. ABBAS ALI RAHIMI ESFAHANI, Head of the Center for International Legal Affairs (CILA). Mr. Rahimi Esfahani is experienced in judging civil and criminal cases and has served as Parliamentary and Legal Advisor in the Presidency of Iran and as Director General of the General Directorate of Formulation and Purgation of Laws & Regulations. He is widely published and holds an LL.B. from Tehran University and an LL.M. in Public International Law from the University of Hull (UK). Mr. Rahimi Esfahani can be contacted at CILA, 140 Mousavi St. Taleghani Ave., Tehran, Iran. Tel.: +98 218 882 7277, Fax: +98 218 832 8826, Email: cilair@govir.ir

Iraq

Mr. AL-ADHAMI RIYADH HASHIM ABDUL-RAZZAQ, Head of the Legal Department, Ministry of Foreign Affairs, Member of a number of committees for discussing MA and Doctorate theses on International Law in the College of Law of the Universities of Baghdad, Mosul and the Saddam University of Law, former Teacher of Law, College of Law and Politics, University of Baghdad, former Second Secretary and Minister Plenipotentiary at the Ministry of Foreign Affairs;

Dr. JASSIM AL-UBOUDY, Counsellor with the Vice President of State, Consultative Council, Ministry of Justice, former Head of Administration unit, former Legal Advisor, former Dean of the College of Law of the University of Basra;

His Excellency Dr. MOHAMMED H. HAMOUD, Ambassador, Undersecretary for Legal and International Organizations Affairs, Lecturer at the College of Law of the Baghdad University, former Legal Advisor to the Minister of Foreign Affairs, former Head of the Legal Department of the Ministry of Foreign Affairs, Candidate for Judge of the International Tribunal for the Law of the Sea, Member of the Editorial Panel of a number of Legal and Scientific Reviews, Member of a number of Law Societies (Iraqi, Arab and International).

Ireland

Mr. RORY BRADY, SC, ACI Arb, Attorney General of Ireland;

Mr. FRANCIS MAHON HAYES, BL, former Legal Adviser, Department of Foreign Affairs, former Ambassador of Ireland to the United Nations, former Member of the International Law Commission;

Mr. Justice NICHOLAS KEARNS, Judge of the Supreme Court of Ireland, former adhoc Judge of the European Court of Human Rights;

Ms. Justice FIDELMA MACKEN, Judge of the Supreme Court of Ireland, former Judge of the High Court of Ireland, former ad hoc Judge of the European Court of Human Rights (first woman judge of the Court), Member of Editorial Board, IIRP (Irish Intellectual Property Review), Member Company Law Review Commission, Member Board of Trustees Academy of European Law, Trier, Germany.

Israel

His Excellency Mr. SHABTAI ROSENNE, Advocate, former Ambassador, former Member of the Commission of International Law of the United Nations, Honorary Member of the Institute of International Law, P.O. Box 3313, 91033 Jerusalem, tel: +972 2 652 43 39, fax: +972 2 652 64 01, e-mail: Rosennes@netvision.net.il;
Annex 6 - PCA Members

Professor RUTH LAPIDOTH, LL.M., Doctor of the University of Paris, Professor of International Public Law at the Faculty of Law, Mount Scopus, Jerusalem 91905;

Mr. MEIR SHAMGAR, former President of the Supreme Court, specializations: constitutional law, administrative law, criminal law, laws of war, Sachar St. 12, Jerusalem 96263, fax: +972 02 52 61 30;

Mr. ALAN BAKER, LL.M., Legal Adviser, Ministry of Foreign Affairs, tel: +972 2 530 37 61, fax: +972 2 530 32 51, e-mail: alanb@mfa.gov.il.

Italy

His Excellency Prof. LUIGI FERRARI BRAVO, Doctor of Law, Professor of International Law at the Faculty of the University of Rome “La Sapienza” (until October 1998), President of UNIDROIT (since 1995), Member of the European Court of Human Rights (since 1 November 1998), Head of the Legal Department of the Ministry of Foreign Affairs (1 September 1985-31 December 1994), Member of the International Court of Justice (1995-1997), Member of the International Law Commission (1996-1997), Member of the International Law Institute and International Law Association, specializations: law of treaties, foreign investment law, commercial law, environmental law, human rights law; Viale Bruno Buozzi 49, 00197 Rome;

Prof. UMBERTO LEANZA, Docteur en droit, Professeur de droit international à l’Université de Rome “Tor Vergata” (depuis 1963), ancien Chef du Service du Contentieux diplomatique, des Traités et Affaires législatives, Agent du Gouvernement italien devant les cours internationales (depuis 1995), Membre du Conseil de direction de l’Association italienne pour l’arbitrage (depuis 1998), Membre de l’“International Law Association”, de l’“International Juridical Association” et d’UNIDROIT, spécialisations: droit international de la mer, droit de l’espace aérien et cosmique, droit de l’Union européenne, droit international et communautaire sur la protection des biens culturels, droit international pénal, Via Lucullo 11, 00187 Rome, tel.: +39 06 474 12 18, fax:: +39 06 488 57 20, e-mail: dirittoint@caltanet.it;

Prof. BENEDETTO CONFORTI, Professeur titulaire de la Faculté de Droit international de l’Université de Naples, ancien Juge à la Cour européenne des droits de l’homme, Via del Marzano 9, 80123 Napoli, tel.and fax: +39 081 575 41 25, e-mail: benconfo@unina.it;

State Attorney IVO MARIA BRAGUGLIA, Deputy Attorney General of State, since 2003 Head of the Diplomatic Legal and Treaties Department of the Ministry of Foreign Affairs, Agent of the Italian Government for international Courts.

Japan

His Excellency Mr. TOSHIJIRO NAKAZIMA, former Justice of the Supreme Court of Japan, former Ambassador Extraordinary and Plenipotentiary to China, Australia and Singapore, former Deputy Minister of Foreign Affairs, former Director-General of the Treaties Bureau, 2-15-34-109 Hamadayama, Suginami-ku, Tokyo 168-0065;

Judge SOJI YAMAMOTO, LL.B., Faculty of Law, University of Tokyo, Doctor of Law (LL.D.), University of Tokyo, Judge of the International Tribunal for the Law of the Sea, Professor emeritus of Tohoku University, 7-10-6 Takiyama, Higashikurume City, Tokyo 203-0033;

Dr. NISUKE ANDO, LL. M., Graduate School of Law, Kyoto University, M.A. and Ph. D., Fletcher School of Law and Diplomacy, Elected Member, Rapporteur (1991-92) and Chairman (1993-94), Human Rights Committee under the International Covenant on Civil and Political Rights, Judge, Administrative Tribunal, International Monetary Fund, Member, Council for Protection and Promotion of Human Rights, Ministry of Justice,
Professor of International Law, Faculty of Law, Doshisha University, 2-922-66 Kokubu, Otsu, Shiga 520-0844;

His Excellency Prof. HISASHI OWADA, Judge at the International Court of Justice, former President of the Japan Institute of International Affairs, Advisor to the Minister for Foreign Affairs of Japan, Senior Advisor to the President of the World Bank, Professor at Waseda University, Professor at New York University Global Law School, former Permanent Representative of Japan to the OECD and the United Nations, former Vice-Minister for Foreign Affairs; International Court of Justice, Peace Palace, Carnegieplein 2, 2517 KJ, The Hague, The Netherlands, fax: +31 70 302 24 09.

Jordan

His Excellency Mr. AWN AL-KHASAWNEH, Member of the International Court of Justice, former Chief of the Royal Hashemite Court, Member of the United Nations International Law Commission, former Advisor to his Late Majesty King Hussein on international law, International Court of Justice, Peace Palace, Carnegieplein 2, 2517 KJ The Hague, The Netherlands, fax: +31 70 302 24 09;

Prof. MOHAMMED Y. OLWAN, Professor of International Law, Yarmouk University, member of the Jordanian Bar Association, member of the Council of trustees of the Jordanian Centre of Human Rights, P.O. Box 1796, Code 11245, Amman, Jordan, Telefax: + 9626 515 1792;

Mr. MOHAMMAD EID BUNDUKTJI, Advocate, Member of Jordanian Bar Association, President of Jordanian Arbitration Association, Board Member of Royal Jordanian Airlines and Board Member of Faculty of Law, University of Jordan, Conciliator at the International Centre for Settlement of Investment Disputes, Chief Council of the Tax Department, P.O. Box 2453, Code 1181, Jabal Amman, fax: +962 6 463 96 85;

His Excellency Mr. ADIB HALASA, LL.M., Cairo University, Lawyer and current Member of the Upper House (Senate), former Minister of Transportation, former Judge of the Higher Justice Court and Court of Cassation, P.O. Box 950 576, Amman 11195, fax: +962 6 56 84 45.

Republic of Korea

Prof. SOO-GIL PARK, Distinguished Professor, Graduate School of Advanced Studies (International Relations), Korea University, former Personal Envoy of the President in the Group of 16 on the Issue of United Nations Reform and Millennium Assembly, former President of the United Nations Security Council, former Ambassador Extraordinary and Plenipotentiary and Permanent Representative to the United Nations, fax: +82 2 729 38 53;

Mr. CHARN-KIU KIM, Doctor of Laws, Graduate School, Kyung Hee University, Seoul, Professor of International law, organization and legal Philosophy at College of Law, Kyung Hee University, Professor of Law, Dean of College of Law, Dean of Graduate School, Kyung Hee University, President Korean Association of International Law, President, ILA Korean Branch, Professor Emeritus, Member of the Korean Commission of Ocean Development, former Visiting Scholar, Duke University, School of Law, Seinan University Department of Law, Japan, Executive Member, Board of Trustees, Kyung Hee University;

Mr. JANG-HIE LEE, Vice President for External Affairs and Professor of International Law, Law Faculty Hankuk University of Foreign Studies, Seoul, former President, Korean Branch, International Law Association, former President, Korean Association of International Law, former Dean, Law Faculty, Hankuk University of Foreign Studies, former Visiting Professor, Max-Planck Institute for Comparative Public Law and
International Law, Germany, former Visiting Scholar, Yale Law School, USA; fax: +82 2 21 73 20 14;

Mr. YOUNG-JOON MOK, Vice-Minister of National Court Administration, Supreme Court of the Republic of Korea, Advisor of the Korean Commercial Arbitration Board, former Assistant Minister of National Court Administration and Presiding Judge of Seoul Court of Appeal, former Presiding Judge, Daegu Court of Appeal, former Presiding Judge, Seoul District Court, former Professor, Judicial Reasearch and Training Institute, former Judge, Incheon District Court.

Lao People’s Democratic Republic

M. KET KIETTISAK, Licencié en droit, actuellement Vice Ministre de la Justice, ancien Président de la Cour Suprême;

M. KISINH SINPHANNGAM, Licencié en droit, actuellement Secrétaire du Ministère de la Justice et Conseiller près du Ministère, ancien Procureur Général Adjoint;

M. BOUNTHONG VONGSALY, Docteur en droit, actuellement Ambassadeur du Laos en Brunei Darussalam, ancien Ambassadeur du Laos en Malaisie, ancien Juge auprès du Tribunal de Première Instance, ancien Directeur du Département des Traités et du droit du Ministère des Affaires Etrangères, ministère des Affaires étrangères, Ambassade de République démocratique populaire lao, No. 11, Spg 480, Jalan Kebangsaan Lama, Bandar Seri Begawan BC4115, Brunei Darussalam, fax: +673 234 5888.

Latvia

Ms. INGRIDA LABUCKA, Minister of Justice, former Sworn Advocate for the Sworn Advocates office (1994-2000), member of the European Legislators Association (since 1991), member of the board of the Judicial Training Centre; Ministry of Justice, 36, Brivibas Blvd., LV - 1536, Riga, Latvia; tel: +371 703 6801, fax: +371 728 5575, e-mail: tm.kanceleja@tm.gov.lv;

Mr. EGILS LEVITS, Judge at the European Court of Human Rights (since 1998), conciliator of the Organisation on Security and Cooperation in Europe (since 1997), Member of the Academic Council of the Riga Graduate School of Law (since 1997), author and co-author of various laws and regulations, former Deputy Prime Minister and Minister of Justice, ambassador to Austria, Switzerland and Hungary (1994-1995), former ambassador to Germany and Switzerland (1992-1993), former Chairman of the Judicial Council of the Latvian Human Rights Office (1995-1998), former referender on the Higher Court of Schleswig-Holstein, Kiel (1986-1989); European Court of Human Rights, F-67075 Strasbourg, France; tel: +33 3 8841 3049, fax: +33 3 8841 2760, e-mail: egils.levits@echr.coe.int;

His Excellency Mr. ATIS SJANITS, LL.B. Counselor of the Minister President of the Republic of Latvia, former Ambassador to the Republic of Lithuania (1996-2000), former Head of Division for International Law; Director of the Legal Department, Undersecretary for Legal and Consular Affairs for the Ministry of Foreign Affairs (1992-1996), former lecturer at the University of Latvia; 280 Albert St., Suite 300, Ottawa, Ontario, K1P G85, Canada; tel: +1 613 238 6014; email: embassy.canada@mfa.gov.lv;

Mr. ZIEDONIS UDRIS, LL.M. Sworn Barrister in the Republic of Latvia, Chairman of the Board of the Arbitration of the Latvian Chamber of Commerce and Industry, representative of the Republic of Latvia at the Panel of Conciliators of the International Centre for Settlement of Investment Disputes, former intern with the American
Arbitration Association in Cleveland, OH, USA; former intern with the International Arbitration in Milan, Italy; former intern with the ICC International Court of Arbitration, Paris, France; CB&M Law Offices, Marijas 13/III, Riga, LV 1050; tel: +371 781 2078, fax: +371 782 8171; e-mail: ziedonis@cbm.org.lv.

**Lebanon**

M. ANTOINE BAROUD, Président honoraire du Conseil d’État, Avocat, Université libanaise, Jeita Kesrouan;

Son Excellence Dr. ZAFER EL-HASSAN, Ambassadeur, ancien secrétaire général du ministère des Affaires étrangères, ancien Conseiller d’État, Avenue Takieddine El-Solh-Kreitem, 7ème étage – Immeuble Bezri, Boîte postale 11-3300, Beyrouth;

Mr. RAMZI JOREIGE, Avocat à la Cour, Boîte postale 2047/116, Beyrouth;

Dr. GHALEB SOBHI MAHMASSANI, Avocat, Immeuble Serhal, Rue du Caire, Hamra, Beyrouth.

**Lithuania**

Mr. GYTIS KAMINSKAS, former Advisor on Foreign Affairs to the Lithuanian Government, former Advisor to the Minister of Foreign Affairs, former Counsellor and Deputy Head of the Lithuanian Mission to the European Union, former Member of the European Committee under the Lithuanian Government, Partner at the Law firm Jurevičius, Balčiūnas & Bartkus;

Prof. Dr. SAULIUS KATUOKA, Director of the Institute of International Law and European Union Law, Head of Department of International Law and European Union Law and Associate Professor, Member of the Supreme Commission of Elections of the Republic of Lithuania, Chairman of the Board of the Lithuanian Human Rights Center, former Head of the Constitutional Law Department of the Law Academy and Associate Professor, former Associate Professor at the Law Academy, former Lecturer at the Law Faculty of the University of Vilnius;

Dr. DAINIUS ŽALIMAS, Legal Adviser to the Lithuanian Minister of National Defense, Chairman of the National Commission on Implementation of International Humanitarian Law under the Ministry of National Defense, Editor of the Book Review section of the Baltic Yearbook of International Law, Associate Professor at the Mykolas Romeris University (Vilnius), Lecturer, Associate Professor at the Faculty of Law and the Institute of International Relations and Political Science, University of Vilnius, former Associate Professor at the Lithuanian Military Academy.

**Luxembourg**

M. FERNAND HESS, Conseiller honoraire à la Cour de cassation, 12, Boulevard Joseph 11, L-1840 Luxembourg;

M. JEAN MISCHO, ministre plénipotentiaire honoraire, avocat général honoraire à la Cour de Justice de l’Union européenne; 21, rue de la Paix, L-7244 Béreldange, tél. +352 33 98 20, fax: +352 26 33 41 99, e-mail: jean.mischo@mae.etat.lu;

M. PHILIPPE DUPONT, member of the Luxembourg Bar since 1986, member of the “Comité des Juristes” (CODEJU) in charge of implementation into Luxembourg legislation of EU Directives and the issuance of market guidelines, expert to the Luxembourg Government at the working group of the Hague Conference on Private International Law, former assistant lecturer in Civil Law at the Centre Universitaire du Luxembourg; Arendt & Medernach,14, rue Erasme, B.P. 39, L-2010, Luxembourg tel:+352 40 7878 205, fax: +352 40 7804627, e-mail: philippe.dupont@arendt-medernach.com;
M. ALEX SCHMITT, member of CODOJU (Comité du Domaine Juridique près de la Commission de Surveillance du Secteur Financier) and CODEJU (Commission des Experts Juristes près de la Commission de Surveillance du Secteur Financier), guest professor, Université de Bourgogne, Dijon, France and ICHEC, Brussels; associate, Etude Bonn Schmitt Steichen, Luxembourg; 7, rue Albert Calmes L-1310.

Macedonia, FYR

Mrs. MARIJA EFREMOVA, State Counselor at the Ministry of Foreign Affairs, graduated from Faculty of Law in Skopje (1986), Expert Associate at the Court of Appeals, Skopje (1997), Undersecretary of the Government of the Republic of Macedonia (1998-2000), Assistant Minister at the Ministry of Foreign Affairs of the Republic of Macedonia;

Mr. DENKO MALESKI, Ph.D; Professor at the Law Faculty, University “St Cyril and Methodius”, Skopje;

Mr. AGIM MIFTARI, Justice, Supreme Court, President of the Macedonian Judges Association (MJA), member of the Board of Directors of Criminal Law and Criminology Association, former Judge in Municipal and District Courts in Skopje; Court Palace, Krste Misirkov bb, 1000 Skopje, tel: +389 2 136 044;

Mr. NIKOLA POLENAK, Attorney-at-Law, Senior Partner, member of the Macedonian Bar Association, former secretary of the Macedonian Bar Association, specialisations: criminal law, business law, litigations; Koco Racin 30/2, 1000 Skopje, tel: +389 2 114 737, fax: +389 2 120 420.

Malaysia

Dato’ ZAITUN ZAWIYAH PUTEH, Barrister-at-Law, Lincoln’s Inn, London, Solicitor-General of Malaysia, Counsel for Malaysia in the Case Concerning the Sovereignty Over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) International Court of Justice, Representative of the Malaysian Government at three sessions of the meeting on the Committee on Conventions and Recommendation (CCRE) UNESCO: Violation of Human No. 1008/2000 Dato Seri Anwar Ibrahim, former Deputy Head of Advisory and International Law Division, Attorney-General’s Chambers, former Senior Federal Counsel, Advisory and International Law Division, Attorney General’s Chambers, former Senior Assistant Registrar, High Court of Malaya, Kuala Lumpur; Attorney General’s Chambers, Level 1-8, Block C3, Federal Government Administrative Centre, 62502 Putrajaya, tel: +603 8888 9934, fax: +603 8888 9379; e-mail: sg@agc.gov.my;

Dato’ KARAM CHAND VOHRAH, LLM (Hons) Brussels, admitted as Advocate and Solicitor of the States of Malaysia, former Judge and Head of Criminal Division, High Court, Kuala Lumpur, former Judge and Head of Civil Division, High Court, Kuala Lumpur, former Head of Advisory Division, Attorney General’s Chamber, former Treasury Solicitor, Ministry of Finance, former Legal Advisor and Deputy Public Prosecutor, Royal Customs and Excise Department; Leehishammuddin, Level 16, Menara Asia Life, 189 Jalan Tun Razak, 50400 Kuala Lumpur; tel: +603 2161 2330, fax: +603 2161 3933, e-mail: k.cvohrah@leehishammuddin.com.my;

Dato’ RANITA HUSSEIN, LLB (Hons.), University of Singapore, Commissioner, Human Rights Commission, Malaysia, former judicial Commissioner High Court, Malaysia, former Head of Advisory & International Division, Attorney General’s Chambers, former Senior Assistant Registrar of the High Court, former Magistrate; 8B-1-5, Prima Damansara, 8 Jalan Chempenai, Bukit Damansara 50490, Kuala Lumpur; tel: +603 2093 5842, e-mail: rmhussein@hotmail.com;

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Mr. VINAYAK P. PRADHAN, LLB (Hons.), University of Singapore, Partner, Skrine, Advocates & Solicitors, Kuala Lumpur, Commissioner, United Nations Compensation Commission, Geneva, Switzerland (1998 to 2003), Chartered Arbitrator, Fellow of the Chartered Institute of Arbitrators (UK), Fellow of the Malaysian Institute of Arbitrators, on panel of arbitrators of Kuala Lumpur Regional Centre for Arbitration, International Chamber of Commerce, Paris, and Singapore International Arbitration Centre, Member of the London Court of International Arbitration, Member of the Swiss Arbitration Association; Skrine, 8th Floor, Wisma UOA Damansara, 50, Jalan Dungun, Damansara Heights, 50490 Kuala Lumpur; tel: +603 2094 8111, fax: +603 2094 3211, e-mail: vp@skrine.com.

Malta

Prof. DAVID J. ATTARD, Diploma Notary Public, Doctor of Law (LL.D.), University of Malta, Doctor of Philosophy (D.Phil., University of Oxford), Chairman of the Malta Arbitration Centre, former Adviser to the Minister of Foreign Affairs, President and founder of the Maltese Branch of the International Law Association;

Dr. GIOVANNI GRIXTI, Magistrate – Law Courts, Diploma Notary Public, Doctor of Law (LL.D.), University of Malta, Master of Laws in International Maritime Law, Lecturer in postgraduate degree at the International Maritime Law Institute in International Maritime Labour Law, The Courts of Justice, Republic Street, Valetta, fax: +356 24 04 58;

Dr. GEORGE M. HYZLER, Dip. I.C.E.I. (Amst.), LL.D. Graduated Doctor of Laws from the University of Malta in 1980 and obtained a Diploma in European Integration from the University of Amsterdam. He has specialized in Commercial and Civil Law. He is currently Chairman of the Board of Governors of the Malta Arbitration Centre and has served on the Boards of various private and public companies. He is also a former Parliamentary Secretary in the ministry for Economic Services, a former Chairman of the Ethics Committee within the Council for the Administration of Justice, and former Vice President of the Camera degli Avvocati. In addition, he is a partner in a Maltese Law Firm, GVTH Advocates;

Prof. JAMES BUSUTTIL, AB (Harvard), JD (New York University School of Law), DPhil (Oxford), Director, University of London Postgraduate Laws for External students: Prof. Busuttil has been Associate Professor of International Law and Organisation at the Institute of Social Studies, The Hague; Director of the British Institute of Human Rights at King’s College, London and Lecturer in Law at the University of Essex.

Mexico

His Excellency Dr. EMILIO O. RABASA, Doctor of Law, Professor of Comparative Law and Constitutional Law, Member of the Institute for Legal Research at the National Autonomous University of Mexico, former Ambassadour in Washington, former Minister of Foreign Affairs, Insurgentes Sur 2376, 7° piso, Colonia Chimalstac, Mexico, D.F., CP 01060;

Son Excellence Ambassadeur ALBERTO SZÉKELY SANCHEZ, Consultant en droit international, droit de la mer et droit de l'environnement, Professeur de droit international visitant à l’Université de droit de l’État de l’Arizona, Directeur de recherches au “International Transboundary Resources Center”, Career Ambassador, ancien membre de la Commission du droit international des Nations Unies, ministère des Affaires étrangères, México, D.F., Consultoria Jurídica Internacional, Plaza del Carmen 5, Despacho 6, Costado Calle de la Amargura, San Angel, México, D.F., 01000, tél: +525 616 6525, fax: +525 616 0839, e-mail: aszekely@compuserve.com.mx;
His Excellency Dr. ALEJANDRO SOBARZO LOAIZA, Doctor of Law, Professor of Public International Law, ex-Senator, ex-Ambassador, Minister of Foreign Affairs, Hamburgo 70-303 Col. Juárez, Mexico, D.F., 06600, tel: +525 14 59 22 and +525 11 13 83, fax: +525 25 08 27, private address: Privada de los Cedros num. 75, col. Lomas de Tetelpan, Delegación Alvaro Obregón, Mexico, D.F., CP 01720, tel: +525 85 29 21 or +525 85 25 08;

Mr. ALONSO GÓMEZ ROBLEDO VERDUZCO, LL.M., Ph.D. candidate, Member of the International Affairs Section of the Board of the Reform of the State, Coordinator for the International Public Law section of the Mexican Law Dictionary, Alternate Member of the United Nations Subcommittee on the Prevention of Discrimination and Protection of Minorities, member of the Mexican Branch of the International Law Association; Instituto de Investigaciones Jurídicas, Circuito Maestro Mario de la Cueva, Ciudad Universitaria, 04510, México, D.F, tel: +5255 56 22 74 83, e-mail: alon_robledo@hotmail.com.

Morocco


M. MOHAMED BENNANI, Professeur à la Faculté des Sciences juridiques, économiques et sociales de Casablanca;

M. ABDELMOUNIM EL MEJDOUB, Procureur Général du Roi près le Cour Suprême;

M. CHAOUKI SERGHINI, Professeur à la Faculté des Sciences juridiques, économiques et sociales de Rabat.

Netherlands

Mr. DETMER H. BEUKENHORST, Judge, Supreme Court of The Netherlands, P.O. Box 20303, 2500 EH, The Hague;

Dr. PIETER VAN DIJK, Member of the Council of State of The Netherlands, President of the Administrative Jurisdiction Division of the Council of State, former Judge at the European Court of Human Rights, former substitute Judge at the Court of Appeal in The Hague, former substitute Judge at the Industrial Appeals Tribunal in The Hague, former Professor of the Law of International Organizations at Utrecht University, Council of State, P.O. Box 20019, 2500 EA, The Hague;

Prof. Dr. JOHAN G. LAMMERS, Legal Adviser of the Netherlands Ministry of Foreign Affairs, Professor of International Environmental Law, University of Amsterdam, former Professor of Public International Law and International Relations, University of Amsterdam, former Rapporteur and Member of the Experts Group on Environmental Law, established by the World Commission on Environment and Development, former Director of the 1985 Centre for Studies and Research in International Law and International Relations (concerning Transfrontier Pollution and International Law) of the Hague Academy of International Law, Ministry of Foreign Affairs, P.O. Box 20061, 2500 EB, The Hague, tel: +31 70 348 61 37 fax: +31 70 348 51 28;

Dr. NICO J. SCHRIJVER, Professor of International Law, Faculty of Law, Leiden University and the Institute of Social Studies in The Hague, visiting Professor of Europe and North-South Co-operation at the Université libre de Bruxelles, President of
the Netherlands Society of International Law and former Chairman of the Academic Council on the United Nations System, former Legal Officer in the Office of the Legal Counsel, United Nations Secretariat, New York, Chairman of the International Law Association’s Committee on Legal Aspects of Sustainable Development, Leiden University, Chair of Public International Law, Faculty of Law, P.O. Box 9520, 2300 RA Leiden, tel.: +31 71 527 8936/7532, fax.: +31 71 527 7509, e-mail: n.j.schrijver@law.leidenuniv.nl.

New Zealand

The Right Honourable Sir KENNETH KEITH, KBE, Judge of the International Court of Justice, former Judge of the Supreme Court of New Zealand, Professor emeritus of the Law Faculty of the Victoria University of Wellington, specializations: law of armed conflict, treaty law, International Court of Justice, Peace Palace, Carnegieplein 2, 2517 KJ The Hague, The Netherlands;

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;

The Right Honourable Dame SIAN ELIAS, JS M, QC, GNZM, Chief Justice of New Zealand, former Barrister in private practice, former Commissioner of the New Zealand Law Commission, former High Court Judge, Chief Justice’s Chambers, High Court, P.O. Box 1091, Wellington, fax: +64 4 915 81 36;

Mr. TERENCE ARNOLD, QC, Solicitor-General of New Zealand, Crown Law Office, P.O. Box 5012, Wellington, fax: +64 4 473 34 82.

Nicaragua

His Excellency, Mr. ALEJANDRO MONTIEL ARGÜELLO, Doctor of Law, former Professor of International Law, former Minister of Foreign Affairs, former Ambassador (Panama, United Kingdom, France, Kingdom of the Netherlands, and New York at the United Nations), and currently advisor to the Ministry of Foreign Affairs, Managua;

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;

His Excellency, Dr. MAURICIO HERDOCIA SACASA, Doctor of Law, Special Advisor of the Ministry of Foreign Affairs of Nicaragua, Coordinator of the Center of International Law, former Member of the International Law Commission of the United Nations (1997-2001), former Secretary-General ad interim of the Central American Integration System (1997-2001), former Negotiator in the process of peace and democratization in Central America (1983-1989) and former Coordinator of Advisors in the Ministry of Foreign Affairs (1983-1997); Ministry of Foreign Affairs, Managua.

Nigeria

The Honourable Prince BOLA AJIBOLA, Doctor of Law, High Commissioner of Nigeria, Judge ad hoc and former Member of the International Court of Justice, Judge...
of the Constitutional Court of Bosnia and Herzegovina, Judge of the World Bank Administrative Tribunal, Commissioner of the United Nations Compensation Commission, former Attorney-General and Minister of Justice of the Federal Republic of Nigeria, former Member of the International Law Commission of the United Nations; 7 Willowford, Bancroft Park, Milton Keynes, MK13 ORH, UK; Tel: +44 1908 314 080, Fax: +44 1908 311 646;

The Honourable Mr. CLEMENT O. AKPAMGBO, SAN, Senior Advocate of Nigeria, former Attorney-General and Minister of Justice of the Federation of Nigeria, former President of the Nigerian Bar Association, C.O. Akpamgbo Chambers Barristers & Solicitors, 39 Bedewright Street Uwani, Enugu State;

The Honourable Mr. ALHAJI ABDULLAH IBRAHIM, OFR, SAN, former Attorney-General and Minister of Justice of the Federation of Nigeria, former Federal Minister of Transport and Aviation, former Federal Minister of Education, Science & Technology, 45 Haile Sellassie Street, off Thomas Sankara Street, by ECOWAS Secretariat, Asokoro District, P. O. Box 11858 Garki Abuja.

Norway
Son Excellence M. PER TRESSELT, ancien Juge à la Cour AELE à Luxembourg, EFTA Court, 86, avenue Maréchal Joffre, 06000 Nice, France;
Mme KARIN BRUZELIUS, Juge à la Cour suprême de Norvège, ancien secrétaire général au ministère des Transports, ancien Directeur général des Affaires polaires au ministère de la Justice, Cour suprême, Postboks 8016 Dep., N-0032 Oslo;
M. ROLF EINAR FIFE, Directeur général des Affaires juridiques au Ministère Royal des Affaires Etrangères de Norvège, Box 8114 Dep. 0032 Oslo;
Mme LIV GJØLSTAD, Juge à la Cour Suprême de Norvège; Cour Suprême, Postboks 8016 Dep., N-0032 Oslo.

Pakistan
Mr. M. BASHIR JEHANGIRI, former justice, Mohallah Bandalal Khan, Mansehra; tel: +098 7305633;
Mr. FAZAL KARIM, former justice, House No.491, G-3, Johar Town, Lahore; tel: +042 5181 560 or +042 712 0771-4;
Mr. Justice (Retd) Sheikh RIAZ AHMAD, Ex-Chief Justice of Pakistan;
Syed SHARIFUDDIN PIRZADA, Ambassador-at-Large and Senior Adviser to the Prime Minister on Foreign Affairs, Law, Justice and Human Rights, Senior Advocate Supreme Court of Pakistan, received high awards from France, Germany, Jordan, Syria and South Korea.

Panama
Mr. MIGUEL J. MORENO, Doctor of Law, Professor of Diplomatic and Consular Practice, Partner at Moreno and Fabrega, full Member of the Panamanian Academy of International Law, former Under-Secretary of Foreign Relations, former Legal Adviser to the Ministry of Foreign Affairs, former Minister of Foreign Affairs, former Ambassador to the United States of America, former President of the National Council of Foreign Relations, P.O. Box 7274, Panama 5, fax: +507 264 39 33;
Mr. ROBERTO ALEMÁN ZUBIETA, Doctor of Law, Attorney, Partner, former President of the Panama Foreign Office Counselor Board, Special Ambassador of Panama to the Government of the United States of America, Icaza, Gonzalez-Ruiz &
Aleman, P.O. Box 850, Panama 1;

Mr. CARLOS IVAN ZÜÑIGA GUARDIA, Consulting Attorney of the Law Firm Zúñiga & Zúñiga, Member of the Law Academy, the National Bar Association, the Panamanian Academy of History and the Bolivar Society, former Minister of Education a.i., former Deputy of the National Assembly of Panama, former Dean of the University of Panama, former Presidential Candidate of the Republic of Panama, c/o Embassy of Panama, Avenue Louise, 390 Boîte 2, B-1015 Brussels, Belgium;

Prof. MARIO JULIO GALINDO HEURTEMATTE, Georgetown University (cum laude B.S.S.), University of Puerto Rico (magna cum laude, LL.B.), Professor of Commercial Law at Santa Maria la Antigua University, Senior partner of the Law Firm Galindo, Arias & López, Member of the Panamanian Law Academy, the Panamanian Bar Association and the Council of the Private Sector for Educational Assistance (COSPAE), former Principal Member of the National Council of Foreign Affairs, former Presidential Adviser, former Minister of Treasury, former Member of the Reviewing Commission of the Political Constitution of the Republic of Panama, c/o Embassy of Panama, Avenue Louise, 390 Boîte 2, B-1015 Brussels, Belgium.

Paraguay

Son Excellence Dr. M. CARLOS AUGUSTO SALDIVAR, Docteur en droit et ès sciences sociales, ancien Ministre des Relations extérieures, ancien Sénateur, Membre du Conseil consultatif du ministère des Relations extérieures, Haedo 407, 4° Piso (Casilla de Correos 981), Asunción, fax: +595 21 49 80 19;

His Excellency Dr. LUIS MARÍA RAMIREZ BOETTNER, LL.M., S.J.D., former Ambassador of Paraguay to the World Trade Organization and to the specialized offices of the United Nations in Geneva, Switzerland, former Minister of Foreign Affairs, former Assistant Secretary-General of the United Nations, Paseo del Lago No 20, Yacht y Golf Club Paraguayo, Lambaré, Asunción;

Dr. MIGUEL ANGEL RAMIREZ GARCIA, Senator, former Legal Advisor to the Presidency, former Minister of Internal Affairs;

Prof. Dr. JOSÉ ANTONIO MORENO RUFFINELLI, Lawyer and career diplomat, Minister of Foreign Affairs of the Republic of Paraguay since March 2001, former Ambassador to the Federal Republic of Brazil, former Legal Adviser to the Foreign Affairs Ministry, former delegate to several sessions of the U.N. General Assembly and the A.S.O. (American States Organization). Former Vice President of the Latin-American Parliament, former Member of the Chamber of Representatives (Honorable Cámara de Diputados), former President of the Chamber of Representatives, member to several national advisory commissions. Representative to UNCITRAL, Arbitrator for the Paraguay Arbitration and Conciliation Center, Arbitrator for MERCOSUR, Professor of Law at the Catholic University “Nuestra Señora de la Assunción”, specializations: civil law, family law, C/Presidente Franco, Esq. J.F.Oleare, Assunción, 1210 Paraguay, tel: 59521- 444456.

Peru

Dr. EDUARDO FERRERO COSTA, Doctor of Law, former Minister of Foreign Affairs (1997-1998), former President of the Peruvian Center for International Studies - CEPEI (1983-1995) and former Member of the United Nations Committee for Racial Discrimination - CERD (1988-2000). Senior Professor of International Law at the Catholic University of Peru (since 1972) and University of Lima and Senior Partner of Estudio Luis Echecopar García in Lima. Member of the International Court of Arbitration of the International Chamber of Commerce - ICC of Paris and author of several books and many academic articles on issues related to International Law, Foreign Relations and Peruvian Foreign Policy;
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<th>Annex 6 - PCA Members</th>
<th>Membres de la CPA - Annexe 6</th>
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<tr>
<td><strong>Dr. DIEGO GARCÍA-SAYÁN LARRABURE</strong>, Lawyer, Judge of the Inter-American Court of Human Rights and General Director of the Andean Commission of Jurists. Former Minister of Foreign Affairs, former Minister of Justice and former Congressman of Peru. Former Legal Counsel of the Board of the Central Bank of Peru, former Chairperson of the Working Group on Enforced and Involuntary Disappearances of the United Nations. Former Representative of the UN Secretary-General for the verification and implementation of the Peace Accords in El Salvador (ONUSAL), former Adviser of the UN Negotiating Team in the Guatemalan peace negotiations and former Member of the Executive Committee of the International Commission of Jurists (Geneva, Switzerland). Member of the Executive Council of the Inter-American Institute for Human Rights, headquartered San José, Costa Rica and member of the Inter-American Dialogue (Washington D.C.). Founding Member of the Peruvian Center for International Studies (CEPEI) and Member of the Peruvian Society of International Law. Professor at the Catholic University of Peru and of the Universidad Peruana de Ciencias Aplicadas in Lima. Visiting Professor at the American University, Washington College of Law and at the Université de Paris III. Author of several books and articles related to International Law, Human Rights and Foreign Affairs;</td>
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<td><strong>H.E. Ambassador LUIS MARCHAND STENS</strong>;</td>
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<td><strong>H.E. Ambassador MANUEL RODRIGUEZ CUADROS.</strong></td>
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<td><strong>Poland</strong></td>
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<tr>
<td>Prof. Dr. JERZY MAKARCZYK, Doctor of Law, Professor of Public International Law, Judge in the Court of Justice in the European Communities, former Judge of the European Court of Human Rights in Strasbourg, former Secretary of State at the Ministry of Foreign Affairs of the Republic of Poland, Vice-President of the International Law Association; Court of Justice of the European Communities, L-2925 Luxembourg, ul. Bernardynska 30 m. 5, Warsaw, fax: +48 22 642 95 40;</td>
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<td>His Excellency Prof. Dr. KRZYSZTOF SKUBISZEWSKI, Doctor of Law, Professor of Public International Law, President of the Iran-United States Claims Tribunal, former Minister of Foreign Affairs of the Republic of Poland; Parkweg 13, 2585 JH, The Hague, The Netherlands, tel: +31 70 352 00 64, fax: +31 70 350 24 56;</td>
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<tr>
<td>Mr. JANUSZ SYMONIDES, Professor of Public International Law at the Warsaw University; ul. Fabryczna 16/22 m. 40, 00-446 Warsaw;</td>
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<tr>
<td>Mr. KAZIMIERZ LANKOSZ, Doctor of Law, Professor at the Jagiellonian University of Krakow, Head of Public International Law Chair, Professor at the University of Economics of Krakow, Head of International and Comparative Law Chair, Doctor honoris causa of the Johannes Gutenberg University of Mainz, Rynek Glówny 45/2, 31-013 Krakow, tel.: +48 12 422 76 58.</td>
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<tr>
<td><strong>Portugal</strong></td>
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<td>Dr. MÁRIO FERREIRA BASTOS RAPOSO, Avocat, Professeur de droit maritime à l’Université, ancien Bâtonnier de l’Ordre des avocats, Ministre de la Justice et Conseiller d’État, spécialisations: droit maritime, droit de la mer, droit commercial, Rua de S. Gabriel 7, Alto do Lagoal, Caxias, 2780 Paço de Arcos, fax: +351 1 443 28 84;</td>
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<tr>
<td>Prof. PAULA ESCARAMEIA, LL.M., S.J.D. in International Law (Harvard Law School), member of the International Law Commission since 2002, Professor of International Law at the Higher Institute for Social and Political Sciences of the Technical University of Lisbon and Invited Professor at the Law School of the New University of Lisbon, former Legal Counselor of the Portuguese Mission to the UN and Member of the International Commission of Jurists, Av. Marguês de Tomar 7-3º, 1050-</td>
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152 Lisboa, Portugal, tel:+351 21 3159470, e-mail: escsil@mail.telepac.pt;

Mr. MIGUEL GALVÃO TELES, Member of the Portuguese Bar Association. Counsel and Advocate in international law arbitrations and before the International Court of Justice. Former Member of the Council of State (1982-1986). Author of several writings notably in Legal Theory, Constitutional Law and Public International Law. Rue Castilho, 75, 6th floor, 1250-068 Lisboa, Portugal, tel. +351 21 382 66 00, fax: +351 21 382 66 28, e-mail: mgt@milgs.pt;

18-02-05

Prof. JOSÉ MANUEL SÉRVULO CORREIA, Doctor of Law (University of Lisbon), Professor of the Law School of the University of Lisbon (Public Law). Member of Parliament and of the Parliamentary Assembly of the Council of Europe. Former Secretary of State in the Ministry of Foreign Affairs. Co-agent and Counsel of the Portuguese Republic in the case of East-Timor in the International Court of Justice. Rua de Artilharia Um, 79, 5th floor, 1250-038 Lisbon, Portugal, tel: +351 21 383 69 00, fax: +351 21 383 69 01.

Prof. Dr. RALUCA MIGA BESTELIU, Doctor of Law, Professor of International Law, Head of the Public Law Chair, Faculty of Law, Bucharest University; member of the Romanian Branch of International Law Association (ILA); Judge ad-hoc at the European Court of Human Rights; Member of the European Commission against Racism and Intolerance (ECRI-Council of Europe); Bucharest, Ana Davila st., 6D, 76244, tel/fax: + 40 21 410 9511, e-mail: rmbesteliu7@yahoo.com;

Mme. VICTORIA GAVRILESCU, (Droit), Directeur, Direction des Accords Economiques au Ministère des Affaires Etrangères, Conseiller diplomatique, Responsable pour les questions concernant la Commission des Nations Unies pour le Droit Commercial International, ancien Avocat au Barreau d’Avocats Bucarest, ancien diplomate à l’Ambassade de Roumanie à Paris et à Bruxelles, ancien Chef de Service à la Direction Juridique et Traités, ancien directeur adjoint à la Direction Droit International et Traités au Ministère des Affaires Etrangères de Roumanie; Strada Modrogan 14, Sector 1, Bucuresti, Roumanie; tel/fax: + 40 21 230 7595, e-mail: dgaj@mae.ro;

Ms. SIMONA MAYA TEODOROIU, Secretary of State for European Integration and International Affairs, lecturer at the National School for Political and Administrative Studies, University of Bucharest, former director of the directorate for European and Euroatlantic Integration of the Ministry of Justice; tel/fax: +40 21 210 3869, e-mail: steodoro@just.ro.

Russian Federation  Fédération de Russie

H.E. Judge ANATOLY LAZAREVICH KOLODKIN, Doctor of Law, Professor of Legal Sciences, Professor of the Moscow Juridical Academy, Judge of the UN
International Tribunal for the Law of the Sea, Deputy Director-General of the State Scientific Institute of Marine Transport (Ministry of Transport), Scientific Fellow of the Institute of State and Law of the Russian Academy of Sciences, President of the Russian Association of International Law, President of the International Maritime Law Association, B. Koptevsky pr. 3, Moscow 125319, tel.: +7 95 151 7588, fax: +7 95 152 09 16;

Dr. YURI MIKHAILOVICH KOLOSOV, Doctor of Law, Professor, Head of the Chair of International Law of the Moscow State Institute of Internation Relations, specializations: international law, space law, human rights; Moscow, tel.: +7 95 434 8523 (office), tel: +7 95 113 4195 (home), fax: +7 95 434 9313, email: kolosov@mgimo.ru;

Dr. KAMIL ABDULOVIDICH BEKIASHEV, Doctor of Law, Professor of International Law, Head of the Chair of International Law, Member of the Lawyer’s Academy, Academician. Specializations: public international law, international maritime law (public and private), international organizations, international environmental law, private international law; 9, Sadovo-Kudriniskyaya St., Moscow 123286, fax: +7 95 254 98 69;

Dr. S.V. CHERNITCHENKO, Doctor of Law, Professor, Merited Scholar of the Russian Federation, Director of the Centre of International Law and Humanitarian Problems, Diplomatic Academy of the Ministry of Foreign Affairs of the Russian Federation, Vice-president of the Russian Association of International Law, Member of Scientific Advisory Council on International Law at the Chairman of State Duma (lower Chamber of the Russian Parliament), former Expert-Member of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (1988-1998); Ostozhenka str. 53/2, Moscow 119929, Russian Federation, fax: +7 95 244 1878.

**Saudi Arabia**

Dr. OMAR BIN ABU BAKAR BAKHASHAB, Associate Professor in Public International Law, Head of Deapartment of Law, King Abdul-Aziz University, Jeddah, Member of the Legal Appellate Commission for Settling Customs and Excises Disputes in Makkah Region, Member of the Saudi Arbitration Group;

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 Attaché, 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;

H.R.H. Prince Dr. BANDAR BIN SALMAN BIN MOHAMMAD AL SAUD, Advisor to HRH the Crown Prince of the Kingdom of Saudi Arabia, Chief of the Saudi Arbitration Group, Assistant General Secretary of the Arab Union of International Commercial Arbitration, member of the Board of Directors, Cairo Regional Centre for International Commercial Arbitration, member of the Royal Institute of International Affairs, London, member of the Chartered Institute of Arbitrators, London.

**Senegal**

Son Excellence M. GUIBRIL CAMARA, Premier Président de la Cour de Cassation, ancien Procureur général près la Cour de Cassation depuis le 29 juillet 1993, Président de la Commission nationale des réfugiés, Membre du Comité contre la torture;

M. ABDOU SALAM DIALLO, Maitrise en Droit, Brevet de l’Ecole Nationale d’Administration et de Magistrature, conseiller diplomatique du Premier Ministre, conseiller principal des Affaires étrangères;

Son Excellence Mme MIREILLE NDIAYE, Magistrat, ancien Inspecteur général de l’Administration de la Justice, ancien Procureur général près la Cour de Cassation de la République du Sénégal; Cour de cassation, Corniche Ouest, B.P. 15184 Dakar-Fann; tel:+221 889 10 24, fax: +221 822 64 37.

Serbia, République de
Prof. Dr. VOJIN DIMITRIJEVIC, Professor of International Law and International Relations (until 1998), University of Belgrade School of Law, Director, Belgrade Centre of Human Rights, Chairman, Council of the Institute for International Politics and Economy, Belgrade, President of Yugoslav Association for International Law, former Member, Rapporteur and Vice-Chairman of the UN Human Rights Committee, Associate Member of the Venice Commission for Democracy through Law, Council of Europe;

Prof. Dr. DOBROSAV MITROVIC, Member of the International Academy of Comparative Law, Member of the Law and Practice Institute of the International Affairs of the ICC, President of the External Commercial Arbitration in Belgrade, President of the Council Institute of Comparative Law, President of the Yugoslav Commission for the succession of the Federated Republic of Yugoslavia; former Professor of Comparative Law, University of Strasbourg (1968-1975), former Professor, University of Paris II, former President of the Committee of the International Association of Legal Sciences (1983-1993), former Member of the Court of Arbitration of the International Chamber of Commerce (1988-2000), former President of the Yugoslav Association of the Comparative Law;

Prof. Dr. OBRAD RACIC, former Professor of International Law and International Organisation, University of Belgrade; Gospodar Jovanova 11, Belgrade 11000; tel: +011 63 83 63, e-mail: o.racic@eunet.yu;

Dr. TIBOR VARADY, Professor of Law, Central European University, Member of the Academic Council of the Foundation for International Commercial Arbitration and Alternative Dispute Resolution, specialist in Private International Law, International Commercial Law and International Arbitration, Arbiter at the Court of Arbitration at the Hungarian Chamber of Commerce, Arbiter at the Court of Arbitration at the Croatian Chamber of Commerce, Arbiter at the Court of Arbitration at the Chamber of Commerce for Bosnia and Herzegovina, Arbiter at the Court of Arbitration Regional Center for Commercial Arbitration in Cairo, Arbiter at the Regional Center for Commercial Arbitration in Kuala Lumpur.

Singapore
Arbitrators, 28 Leonie Hill, #13-28 Leonie Towers, Singapore 239227; fax: +65 532 71 49;

Mr. MICHAEL HWANG S.C., BCL, MA (OXFORD), Independent Barrister and Arbitrator, Deputy Chief Justice of Dubai International Financial Centre, Former Judicial Commissioner of the Supreme Court of Singapore, former United Nations Compensation Commissioner, Vice-President of the International Council for Commercial Arbitration, Member of the International Court of Arbitration of the International Chamber of Commerce, Adjunct Professor of the National University of Singapore, One Marina Boulevard #25-01, Singapore 018989, tel:+65 6327 5855, fax:+65 6557 0165, e-mail: michael@mhwang.com;

Mr. THEAN LIP PING, LL.B. (Hons) (Bristol), Barrister-at-law (Lincoln’s Inn), LL.M. (London), LL.D. (Bristol), Judge of Appeal of the Supreme Court, Singapore (1993-2002); areas of practice: arbitration, litigation, building and construction law, banking finance and securities, company and commercial law, corporate law, and mediation; c/o Khattar Wong and Partners, 80 Raffles Place, #25-01 UOB Plaza 1, Singapore, 048624;

Mr. JOON SENG GOH LL.B., Consultant with Lee & Lee, Member of the Senate of the Singapore Academy of Law, President of the Tribunal for the Maintenance of Parents, Chairman of the Presidential Council for Religious Harmony, Chairman of the Insurance Disputes Resolution Organization Ltd; Member of the Singapore International Arbitration Centre, Regional Panel of Arbitrators, Member of the Appeal Advisory Panel under the Securities and Futures Act (Cap. 289), the Financial Advisers Act (Cap. 110) and the Insurance Act (Cap. 142), Member of the Panel under Section 90 (1)(a) of the Legal Profession Act, Chairman and Director of the Board of the Singapore International Arbitration Centre, Chairman of the Financial Industry Disputes Resolution Centre (FIDReC), Chairman of the Income Tax Board of Review, Member of the United Nations Administrative Tribunal (UNAT), Member of the Panel of Conciliators and the Panel of Arbitrators at the International Centre for Settlement of Investment Disputes, Washington DC, Member of the Competition Appeal Board, Member of the Appeal Advisory Panel under the Trust Companies Act 2005 and the Business Trusts Act, Authority Member of the Civil Aviation Authority of Singapore under the Civil Aviation Authority of Singapore Act and Member of the Panel of Arbitrators of the Asia Pacific Regional Arbitration Group Panel (APRAG), former Judge of the Supreme Court Bench, C/o Lee & Lee, Advocates and Solicitors, 168 Robinson Road, #25-01 Capital Tower, Singapore 068912, tel.:+65 65 57 46 07, e-mail: gohjoonseng@leenlee.com.sg.

Slovak Republic

Prof. Dr. JÁN AZUD, Doctor of Law, Doctor of Legal Sciences, Professor of International Law, former Director of the Institute for State and Law of the Slovak Academy of Sciences, Honorary President of the Slovak Society of International Law at the Slovak Academy of Sciences, Institute for State and Law of the Slovak Academy of Sciences, Klemensova 19, 813 64 Bratislava 1, fax: +421 2 52 96 23 25;

Dr. JÁN KLUCKA, Judge at the Court of Justice of the European Communities, Doctor of Law, Associate Professor of International Law, Faculty of Law, P.J. Šafárik University, Košice, former Judge at the Constitutional Court of the Slovak Republic, Court of Justice of the European Communities, L-2925 Luxembourg, fax: +352 43 03 38 79, e-mail: jan.klucka@curia.eu.int;

His Excellency Dr. PETER TOMKA, Judge of the International Court of Justice, Doctor of Law, former Permanent Representative of Slovakia to the United Nations, former Member (Second Vice Chairman, 2000; Chairman of the Drafting Committee, 2001) of the United Nations International Law Commission, former Agent of Slovakia before the International Court of Justice in the Gabčíkovo-Nagymaros Project case
His Excellency Dr. JÁN VARŠO, Ambassador Extraordinary and Plenipotentiary of the Slovak Republic to the Republic of Cyprus, Doctor of Law; former Legal Adviser of the Ministry of Foreign Affairs of the Slovak Republic, Embassy of the Slovak Republic to the Republic of Cyprus, 4 Kalamatas Street, Acropolis, 2002 Nicosia, Cyprus, fax: +357 231 17 15, e-mail: varso@cytanet.com.cy.

Slovenia

Prof. Dr. BORUT BOHTE, Professor of International Law (until 2005), Faculty of Law, University of Ljubljana, Former Head or member of a number of diplomatic delegations; Former Chief of the Environment Law Unit at UNEP, Nairobi, Kenya (1981-83); Ambassador, Principal Legal Advisor and Director of the International Law Department at the Federal Secretariat for Foreign Affairs of the SFRY (1984-1989) and Ambassador to the Netherlands; Member of the Permanent Court of Arbitration (1986-91); Conciliator at the OSCE Court of Conciliation and Arbitration in Geneva (since 2000); University of Ljubljana, Faculty of Law, Poljanski nasip 2, 1000 Ljubljana, Slovenia, tel: +386 1 420 31 16, fax: +386 1 420 31 30, e-mail: borut.bohte@pf.uni-lj.si;

Prof. Dr. MIRJAM ŠKRK, Doctor of Law, Professor of International Law, former Head of the Chair of International Law and former Director of the Institute of International Law and International Relations at the Ljubljana University Faculty of Law, Judge and Vice-President of the Constitutional Court of the Republic of Slovenia. Dr. Škrk was a part-time legal advisor to the Ministry of Foreign Affairs of the Republic of Slovenia (1992-1998), a member of the expert group for the boundary negotiations between Slovenia and Croatia (1992-1998), and a member of the Slovenian delegation for the negotiations on the succession of states issues to the former SFRY (1992-2001). In 1998, she was a member of the Slovenian delegation to the UN Diplomatic Conference on the Establishment of an International Criminal Court. Arbitrator of the Court on Conciliation and Arbitration within the OSCE, and an (alternate) member of the Court's Bureau. Constitutional Court of the Republic of Slovenia, Beethovenova 10, 1000 Ljubljana, tel.:00386 1 477 64 53, fax: 00386 1 251 04 51, e-mail: mirjam.skrk@us-rs.si.

South Africa

Honourable Chief Justice I. MAHOMED, Chief Justice, Chairman of the Judicial Services Commission, Member of the Board of the Faculty of Law of the University of Witwatersrand, Constitutional Court, former Judge of the Supreme Court of South Africa, Judge of the first Constitutional Court, Member of the Electoral Court, former First Deputy President of the Constitutional Court;

Prof. NHLAPO, LL.B., D. Phil. (Oxford), former Professor, University of Cape Town, Dean of the Faculty of Social Science, University of Swaziland, Member of the South African Law Commission, Private Bag X668, Pretoria, 0001, fax: +27 11 320 09 36;

Spain

M. JUAN ANTONIO CARRILLO SALCEDO, Docteur en droit, Professeur de droit international public à l’Université de Séville, Juge à la Cour européenne des droits de l’homme, República Argentina 56-1, 41011 Sevilla;

M. SANTIAGO TORRES BERNARDEZ, Docteur en droit, ancien Directeur adjoint au Service juridique de l’ONU, ancien Greffier de la Cour internationale de Justice, Juge ad hoc à la Cour internationale de Justice, Membre de l’Institut de droit international et de l’“International Law Association”, spécialisations: droit des traités, responsabilité
internationale, droit de la mer, succession d’États, frontières (terrestres et maritimes),
droit des relations diplomatiques et consulaires, droit de l’environnement, droits de
l’homme, Jorge Juan 40, 2 Izda, 28001 Madrid, fax: +34 1 431 76 74;

Son Excellence M. JOSÉ MANUEL LACLETA MUÑOZ, ancien Professeur de droit
international public, de droit international privé et de droit diplomatique, ancien Chef
du Bureau juridique international du ministère des Affaires étrangères, Chef de la
Délégation espagnole à la Troisième Conférence sur le droit de la mer, Représentant
permanent auprès du Conseil de l’Europe, Membre de l’“International Law
Association”, ministère des Affaires étrangères, Madrid;

M. JOSÉ ANTONIO PASTOR RIDRUEJO, Docteur en droit, Professeur de droit
international à l’Université Complutense, Membre de l’Institut de droit international,
Représentant spécial de la Commission des droits de l’homme des Nations Unies pour
El Salvador, ancien Chef du Bureau juridique international du ministère des Affaires
étrangères, Juge à la Cour européenne des droits de l’homme, Strasbourg.

Sri Lanka

His Excellency Prof. G.L. PEIRIS, LL.B., Ph.D., Minister of Justice and Constitutional
Affairs and Deputy Minister of Finance, Professor emeritus of Law at the University of
Colombo, Associate Member of the International Academy of Comparative Law (1960),
Ministry of Justice and Constitutional Affairs, Colombo 12;

Mr. FAISZ MUSTAPHA, LL.B. (Ceylon), President’s Counsel, Chairman of the
Commission for the Elimination of Discrimination and Monitoring of Fundamental
Rights of Sri Lanka, former Chairman and Member of the Finance Commission,
Member of the Law Commission of Sri Lanka, Deputy-President of the Bar Association
of Sri Lanka, specializations: international law, administrative law, 35, Kaviratna Place,
Colombo 6, fax: +94 1 58 69 63;

Justice P. RAMANATHAN, former State Counsel, former Judge of the High Court,
former Judge of the Court of Appeal, former Judge of the Supreme Court, appointed
Master of the Bench of Grays Inn, former President of the Medico-Legal Society of Sri
Lanka, former President of the British Scholars Association, former President of the
Rotary Club of Colombo Central, 38, Melbourne Avenue, Colombo 4;

The Honourable Mr. SARATH NANDA SILVA, Attorney-General, former Judge of the
Court of Appeal, former President of the Court of Appeal, former Judge of the Supreme
Court, awarded LL.M. Magna-cum-laude in International Comparative Law from the
University of Brussels, President of SAARC LAW, Member of the Incorporated Council
of Legal Education of Sri Lanka.

Sudan

M. ABDEL ALIER, LL.B., LL.M., Avocat, ancien Ministre, ancien Vice-Président de
la République, ancien Président de la Commission pour la décentralisation
administrative, ministère des Affaires étrangères, Khartoum;

Prof. MOHAMED KHALAFALLA ELRASHEED, LL.B., LL.M., University Professor,
former Legal Adviser to the Ministry of Foreign Affairs, former President of the
Supreme Court, former Member of the United Nations International Law Commission,
Ministry of Foreign Affairs, P.O. Box 1120, 11111 Khartoum;

M. DAFALLA ELRADY SIDDIG, LL.B., LL.M., Avocat, ancien Vice-Président de la
Cour suprême, ministère des Affaires étrangères, Khartoum.
Annexe 6 - Membres de la CPA

PCA Members - Annex 6

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**Surinam**

His Excellency Dr. LACHMIPERSAD FREDERIK RAMDAT MISIER, former President of the Republic of Surinam, former Chief Justice, former Tutor at the Legal Faculty of the University of Surinam, Member of the Constitutional Commission, Chairman of the National Boundary Commission, Ministry of Foreign Affairs, Paramaribo, fax: +597 41 08 51;

Her Excellency Dr. Irma LOEMBAN TOBING-KLEIN, Ambassador, advisor to the President of the 58th Session of the General Assembly of the United Nations, Ambassador, advisor on CSW (Commission on the Status of Women) issues to the Minister responsible for Gender Affairs in Suriname, President United Nations Association Suriname, Former Ambassador, Permanent Representative of the Republic of Suriname to the United Nations, Former Minister Plenipotentiary of the Permanent Mission of the Republic of Suriname to the United Nations, Former Counsellor at the Embassy of the Republic of Suriname in the Hague, Former Attorney at Law, PO Box 1359, Paramaribo, Suriname; e-mail: tobing@sr.net, www.tobing.nl/~irma;

His Excellency Dr. S. WERNERS, Ph.D., former Minister Counsellor, former Ambassador, former Professor at the Legal Faculty of the University of Surinam, c/o Embassy of the Republic of Suriname, Alexander Vogelweg 2, 2517 JH The Hague.

**Sweden**

His Excellency Mr. HANS C.Y. DANELIUS, former Justice of the Supreme Court of Sweden, former Member of the European Commission of Human Rights, former Ambassador of Sweden in The Hague, former Under-Secretary for legal and Consular Affairs at the Swedish Ministry for Foreign Affairs, Roslinvägen 33, SE-168 51 Bromma, tel: +468 37 34 91, fax: +468 56 43 34 84, e-mail: hans.danelius@telia.com;

His Excellency Mr. HANS A.V. CORELL, former Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations, former Judge of Appeal, former Ambassador and Under-Secretary for Legal and Consular Affairs at the Swedish Ministry of Foreign Affairs, Norr Mälarstrand 70, 112 35 Stockholm, Sweden, tel./fax: +46 8 473 0753, e-mail: hans.corell@havc.se;

Prof. OVE BRING, Professor of International Law, Stockholm University, Expert in General International Law, the Law on the use of force, the Law of the United Nations Charter (including the Law of Peacekeeping), International Humanitarian Law, Human Rights Law and the Law of Diplomatic Protection and International Claims, fax: +46 8 61 24 109;

His Excellency Mr. CARL HENRIK EHRENKRONA, Ambassador and Director General for Legal Affairs at the Swedish Ministry of Foreign Affairs, agent of the Swedish Government before the European Court of Human Rights, former Judge of Appeal, former Member of the Steering Committee of Human Rights (CDDH) in the Council of Europe, SE-10339 Stockholm, tel.: +46 8 405 10 00, fax: +46 8 723 11 76, e-mail: carl-hendrik.ehrenkrona@foreign.ministry.se.

**Switzerland**

M. LUCIUS CAFLISCH, Juge à la Cour européenne des droits de l’homme, ancien Jurisconsulte du Département fédéral des affaires étrangères, Professeur de droit international public à l’Institut universitaire des hautes études internationales (Genève), Cour européenne des droits de l’homme, Palais des droits de l’homme, F-67000, Strasbourg;
M. JACQUES-MICHEL GROSSEN, Professeur honoraire à la Faculté de Droit de l’Université de Neuchâtel, ancien Directeur de l’Office fédéral de la Justice, spécialisations: droit international public, droit international économique/droit comparé, Chemin des Jordils 2, CH-2016 Cottaril, fax: +41 38 42 15 59;

M. PAUL SEGER, Ambassadeur, Jurisconsulte du Département fédéral des affaires étrangères, Directeur de la Direction du droit international public, Ambassadeur de Suisse à la Principauté de Liechtenstein, Docteur en droit, Chargé de cours à la Faculté de droit de l’Université de Bâle; Palais fédéral Ouest, 3003 Berne, fax: +41 31 324 90 73, e-mail: paul.seger@eda.admin.ch;

Prof. DANIEL THÜRER, professeur ordinaire en droit international, en droit européen, en droit public et en droit constitutionnel comparé à l’Université de Cambridge, Dr. rer. publ. h.c. de l’Université de Saint-Gall. Séjours et programmes de recherche à la Harvard Law School et à la Stanford School of Law. Membre du CICR depuis 1991, ancien membre de la Cour d’Etat (Staatsgerichtshof) de la Principauté du Liechtenstein, membre de la Commission indépendante d’experts “Suisse - Seconde Guerre mondiale”, directeur (fondateur) de l’Institut européen de l’Université de Zurich”, membre du Comité exécutif de la Commission internationale des juristes, membre de la Commission européenne contre le racisme et l’intolérance; Université de Zurich, Institut für Völkerrecht und ausländisches Verfassungsrecht, Hirschgraben 40, 8001 Zürich, tel.: +41 1 634 20 31, fax: +41 1 634 49 93, e-mail: thuerer@ivr.unizh.ch.

Thailand

Son Excellence M. ARUN PANUPONG, Docteur en droit, ancien Secrétaire d’Etat aux Affaires étrangères, Ambassadeur à Paris, 739/55 Pudtarn Village, Petchkasem 81 (Mararoen Rd.), Nongkham, Bangkok 10160, Thailand; tel/fax: +66 2 420 7973;

His Excellency Mr. SANSERN KRAICHI TTI, LL.B., Barrister-at-Law, honorary Doctor of Law Chulalongkom University, honorary Doctor of Law Ramkhamaeng University, Chairman of the Seventh Committee of Law Drafting of the Council of State, Member of the Special Committee for consideration of International Conventions, Ministry of Foreign Affairs, Member of the Executive Committee of Thai Red-Cross Society, Senior Partner of Kanung and Partners Law Firm, former Justice and Vice President of the Supreme Court, former Chief Justice of the Civil Court, former Chief Justice of the Court of Appeal, former Senator, 187 Sukhumvit 31, Bangkok 10110, fax: +66 2 258 4450;

Dr. SATHIT SATHIRATHAYA, Docteur en Droit, University of Paris, Advisor to the Minister of Foreign Affairs, Visiting Professor of International Law, Faculty of Law, Thammasat University and Chulalongkorn University, former Director-General, Department of Protocol, Ministry of Foreign Affairs, former Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs, former Ambassador of Thailand to the Soviet Union, Mongolia, Kingdom of Denmark, Kingdom of Norway and the Republic of Iceland, 139 Soi Ekkasarn 10, Sukhumvit 63, Klongton Sub-District, Wattana District, Bangkok 10110;

His Excellency Mr. SUCHINDA YONGSUNTHON, LL.B., Barrister-at-law, Middle Temple Inn of Court, former Director-General of the Department of Treaties & Legal Affairs and former Deputy Permanent Secretary of the Ministry of Foreign Affairs, former Ambassador Extraordinary and Plenipotentiary to Italy, the Sovereign Military Order of Malta, Israel, The Netherlands, the Kingdom of Sweden, Finland, Estonia and Latvia, former Member of the Panel of Legal Experts of INTELSAT and former Judge of the Constitutional Court of Thailand; 58 Sukhumvit 49, North Khlongton, Wattana, Bangkok 10110; tel: +66 2 390 2944, fax: +66 2 381 1570.
Turkey

M. YSAR KARAYALCIN, Docteur en droit, Directeur de l’Institut de Recherche sur le droit bancaire et commercial, ancien Professeur de la Faculté de Droit d’Ankara, Hosdere Cad. 202/1, Ankara, fax: +90 312 4 319 86 65;

Mr. ERGUN ÖZBUDUN, Doctor of Law, Professor of Political Science at Bilkent University, former Professor of Constitutional Law at the Ankara University, 06533 Bilkent, Ankara, fax: +90 312 266 48 63;

M. HÜSEYN PAZARCI, Docteur en droit, Premier Conseiller juridique du ministère des Affaires étrangères, Professeur de droit international public à la Faculté des Sciences politiques de l’Université d’Ankara, spécialisations: droit de la mer, contrats d’États, droit communautaire européen, ministère des Affaires étrangères, Disisleri Bakanligi, Ankara, fax: +90 312 212 89 66.

Uganda
His Excellency Mr. PETER C.R. KABATSI, LL.B., Hons (MUK), DLP, LDC, Advocate (Uganda) and Attorney and Notary (Lesotho), Member of the International Law Commission (Geneva), former Permanent Secretary and former Solicitor-General of the Ministry of Justice;

Ms. ANNA MAGEZI, Barrister, Judge of the High Court of Uganda, former President of the Industrial Court, former State Attorney, former Magistrate;

Hon. Justice BENJAMIN J. ODOKI, Chief Justice of Uganda, formerly Director, Uganda Law Development Centre, Director of Public Prosecutions, Judge of the High Court of Uganda, Justice of the Supreme Court, Chairman, Constitutional Commission and Chairman, Judicial Service Commission, Chief Justice’s Chambers, Supreme Court of Uganda, Justice’s Chambers, P.O. Box 6679, Kampala, tel.: +256 41 231 727, fax: +256 41 34 39 71, e-mail: bodoki2000@yahoo.com.

Ukraine
Prof. V. KYSIL, Professor of international law, Institute for International Relations of T. Shevchenko’s Kyiv National University;

Dr. O. KOPYLENKO, Director of the Institute of Legislation of the Verkhovna Rad (Parliament) of Ukraine;

His Excellency M. SELIVON, Ambassador Extraordinary and Plenipotentiary to the Republic of Kazakhstan;

Mr. O. ZADOROZHNYI, Head of the Chair of International Law, Institute of International Relations of the Kyiv Taras Shevchenko National University.

United Kingdom of Great Britain and Northern Ireland
Her Excellency Dame ROSALYN HIGGINS, DBE, QC, President of the International Court of Justice, former Professor of International Law at the Universities of Kent and

The Rt Hon Lord BINGHAM OF CORNHILL, PC, MA, Senior Lord of Appeal in Ordinary, formerly a Justice of the High Court, a Lord Justice of Appeal, Master of the Rolls and Lord Chief Justice of England and Wales. Law Lords’ Corridor, House of Lords, London SW1A 0PW; tel: +44 20 7219 3202;

Sir ARTHUR WATTS, KCMG QC, Member Eritrea-Ethiopia Boundary Commission; Member UK-Ireland Arbitral Tribunal (MOX Plant); panel of arbitrators under Law of the Sea Convention; Counsel in cases during the ICJ and international arbitrations; Member Institut de Droit; former Legal Advisor Foreign and Commonwealth Office; former Special Negotiator for Succession Issues (Yugoslavia); specialisation - international law (author of numerous books and articles); 20 Essex Street, London, WC2R 3AL. Tel: +44 20 7583 9294, fax: +44 20 7583 1341;

Sir ELIHU LAUTERPACHT, CBE, QC, President of the Eritrea/Ethiopia Boundary Commission; Honorary Professor of International Law, University of Cambridge; Emeritus Director of the Lauterpacht Research Centre for International Law, University of Cambridge; Arbitrator in ICSID and other arbitrations; formerly an ad hoc judge of the International Court of Justice, a presiding Commissioner of the UN Compensation Commission, President of the World Bank Administrative Tribunal, the Asian Development Bank Administrative Tribunal and the East African Common Market Tribunal; Member of the Institut de droit international, 20 Essex Street, London WC2R 3AL, tel.: +44 20 7583 9294, fax: +44 20 7583 1341, e-mail: EL14@cam.ac.uk.

United States of America

Mr. WILLIAM H. TAFT IV, Fried Frank Harris Shriver & Jacobson, former Legal Adviser of the U.S. Department of State, former U.S. Permanent Representative to NATO (1989-1992), former Deputy Secretary of the Department of Defense (1984 - 1989), former General Counsel, Department of Defense (1981 - 1984), tel: +1 202 639 7164, fax: +1 202 639 7003; e-mail: William_Taft@friedfrank.com;

Mr. DAVID R. ANDREWS, former Legal Adviser to the U.S. Department of State (from 1997 to 2000), 1020 Union Street, Apartment 1020, San Francisco, California 94133, Tel: +1 415 440 20 66;

Mr. JOHN B. BELLINGER, III, Legal Adviser, U.S. Department of State, Office of the Legal Adviser, U.S. Department of State, Washington, D.C. 20520, tel: +1 202 647 95 98, fax: +1 202 647 7096;

Judge STEPHEN M. SCHWEBEL, was a Member of the International Court of Justice from 1981 to 2000, and served as the Court’s President from 1997 to 2000, 1501 K. Street N.W., Suite 410, Washington, D.C. 20005; tel.: +1 202 736 83 28, fax: +1 202 736 87 09, e-mail: judgeschwebel@aol.com.

Uruguay

H.E. Mr. HECTOR GROS ESPIELL, Doctor of Law and Social Sciences, Ambassador of Uruguay in France, former Uruguayan Minister of Foreign Affairs and Permanent Representative to UNESCO, specializations: International Public Law, bordering and territorial conflicts, nationalizations and investments;

Dr. RONALD A. HERBERT, Professor of Private International Law at the Faculty of
Law of the University of the Republic, Professor of postgraduate courses at the Faculty of Law of the University of the Republic, as well as on International Law, International Contracting and Law of Mercosur at the Catholic University, founding member and former Director of the Institute of Private International Law of the Faculty of Law of the University of the Republic;

Dr. JOSE KORZENIAK, Doctor of Law and Social Sciences, Senior Professor of Public Law at the University Mayor of the Republic (Montevideo) and University of Mexico. Author of a large number of publications of Constitutional, Administrative and Bank Law. Since 1990 Senator of the Republic;

Dr. ROBERTO PUCEIRO RIPOLL, Doctor of Law and Social Sciences, Permanent Arbitrator of the Permanent Court of Revision of Mercosur, Senior Professor of Public International Law and International Relations at several public and private institutions. Legal Advisor of the Uruguayan Antarctic Institute, Chairman of the International Law and International Relations Institute, School of Law of the University of Uruguay, Uruguayan Delegate, inter alia, to the United Nations, the International Civil Aviation Organization, the Antarctic Treaty Consultative Meetings, the Latin American Commission on International Civil Aviation, and Mercosur meetings, senior Professor of Public International Law, Senior Professor of Diplomatic and Consular Law, and Professor of the Diplomatic Academy at the Ministry of Foreign Affairs.

**Venezuela**

His Excellency Prof. GONZALO PARRA ARANGUREN, Doctor of Law and Political Science, Judge of the International Court of Justice, Attorney, Professor of Private International Law, Member of the International Law Institute, International Court of Justice, Peace Palace, Carnegieplein 2, 2517 KJ, The Hague, The Netherlands;

Ms. MIRIAM GARCIA DE PEREZ, Chargé d’Affaires of the Bolivarian Republic of Venezuela in Austria, Attorney at Law, Professor of Private and Public International Law;

Ms. MIRNA MAS Y RUBI SPOSITO, Attorney at Law, Specialist in Trade Arbitration, Legal Adviser of the Ministry of Foreign Affairs, former Judge of the Venezuelan Judicial system, Ministerio de Relaciones Exteriores, Torre MRE, Carmelitas, Caracas 1010;

Mr. RODOLFO PORRO ALETTI, Attorney at Law, Legal Adviser of Petroleos de Venezuela S.A. (PDVSA), has worked widely as judicial Advisor in International Arbitration, Av. Libertador, Petroleos de Venezuela, Caracas.

**Zambia**

Mr. Justice PETER CHITENGI, Judge of the High Court of Zambia;

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.
**Zimbabwe**

Mr. PADDINGTON GARWE, High Court Judge, The High Court of Zimbabwe, Box 8050, Causeway, Harare;

Mr. ARTHUR MANASE, Chairman of the Department of Private Law, University of Zimbabwe, specializations: banking and negotiable instruments law, commercial law, Department of Private Law, University of Zimbabwe, P.O. Box MP 167, Mount Pleasant, Harare, fax: +263 4 33 34 07;


**Secretary-General**

His Excellency Mr. TJACO T. VAN DEN HOUT, Doctor of Law, former Deputy Secretary-General of the Netherlands Ministry of Foreign Affairs, Peace Palace, Carnegieplein 2, 2517 KJ, The Hague, The Netherlands.
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

<table>
<thead>
<tr>
<th>PANEL OF ARBITRATORS as of June 1, 2007</th>
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<td>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.</td>
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<td><strong>Australia</strong></td>
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<td>Mr. HENRY BURMESTER QC is currently Chief General Counsel with the Australian Government Solicitor. He is responsible for providing high level advice to the Government on the Constitution and other sensitive issues, as well as appearing as counsel for the Australian Government. Mr. Burmester has appeared as counsel in the International Court of Justice, the Law of the Sea Tribunal and in Australian appellate and trial courts, including the High Court. Mr. Burmester has previously held the position of Acting Solicitor-General of the Commonwealth, and was formerly the head of the Office of International Law in the Attorney-General’s Department. He has been involved in international maritime boundary, marine pollution and other law of the sea and environmental negotiations, including those relating to the Antarctic Environment Protocol.</td>
<td>Chief General Counsel, Australian Government Solicitor 50 Blackall Street, Barton ACT 2600, Australia Tel: +61 2 6253 70 16; Fax: +61 2 6253 73 04; E-mail: <a href="mailto:henry.burmester@ags.gov.au">henry.burmester@ags.gov.au</a></td>
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<td><strong>Austria</strong></td>
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<td>Professor Dr. GERHARD LOIBL is a Professor of International Law at the University of Vienna, the University of London, and the Diplomatic Academy in Vienna, as well as Editor-in-Chief of the Austrian Review of International and European Law and Chairman of the ILA Water Resources Committee. Prof. Dr. Loibl has served in the Office of the Legal Advisor of the Austrian Federal Ministry for Foreign Affairs and as Registrar of the UNRWA Special Panel of Adjudicators in Vienna. He has been a member of Austrian task forces and governmental delegations to many international conferences and negotiations, including meetings of the UNEP Governing Council, the UNCED Preparatory Committee, OECD experts on trade and environment, and the UN General Assembly. He previously served as Director of the International and European Department in the Austrian Federal Ministry for Environment, Youth and Family Affairs. Prof. Dr. Loibl has lectured at and participated in numerous international law conferences and has published extensively in the field of international environmental law. He is fluent in English and German and has reading knowledge of French and Spanish. In addition to completing the Hague Academy of International Law, Prof. Dr. Loibl received a Doctor of Law from the University of Vienna Law School and an LL.B. from the University of Cambridge.</td>
<td>Dr. WALTER GEHR is currently with the Austrian Federal Ministry of Foreign Affairs in the International Law Division and was posted in Ireland and Algeria. He was a member of the Permanent Mission of Austria to the United Nations and also participated in the UNOMSA mission. He was the Austrian representative in the Nuclear</td>
<td>27-11-01</td>
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Law Committee of the OECD and Chairman of the Assembly of States of the International Development Law Institute. Dr. Gehr was the deputy head of the Austrian embassy in Ankara. He speaks German, French and English fluently, has a good command of Spanish and a passive understanding of Italian.

Belarus

Ms. MARINA YANUSH serves as the Deputy Chief of the Legal and Personnel Department of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. She also serves as assistant to the Faculty of Ecology of the Belarusian National Technical University in Minsk. She has contributed to the drafting of national acts of the Republic of Belarus, namely draft laws “On the Protection of Environment,” “About the Waste”, Law of the Republic of Belarus “On Flora” and Code of the Administrative Offences. She is currently competing to be granted the degree of the Candidate of Science in Law at the Institute of the State and Law of the National Academy of Sciences of the Republic of Belarus.

Deputy Chief of the Legal and Personnel Department,
Ministry of Natural Resources and Environment Protection
220048, Minsk, 10 Collectornaya st., Republic of Belarus
Tel: +375 17 220 27 67; E-mail: yanush-maryna@tut.by

Ms. ELENA LAEVSKAYA is a senior lecturer at the Law Faculty of the Belorusian State University. She specializes in international environmental law, natural resources and ecology law. In addition to her academic position, Ms. Laevskaya is chairman of the Council of the Public Association - “Ecology Law”. She has previously worked at the Institute of Philosophy and Law and the Institute of Management at the National Academy of Sciences of the Republic of Belarus. She is a member of the Council of Lawyer-Ecologists of the Association of East and Central European Countries.

Law Faculty, Belorusian State University.
220136, Minsk, 17 Moscowskaya str., Republic of Belarus
Tel: +375 17 222 83 47; E-mail: laevskaya@fmst.unibel.by, ecop@iatp.unibel.by

Mr. ALEKSANDR RACHEVSKY is currently head of the Department of International Cooperation at the Ministry of Natural Resources and Environment Protection of the Republic of Belarus. After graduating from the Belorusian State University and the Academy of Management under the President of the Republic of Belarus, he has managed the research laboratory of the Belorusian State University.

Head of the Department of International Cooperation,
Ministry of Natural Resources and Environment Protection
10 Collectornaya str., 220048, Minsk, Republic of Belarus
Tel: +375 17 220 43 28; E-mail: minproos@mail.belpak.by

Belgium

Mr. JAN HEYMAN, KU Leuven (Lic. Law, 1976). He is director of the Flemish Environment Society, general affairs, and head of the legal service department there. He has held many positions in the Flemish Water Purification society including director, and worked in the cabinet of the Minister of Internal Affairs. He participated as a delegate of Belgium in the negotiations of the UNECE Aarhus convention, UNECE Pollution from Long Range Sources Protocol, and took part in the Aarhus Convention Working Group and Task force on access to justice. He lectures at the faculty of law of the KU Leuven and works at the KU Leuven Institute for Environment and Energy Law. He is chairman of the Belgian Society for Environmental Law. He has authored numerous publications on environmental and natural resources law.

Professor Dr. FRANK MAES studied Diplomatic Sciences (Ghent University, 1984), Shipping Law (UFSIA, 1986), and obtained a Ph.D. in Law (Ghent University, 1996). He is Professor of Public International Law in the Faculty of Law at Ghent University since 1998 and has taught, inter alia, international environmental law, environmental legislation, diplomatic and consular law, and air and space law. He has been lecturer on international trade and international organizations in the UNCTAD training courses on "The Commercial Role of Ports and Port Marketing", and has been guest lecturer at several universities including the universities of Nairobi and Dar es Salaam. He is a member of the International Law Association's Committee on Water Resources Law. He was, inter alia, legal adviser in the Belgian delegation during the preparatory negotiations of the OSPAR Convention, legal expert in the Belgian delegation for the implementation of the Kyoto Protocol, and president of the EU legal experts in the negotiations on compliance at UNFCCC COP 6+ and COP 7. He is author of the explanatory memo for the Law on the Belgian exclusive economic zone in the North Sea, co-author of the Law on the protection of the marine environment under the jurisdiction of Belgium, and co-author of the decree on Integral Water Policy implementing the EC Framework Directive on water policy in Flanders. He is author of numerous books and articles on a wide range of international environmental law topics.
M. JEAN-FRANÇOIS NEURAY is a specialist of administrative law, urbanism and environmental law. He completed his higher education in 1987 with distinction, obtaining a special degree in administrative law (the subject of his thesis: "Rights of riparian and the responsibility of public authorities in the management of non-navigable rivers"). Currently, M. Neuray is a first-class auditor at the Belgian Council of State and a professor at the universities of Artois and Brussels, he is also vice-president of the Belgian Association for Environmental Law and member of the jury of the international Elisabeth Haub prize for the law of the environment.

Prof. MARY SANCY is a specialist of E.U environmental law; she focused her activities on EIA, EMAS/ISO and SEVESO Directives. Her field of activities is prevention of industrial pollution, waste management and energy legislation (nuclear and renewable energies). She is now directing the Programme of International Environmental Law at the United Nations Institute for Training and Research (UNITAR).

Bolivia

Dr. MARÍA PATRICIA DEL ROSARIO GARCÍA SALAUES currently serves as Environmental Legal Assessor at the Sustainable Development and Planning Ministry, as National Contact in the Sustainable Development and Environmental Law Unit of the American States Organization, and as National Contact and Regional Coordinator in the Federal Office of Disaster Attention for the United Nations. She has extensive experience and special expertise in natural disaster prevention and resolution of pollution-related conflicts in Bolivia and South America. Dr. García Salaues is involved in the International Atomic Energy Agency’s efforts to develop a legal framework for radiological protection, safety on radiation sources, and safe handling of radioactive wastes. She has previously advised the World Bank on developing environmental rules and guidelines for mining projects; provided legal advice to Bolivian mining companies; and conducted legal analysis on mining laws for MERCOSUR. She is fluent in Spanish and has reading knowledge of English, Portuguese, and French. Dr. García Salaues has a Master’s in Ecological Audits and Managerial Planning from the Instituto de Investigaciones Ecologicas in Spain, and a Diploma in Environmental Consulting from Fundacion Universitaria Iberoamericana. She is currently a candidate for a Doctor in Environmental Law from the Universidad de Alicante in Spain.

c/José Toro N° 366, Alto Obrajes Sector “A”, La Paz, Bolivia, Tel.: +591 2 73 23 52, +591 2 73 12 93; Fax:+591 2 22 23 97 or 35 09; E-mail: patriciagarciasa@yahoo.com

Brazil

Professor Dr. GUIDO FERNANDO SILVA SOARES is presently Chair of Public International Law at the University of São Paulo, as well as President of the Brazilian Society for International Environmental Law. Prof. Silva Soares is a former member of the Brazilian Foreign Service. He holds a Bachelor’s degree in Legal and Social Sciences from the University of São Paulo, a Master’s degree in Comparative Law from the University of Illinois, and a Doctorate in International Politics from Catholic University of São Paulo.

Bulgaria

Mr. GEORGE PENCHEV is presently Associate Professor in Environmental Law at the Faculty of Law, Plovdiv University “Paisii Hilendarski,” Bulgaria, as well as Senior Researcher in Environmental Law at the Institute of Legal Studies at the Bulgarian Academy of Science. Formerly Researcher in Environmental Law and lawyer at the Patent Agency, Sofia, Bulgaria. His main activities and responsibilities include lectures in Environmental Law, scientific projects in Environmental Law, practical work in Patent Law. In 1990 he obtained scientific degree “PhD” submitting a thesis on “Financial liability for the water pollution in Bulgaria”. Author of five books and over 130 articles and scientific reports, mainly in the field of Environmental Law, but also in the field of Patent Law and Public International Law.

Plovdiv University “Paisii Hilendarski”, Faculty of Law
24 Tzar Asen str., Plovdiv 4000, Bulgaria
Tel.: +359 32 261 284; +359 2 944 43 63; +359 898 253; E-mail: georgepenchev@abv.bg.
Cameroon
H.E. MAURICE KAMTO, Junior Minister of Justice, has served as an expert consultant in a number of cases for his government and the United Nations, and was Legal Counsel in 1998 and 1999 at the Diplomatic Conference in Rome for the creation of the International Criminal Court. He was also an academician in Public International Law, Administrative Law, Constitutional Law and Environmental Law, and has served as an advocate for the International Court of Justice. He is also avocat at the Paris Bar (France) and Member of the International Law Commission (ILC).

Canada
Mr. MIKE HARCOURT served as the Premier of British Columbia from 1991-1996, and as Mayor of Vancouver, three terms from 1980-1986, and was elected four terms as Vancouver Alderman, 1972-1980. Mr. Harcourt is a Senior Associate with the Sustainable Development Research Institute at the University of British Columbia, as well as Senior Associate of the Liu Center for the Studies of Global Issues. He is involved in a number of private business activities, as well as speaking and advising internationally on sustainability solutions. In November 1996, he was appointed by the Prime Minister to the National Round Table on the Environment and the Economy, and serves on the Executive Committee along with being Chair of the Urban Sustainability Program. He is Director of the Asia Pacific Foundation, Vice-Chair of the International Center for Sustainable Cities, and the Honorary Chair at the Pacific Rim Council on Urban Development. He serves as Director at the Vancouver Airport and the Vancouver Port Authority. Mr. Harcourt has a B.A. and an LL.B. from the University of British Columbia. He has an Honorary Doctor of Laws from the Royal Roads University.

Chile
Professor JOSÉ AGUSTÍN RAMÍREZ is currently Professor of Environmental Law and Director of the Center for Environmental Law at Austral University in Chile. He also serves as Head of the Environmental Unit at the State Defence Council. Prof. Ramírez previously served as Legal Advisor to Senador don Gabriel Valdes, a position in which he provided counsel on various environmental projects and prepared reports for the Senate’s Environmental Commission. He has also conducted analyses of environmental legislation in Chile as a consultant to CONAMA (Comisión Nacional del Medio Ambiente). Prof. Ramírez has published extensively on the legal and economic implications of environmental pollution, and has been invited to teach environmental law courses and seminars as a visiting Professor at several universities in the United States, Spain, and South America. He is fluent in Spanish and English. Prof. Ramírez received a Licenciado in Law and Social Sciences from the Universidad de Chile and completed postgraduate studies in Economics at the Universidad Autonoma de Madrid. He is currently a candidate for a Doctorate in Law from the Universidad Complutense de Madrid and for a Doctorate in Environmental Law from the Universidad de Alicante.

People’s Republic of China
Mr. GAO FENG currently serves as Deputy Director-General of the Department of Treaty and Law of the Chinese Ministry of Foreign Affairs. He also leads the Chinese Delegation to the Conference of the Parties of the United Nations Framework Convention on Climate Change. Mr. Feng previously worked as Counselor and Legal Advisor to the Permanent Mission of China to the United Nations. He has been a Member of the Chinese Delegation to numerous multilateral meetings on environmental issues and treaties, including desertification, protection of the ozone layer, law of the sea, transboundary movement of hazardous waste, and protection of Antarctica. Mr. Feng holds a Bachelor’s of Law in International Relations from Peking University in Beijing, a Master’s of Law in Public International Law from the College of Foreign Affairs in Beijing, and an L.L.M. in Public International Law and Environmental Law from Nottingham University in the United Kingdom.

Democratic Republic of the Congo
Professor SAYEMAN BULA-BULA currently serves as Judge ad hoc for the International Court of Justice, as UNEP expert for special arbitration in the field of protection and preservation of the marine environment, and...
as Professor of International Law at Kinshasa University in the Congo. Prof. Bula-Bula has lectured and published on several environmental topics and has special expertise in the Law of the Sea. He is a member of the Law of the Sea Institute in Hawaii, the Reseau “droit de l’environnement” in Paris, and the African Society of International and Comparative Law in London. Prof. Bula-Bula received a “Graduat” in Law and a “Licence” in Law from the University of Kinshasa, as well as a Doctorate in International Law from the University of Louvain in Belgium. He is fluent in French and English.

Maison G.18, Plateau des Résidents
Université de Kinshasa, Commune de Lemba, Kinshasa
République démocratique du Congo
E-mail: sayeman_bula@yahoo.fr

Mr. JORGE A. CABRERA MEDAGLIA is senior legal counsel of AMBIO, a non-profit organisation based in Costa Rica dealing with law and environmental policy-making. He has extensive experience in environmental litigation and has advised companies and governments enforcing environmental protection regulations. He received his law degree from the Universidad de Costa Rica in 1991, and holds a postgraduate degree in law from UNED. Mr. Cabrera is also a founding member of the Research Center of Environmental Law and Sustainable Development at McGill University and has authored more than thirty articles and publications related to environmental protection.

Apartado Postal 1487-1002, San Jose, Costa Rica
Tel: +506 381 9086; Fax: +506 551 2686; E-mail: jorgemedaglia@hotmail.com

Professor Dr. MAJA SERSIC chairs the Public International Law Department of the Faculty of Law at the University of Zagreb. She is teaching at the International Centre for Postgraduate Studies in Dubrovnik, co-directing international courses on the Law of the Sea. Prof. Sersic has extensively participated in the elaboration of rules and procedures for the protection from pollution of the Mediterranean Sea area. She has also served as the member of the advisory body on the Law of the Sea of the Intergovernmental Oceanographic Commission (IOC) of UNESCO as well as the member of the European Commission against Racism and Intolerance of the Council of Europe. She has advised the delegation of the Republic of Croatia to the meetings of State Parties to the 1982 UN Convention on the Law of the Sea. In addition, Prof. Sersic is a member of the expert group for the Elaboration of the National strategy for the protection of the Environment in the Republic of Croatia. She is fluent in English, Spanish, Italian and German, and has a reading knowledge of French.

4 Appelis Str., 1403 Nicosia, Cyprus
Tel: 357 2 889100; E-mail: roc-law@cytanet.com.cy

Ms. EVA KRUŽÍKOVÁ is Director of the Institute for Environmental Policy and a Docent in Environmental Law at Charles University in Prague. She previously served as National Expert to the Commission of the EC, DG XI; as Director of the Legislation and International Relations Departments and as Advisor to the First Deputy Minister of the Czech Ministry of Environment; and as Senior Researcher at the Institute of State and Law at the Czechoslovak Academy of Sciences. Prior to that, she was a Legal Official in the Prague Magistrate’s Water Management Department. Ms. Kružíková is a member of numerous national and international professional committees, including the IUCN’s Commission on Environmental Law and the International Sustainable Development Research Network. She has expertise in Czech and EC environmental legislation, and is fluent in English, Russian, French, and Croatian. Ms. Kružíková holds a Diploma and a Doctor in Law from Charles University in Prague, as well as a Ph.D. from the Institute of State and Law at the Czechoslovak Academy of Sciences.

Maison G.18, Plateau des Résidents
Université de Kinshasa, Commune de Lemba, Kinshasa
République démocratique du Congo
E-mail: sayeman_bula@yahoo.fr

Costa Rica
Mr. JORGE A. CABRERA MEDAGLIA is senior legal counsel of AMBIO, a non-profit organisation based in Costa Rica dealing with law and environmental policy-making. He has extensive experience in environmental litigation and has advised companies and governments enforcing environmental protection regulations. He received his law degree from the Universidad de Costa Rica in 1991, and holds a postgraduate degree in law from UNED. Mr. Cabrera is also a founding member of the Research Center of Environmental Law and Sustainable Development at McGill University and has authored more than thirty articles and publications related to environmental protection.

Apartado Postal 1487-1002, San Jose, Costa Rica
Tel: +506 381 9086; Fax: +506 551 2686; E-mail: jorgemedaglia@hotmail.com

Croatia
Professor Dr. MAJA SERSIC chairs the Public International Law Department of the Faculty of Law at the University of Zagreb. She is teaching at the International Centre for Postgraduate Studies in Dubrovnik, co-directing international courses on the Law of the Sea. Prof. Sersic has extensively participated in the elaboration of rules and procedures for the protection from pollution of the Mediterranean Sea area. She has also served as the member of the advisory body on the Law of the Sea of the Intergovernmental Oceanographic Commission (IOC) of UNESCO as well as the member of the European Commission against Racism and Intolerance of the Council of Europe. She has advised the delegation of the Republic of Croatia to the meetings of State Parties to the 1982 UN Convention on the Law of the Sea. In addition, Prof. Sersic is a member of the expert group for the Elaboration of the National strategy for the protection of the Environment in the Republic of Croatia. She is fluent in English, Spanish, Italian and German, and has a reading knowledge of French.

4 Appelis Str., 1403 Nicosia, Cyprus
Tel: 357 2 889100; E-mail: roc-law@cytanet.com.cy

Czech Republic
Ms. EVA KRUŽÍKOVÁ is Director of the Institute for Environmental Policy and a Docent in Environmental Law at Charles University in Prague. She previously served as National Expert to the Commission of the EC, DG XI; as Director of the Legislation and International Relations Departments and as Advisor to the First Deputy Minister of the Czech Ministry of Environment; and as Senior Researcher at the Institute of State and Law at the Czechoslovak Academy of Sciences. Prior to that, she was a Legal Official in the Prague Magistrate’s Water Management Department. Ms. Kružíková is a member of numerous national and international professional committees, including the IUCN’s Commission on Environmental Law and the International Sustainable Development Research Network. She has expertise in Czech and EC environmental legislation, and is fluent in English, Russian, French, and Croatian. Ms. Kružíková holds a Diploma and a Doctor in Law from Charles University in Prague, as well as a Ph.D. from the Institute of State and Law at the Czechoslovak Academy of Sciences.
Egypt
Dr. ABDEL AZIZ MEKHEMAR is Professor and Head of the Department of Public International Law at El Mansoura University. 29-11-01

Finland
Professor VESA MAJAMAA currently teaches Environmental Law at the University of Helsinki. He also serves as Chairman of the Nordic Environmental Labeling Board, Member of the High Court of Impeachment, and Chairman of the Foundation for the Promotion of Legal Science. Prof. Majamaa has worked in several capacities for the City of Helsinki, and has served as Chairman of the Committee for the Unification of Environmental Legislation, Expert Member of the International Nuclear Law Association, and Chairman of the Board of the National Fund Against Oil Pollution. He has contributed to several publications on land use, real estate, water, and environmental law. Prof. Majamaa holds a Master in Laws, a Licentiate in Laws, and a Doctor of Laws. 28-08-01

Germany
Professor Dr. RÜDIGER WOLFRUM is currently Director of the Max Planck Institute for Comparative Public Law and International Law in Heidelberg. He is also a judge at the Court of Appeals for Administrative Matters of Schleswig Holstein and a judge at the International Tribunal for the Law of the Sea. Prof. Dr. Wolfrum has previously served as representative and legal advisor for the German delegation to several international environmental treaties, including the UN Law of the Sea and the Antarctic Treaty, and currently participates in the Consultative Meetings and the Working Group of Legal Experts for the Antarctic Treaty parties. He has taught law at the University of Mainz and the University of Kiel, where he was also Director of the Institute of International Law. Prof. Dr. Wolfrum sits on the executive boards of the Law of the Sea Institute in Hawaii, the Stiftung für Marine Geowissenschaften (Foundation for Marine Geosciences), and the Alfred-Wegener-Institut für Polar- und Meeresforschung (Foundation for Polar and Maritime Research). After studying law at the Universities of Bonn and Tübingen, Prof. Dr. Wolfrum passed both the First and Second State-Examinations. Director Max-Planck-Institute for Comparative Public Law and International Law
Im Neuenheimer Feld 535, 69120 Heidelberg, Germany
Tel: +49 6221 48 22 55; Fax: +49 6221 48 26 53

Greece
Professor Dr. EMMANUEL ROUCOUNAS is presently Emeritus Professor of International Law at Athens University, as well as Director of the Bureau of International and Constitutional Institutions at the Academy of Athens. He is on the Council of Europe’s Steering Committees on Human Rights and on Bioethics. Prof. Roucounas previously served as Chair of Public International Law at the Academy of Athens and has been a Member of the UN International Law Commission, the UN Committee for the Elimination of Racial Discrimination, a Group of Experts of the European Union for Central America, the Institut de Droit International, and UNESCO’s International Bioethics Committee. He has represented Greece in the UN Commission on Human Rights, the UN General Assembly, the Conference on Security and Cooperation in Europe, and the Diplomatic Conference on Humanitarian Law. Prof. Roucounas has lectured at universities in England and France and at the Hague Academy of International Law, and has published nine books and numerous articles on international law, the law of treaties, the law of the sea, and human rights.
Emeritus Professor of International Law. Athens University
30 Chloes Street, 157 72 Athens, Greece
Tel: +30 1 777 34 68; Fax: +30 1 748 98 80; E-mail: eroucoun@academyofathens.gr, eroucoun@hol.gr

Guatemala
Dr. ROLANDO ALFARO ARELLANO 29-08-01

Honduras
Ms. CLARISA VEGA MOLINA DE FERERRA is the Special National Attorney for Environment in the General Attorney Office. She has Bachelor’s degree in Law, as well as a Master’s degree in Administration of Justice, from the National University, Costa Rica. Her experience includes consultancies, drafting manuals on laws and bylaws, preparation of documents and participation in commissions. She was a Professor at the Catholic University of Honduras in 1998 to 1999. She has also worked as Legal Advisor for the Renewable Natural Resources General Office, Mines and Hydrocarbons General Office and the Sectorial Planning Office of the Ministry of Natural Resources. She has worked as a consultant at many levels, including the Central American Universities Higher Council (CSUCA); the (UNO-CONAMA) Organisation of the United Nations and National Commission of the Environment of Honduras; and the Ministry of the Environment. 08-01-02
Hungary

Professor Dr. JÁNOS BRUHÁCS is a senior lecturer at the Law Faculty of the University of Pécs. He specialises in international and European law and has lectured at both the University of Pécs and the Reformed University in Budapest. He has produced various publications, including the Manual of International Law and The Law of Non-Navigational Uses of International Watercourses. He is currently member of a delegation for ecosystem protection in the Danube basin, and also participated in drafting the Lugano Convention.

India

Professor Dr. RAHMATULLAH KHAN is a retired Professor of International Law at the Jawahar Lal Nehru University. He was a Post-Doctoral Fellow at the Woods Hole Oceanographic Institute and a Visiting Scholar at Princeton, Yale and Columbia Universities. He is the Honorary Director of Research at the Indian Society of International Law, Editor-in-Chief and Executive Editor of the Indian Journal of International Law, and a member of the editorial board of the Asian Yearbook of International Law. Prof. Khan previously was Chairperson of the Environmental Chair at the Jawahar Lal Nehru University, as well as a Member of the International Council for Environmental Law. He has published numerous articles on international law and has authored several books, including Kashmir and the United Nations, The Implied Powers of the United Nations, The Iran-US Claims Tribunal: Controversy, Cases and Contribution, and Indian Ocean Fisheries. Prof. Khan has served as consultant on fisheries law to the FAO and as legal advisor to Iran in the Iran-US Claims Tribunal. He is currently working on a research publication on environmental law for the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany.

Dr. P.S. RAO is currently Legal Advisor and Head of the Legal and Treaties Division at the Indian Ministry of External Affairs. He is Special Rapporteur on International Liability for the International Law Commission (ILC), as well as a Member of the Indian delegation to the UN General Assembly. He previously served as Legal Advisor to the Permanent Mission of India to the UN. Dr. Rao was Co-agent and Advocate for India in the Case Concerning the Aerial Incident of 10th August 1999 (Pakistan v. India). He has held chairmanship positions on several international committees, including the ILC, the ILC’s Drafting Committee, and Panel Discussions on Disarmament and on Peaceful Settlement of Disputes for the Centennial Celebrations of the First Hague Peace Conference. Dr. Rao has extensive international negotiating experience and has led the Indian delegations to numerous UN international conferences and bilateral meetings on international waterways, terrorism, extradition, science and technology, establishment of an international criminal court, patent registration, liability for nuclear damage, the Antarctic Treaty, the law of the sea, and other international issues. He has published numerous articles and reports and contributed to several books and ILC reports on international legal issues, including transboundary damage from hazardous activities, state responsibility, the law of the sea, and protection of foreign investments. Dr. Rao received Bachelor’s and Master’s degrees in law from Andhra University in India, and a J.D. and an L.L.M. from Yale Law School in the United States.

Iran

Professor Dr. DJAMSHID MOMTAZ is Professor of International Law, Faculty of Law and Political Sciences, Tehran University, Member, International Law Commission of the United Nations, 2000-2006, Chairman, 2005-2006, Legal Adviser of the Ministry of Foreign Affairs, Associate Member, Institute of International Law, Member, International Committee of Red Cross (ICRC) Group of International Advisers, Member, Curatorium of the Hague Academy of International Law.

Ireland

Dr. YVONNE SCANNELL, BL, Professor of Environmental Law, Trinity College Dublin, Environmental Law Consultant, Arthur Cox, Solicitors, Member of the European and International Councils for Environmental Law, 23 Fortfield Terrace, Rathmines, Dublin 6, tel.: +353 1 618 00 00, e-mail: scannell@iol.ie.

Italy

Professor UMBERTO LEANZA is Professor of Law at the University “Tor Vergata” in Rome and an expert in environmental law, particularly international environmental law.

Japan

Professor SHINYA MURASE is a Professor of Law at Sophia University and a Judge on the Administrative Tribunal of the Asian Development Bank. He has been a Lecturer or Professor at several universities in Japan and...
the United States, and he was a Visiting Scholar and Research Fellow at Harvard Law School. Prof. Murase previously served as Legal Officer for the Codification Division of the Office of Legal Affairs at the UN. He serves on the Executive Councils of several associations, including the Japanese Association of International Law, the International Law Association of Japan, the Japanese Association of World Law, the Japanese Association of International Economic Law, and the International Law Association. Prof. Murase has published extensively in the field of international law, including articles on the law of the sea and protection of the marine environment, the relationship between international environmental law and international economic law, and unilateral measures in international trade disputes. He received a Bachelor’s degree in international law from International Christian University in Tokyo and an L.L.M. and a J.S.D. from the University of Tokyo Graduate School of Law.

Judge, Administrative Tribunal of the Asian Development Bank
Tel: +81 422 31 60 42; Fax: +81 422 31 61 75; E-mail: s-murase@db3.so-net.ne.jp

Republic of Korea

Mr. LEE SUNG-KYU is Supervising Public Prosecutor and Director of the International Legal Affairs Division of Korea’s Ministry of Justice. He is also Director General of the Legal Service Center for International Trade and Investment. He previously handled criminal investigation and trial matters for environmental and SOFA cases as Public Prosecutor for the Seoul District, the Taejeon District, the Suwon District, the Ministry of Justice, and the Korean Mission at the UN. Mr. Sung-Kyu has served on the Korean Delegation to several international committees, including the 34th Commission Session of UNCITRAL, the Preparatory Committee to establish an International Criminal Court, and the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances. He has taught International Trade Law and International Organizations at the Judicial Training and Research Institute. Mr. Sung-Kyu received a law degree from Seoul National University and an L.L.M. from George Washington University.

Latvia

Mr. EDGARS PURINŠ is Director of the Legal Department in Latvia’s Ministry of Environmental Protection and Regional Development, as well as a Professor at the University of Latvia. He previously served as Head of the International Law Division of Latvia’s Ministry of Justice, as Senior Specialist in the Legal Department of the State Chancellery of Latvia, and as Assistant to the Foreign Policy Advisor to the State President of Latvia. Mr. Purinš has been involved in numerous environmental meetings, projects, and workshops, including a Land Exchange Project in Gauja National Park, the Baltic Environmental Lawyers Round Table on EU Law, and meetings to improve legal assistance cooperation among the Baltic States. He has participated in several international legal seminars in Latvia, the United States, and Europe, including seminars on establishing a system of Bioethics Committees in Latvia. Mr. Purinš is fluent in Latvian, Russian, and English, and has some knowledge of German and French. He received a Bachelor’s and a Master’s degree in Law Science from the University of Latvia, as well as a Diploma from the Abo Academy University Institute for Human Rights and a Certificate from the Hague Academy of International Law.

Director of Legal Department, Ministry of Environmental Protection and Regional Development
Nicgales 14-13, Riga, Latvia
Tel: +371 7026542; Fax: +371 7285575; E-mail: edgars@varam.gov.lv; epurins@yahoo.com

Macedonia, FYR

Ms. JADRANKA IVANOVA is Head of the Legislation and Standardization Department within Macedonia’s Ministry of Environment and Physical Planning, where she previously served as Minister’s Counselor and Head of the Minister’s Cabinet. Ms. Ivanova has also been a Structural Intern in the European Commission’s Directorate General for Environment, a Jurist in the Enterprise for Intellectual and Legal Services, and Assistant Director of the Enterprise for External Trade. She is fluent in English and holds a law degree from the University “St. Cyril and Methodius” in Skopje.

Head of the Legislation and Standardization Department, Ministry of Environment and Physical Planning,
11 Oktomvri 38/27, 1000 Skopje, Macedonia

Malta

Prof. DAVID J. ATTARD, Diploma Notary Public, Doctor of Law (LL.D.), University of Malta, Doctor of Philosophy (D.Phil., University of Oxford), Chairman of the Malta Arbitration Centre, former Adviser to the Minister of Foreign Affairs, President and founder of the Maltese Branch of the International Law Association;

Mr. LOUIS CASSAR.

Malta
Mauritius

Mr. PHOSUN KALLEE is Acting Deputy Director of the Department of Environment in Mauritius, for which he previously served as Divisional Environment Officer, Environment Officer, Scientific Officer, and Technical Officer. He has contributed to several publications addressing environmental management issues; participated in various international and national marine research expeditions, projects, and surveys; and assisted in preparation of World Bank-sponsored environmental plans for Mauritius. Mr. Kallee has received numerous certificates in marine and environmental resource management, including Post Graduation Certificates in Coastal Fishery Development, in Management and Conservation of Marine Resources; Seabed Mining, and in Environmental Impact Assessment and Management. He holds a Master’s degree in Ichthyology and Fish Culture from the Astrakhan Institute of Fisheries in the former Soviet Union.

Mexico

Ambassador Dr. ALBERTO SZÉKELY SANCHEZ is Advisor to the Mexican Minister of Foreign Affairs for Special International Legal Issues. He also currently heads Szekely International Legal Consulting, which advises on international and environmental law issues relating to the law of the sea, zoning and land use planning, sustainable coastal development, water law, forestry law, and human rights. During his distinguished diplomatic career in the Mexican Foreign Service, he has served as Alternate Representative of Mexico to the Organization of American States, as Legal Advisor to the Mexican Delegation to the 3rd UN Conference on the Law of the Sea, as Alternate Representative of Mexico to the UN in Geneva, as Legal Advisor to the Mexican Foreign Ministry, as Mexican Representative to the 6th Committee of the UN General Assembly, and as Member of the Permanent Court of International Arbitration at the Hague. Ambassador Dr. Sanchez previously held positions as Coordinator of the Citizens Workshop for Legislative Proposals, Research Director of the International Transboundary Resources Center at the University of New Mexico Law School, and Professor of International Law at the Law School at the Universidad Nacional Autonoma de Mexico and at El Colegio de Mexico. Ambassador Dr. Sanchez has been a Visiting Professor at Arizona State University College of Law and at Johns Hopkins University’s School for Advanced International Studies (SAIS). He is the author of numerous book and articles on international law, the law of the sea, transboundary resources, national and international environmental law, and human rights. Ambassador Dr. Sanchez received a Licenciado en Derecho from the Law School at the Universidad Nacional Autonoma de Mexico, a Master’s degree from the Fletcher School of Law and Diplomacy in the United States, a Ph.D. in International Law from the University of London, and an Honorary Doctorate of Laws from the University of New Mexico in the United States.

Advisor to the Minister of Foreign Affairs for Special International Legal Issues, International Legal Consulting, Plaza del Carmen 5, Despacho 6, Costado Calle de la Amargura, San Angel, Mexico
Tel: +525 616 65 25; Fax: +525 616 08 39; E-mail: aszekely@compuserve.com.mx

Netherlands

Professor Dr. JOHAN G. LAMMERS is presently Legal Adviser at the Netherlands Ministry of Foreign Affairs, Professor of International Environmental Law at the University of Amsterdam, and Member of the Netherlands National Group of the Permanent Court of Arbitration (PCA). Before holding these positions, he taught public international law at the Universities of Amsterdam and Leiden and served as Assistant Legal Advisor at the Netherlands Ministry of Foreign Affairs. Prof. Lammers has been a member of the Netherlands delegation to many international conferences, including international treaties dealing with ozone depletion, protection of international watercourses, transboundary shipments of hazardous waste, biological diversity, prevention of marine pollution, civil liability for nuclear damage, and Antarctica. He is currently Agent of the Kingdom of the Netherlands in an International Court of Justice case concerning Legality of Use of Force, as well as in a PCA Case concerning Protection of the Rhine against Pollution by Chlorides. Prof. Lammers is Co-Editor of the Hague Yearbook on International Law and has published extensively on international environmental law matters. He has also been a participant in numerous international scientific and legal committees, such as the ILA’s International Water Resources Committee and the ILA Committee on the Legal Aspects of Long-Distance Air Pollution. He was awarded the 1999 Elizabeth Haub Prize for exceptional services to international environmental law. Prof. Lammers received a Master of Laws and a Doctor at Law from the University of Leiden, as well as an L.L.M. from Columbia University in the United States.

Legal Adviser, Ministry of Foreign Affairs, Legal Affairs Directorate, International Law Division
Bezuidenhoutsweg 67, P.O. Box 20061, 2500 EB, The Hague, The Netherlands
Tel: +31 70 348 61 37; Fax: +31 70 348 51 28; E-mail: johan.lammers@minbuza.nl

New Zealand


- 106 -

Norway

Justice KARIN M. BRUZELIUS is a Justice on the Norwegian Supreme Court. She previously served as Secretary General and as a Department Head at the Norwegian Ministry for Transport and Communications, and as an Advisor to the Norwegian Ministry of Justice. She has also been a Barrister and a Tingsnotarie. Justice Bruzelius has participated in or led Norwegian delegations to several international meetings, including the ICAO Legal Committee, the IMO Legal Committee, the Hague Conference on International Private Law, the Council of Europe, the Transport Ministers Conference, and government committees on investigation of marine casualties and incidents. She has taught Conflict of Laws at the University of Oslo Law School and currently heads the Norwegian Petroleum Price Board. Justice Bruzelius received Bachelor’s and Law degrees from Lund University in Sweden, as well as an L.L.M. from Columbia University in the United States.

Supreme Court Justice, Supreme Court, P.O. Box 8016 Dep, 0030 Oslo, Sweden

Mr. PER TRESSELT is presently a Judge on the EFTA Court of Justice in Luxembourg. He is also a Member of the Permanent Court of Arbitration, a Member of the Court of Conciliation and Arbitration within the OSCE, and a Nominated Conciliator and Arbitrator for disputes arising under the UN Convention on the Law of the Sea. Mr. Tresselt previously held several diplomatic positions, including Ambassador to Moscow, Consul General in Berlin, Ambassador to Berlin, Director General of the Legal Department of the Foreign Ministry, and Special Advisor to the Foreign Minister on Arctic and Antarctic Affairs. He has represented the Norwegian Delegation at meetings of the Antarctic Treaty Consultative Parties, at negotiations with the former USSR to delimit the continental shelf of the Barents Sea, at negotiations of a trade agreement with the EEC, and at the 3rd UN Conference on the Law of the Sea. Mr. Tresselt has served as the Norwegian Whaling Commissioner; as Co-Agent for Norway in the Case concerning maritime delimitation of the area between Greenland and Jan Mayen (Denmark v. Norway); and as a Member of the Arbitral Tribunal in the Southern Bluefin Tuna cases (Australia and New Zealand v. Japan). He is Commander of the Royal Order of Saint Olav. He has working knowledge of English, French, German, and Norwegian, with reading knowledge of Russian and Spanish. Mr. Tresselt has a law degree from the University of Oslo.

Judge EFTA Court of Justice
1, rue du Fort Thungen, 1499 Luxembourg

Panama

Ms. MÓNICA ALEMÁN is a lawyer, with expertise in providing legal consultancy services to both the government and the private sectors. She is currently working as an advisor for intellectual property issues. She served as a former legal advisor for the Panamanian Ministry for Government and Justice (MGJ), and served as deputy representative for the MGJ before the Board of the Institute of Non-Renewable Natural Resources. She is a member of the Panamanian Bar Association, the Panamanian Intellectual Property Association and the Inter-American Association of Intellectual Property. She wrote her thesis on “A Proposal for the Creation of an Environmental Code in Panama.”

Apartado 6-4193 El Dorado, Panama, Republic of Panama
Tel: +232 5667; Fax: +232 5680; E-mail: trebol@sinfo.net

Poland

Professor Dr. JERZY JENDROSKA holds the position of the Director of the Environmental Law Center in Poland. He teaches at the Law Faculty Postgraduate Studies at the Wrocław University, School of Management and Banking in Wrocław, as well as conducting practice at the law firm Jendroska, Jerzmanski & Bar. He specializes in corporate and environmental law. Prof. Jendroska has served in the Environmental Law Reform Committee established by the Prime Minister of Poland to amend Polish environmental law. He is a member of the Council of Europe’s Environmental Law Task Force and the legal expert at the Parliamentary Commission for the Protection of Environment, Natural Resources and Forestry in Poland. He has extensively participated in the promotion of the Aarhus Convention, including serving as vice-chair of the Aarhus Convention Bureau, providing expertise to the UNECE Secretariat in preparing the draft elements for the Protocol on Pollutant Release and Transfer Registers under the Aarhus Convention, leading the Project on promotion of Aarhus Convention Ratification and consulting UNEP/UNECE for the Aarhus Convention regional workshops in South Caucasus and Central Asia. Prof. Jendroska was actively involved and led PHARE projects, designing draft legal provisions on environmental protection in Poland for the harmonization with EC legislation. In addition, he has
directed various projects concerning the cooperation of the Environmental Authorities and NGO’s in Poland. Furthermore, he has provided expertise to MATRA on reorganization of environmental administrative tasks in Poland and European Environmental Law Training, Information, Monitoring and Education. Other organizations, such as ECE/UNEP, DANCEE, UNEP/EEB also boast his cooperation. Prof. Jendroska has attained GSFI Fellowship at the Wolfson College Cambridge University, Visiting Fellowships at the Environmental Law Institute in Washington D.C. and University College, London. He is the author of numerous articles and books mostly related to organizational structures of environmental administration, environmental enforcement, environmental impact assessment, and access to justice in environmental matters.

**Portugal**

Prof. JOSÉ MANUEL MARQUES DA SILVA PUREZA is currently Professor of International Law and Global Governance at the University of Coimbra and also of Environmental Law at the “Universidade Nova” in Lisbon. He is director of the Peace Studies Centre and Senior Researcher at the Centre for Social Studies at the University of Coimbra. Tel.: +351 23 97 90 550, fax: +351 23 98 55 589

**Romania**

Dr. VICTOR TANASESCU serves as an arbitrator at the Romanian Court of International Commercial Arbitration under the Bucharest Chamber of Commerce and Industry. He has adjudicated more than 100 cases as the chairman of the tribunal or as co-arbitrator. He acted as an arbitrator in several cases under rules of the ICC Court in Paris, as well as under LCIA Rules. As a member of the UNCITRAL Group of Experts, Dr. Tanasescu was nominated to draft a legal guide on counter trade operations. He consulted and advised different entities, including a long-term cooperation with the Ministry of Foreign Trade of Romania. In addition, he was involved in pro bono consultancy with the World Bank on the Project of the Romanian Bankruptcy Legislation Reform. Following the professorship in International Trade Law at the Academy of Economics in Romania, Dr. Tanasescu has engaged in private practice and presently runs a law office. Dr. Tanasescu is affiliated with the University of Amsterdam and the Max Planck Institute.

Str. Negru Voda nr.2, bl.C4, sc.1,ap.3, P.O.4, sector 3, Bucharest, Romania
Tel: +40 1 320 36 56; Fax:+40 1 323 82 27; E-mail: tvictor@fx.ro

Professor Dr. VIOREL CIOBANU teaches at the Law School of the University of Bucharest, and is Dean of the Department of Private Law. He has been awarded the Simion Barnitiu Prize of the Romanian Academy, and twice with the Romanian Union of Jurists prize “Mihail Eliescu”. Prof. Ciobanu has been nominated by the Romanian Senate to serve as the judge at the Constitutional Court of Romania. He currently serves as an arbiter at the International Commercial Court of Arbitration under the Romanian Commercial and Industrial Chamber. Prof. Ciobanu has contributed to the drafting of the present constitution, as well as other draft laws. He has attained his scientific degrees from the University of Bucharest.

Professor DINO C. LANCULESCU is a counselor in the Ministry of Justice. He studied at the Law University of Bucharest, and has worked as an arbitrator in various organisations, such as ICC in Paris, AAA in New York and the International Commercial Court of Arbitration in Romania. As a professor, he also lectured at the National Institute of Magistracy in Romania and was the Dean of different scholars programs, in the area of maritime and fluvial law. He also participated in the drafting of the International Criminal Court’s statute in 1998. He has served as Judge, then director of the international legal relation and European integration, as well as Secretary of State in the Ministry of Justice. He has served as advocate for the Supreme Court in Bucharest, and currently acts as counselor to the Prime Minister and Minister of Justice.

**Serbia, Republic of**

Professor Dr. VID VUKASOVIC is chairman of the Scientific Council of the Institute of International Politics and Economics. He has worked extensively on the United Nation’s Environmental Program, as well as participating in sessions of the Governing Council. He also contributed to the work of the Intergovernmental Working Group of Experts on natural resources shared by two or more states that drafted the principles concerning the shared natural resources (Geneva 1976, Nairobi 1977) and the work of Ad Hoc meetings of the Senior Government Officials Expert in Environmental Law. Prof. Vukasovic has also cooperated with the United Nations University (Tokyo), contributing to the project on the interrelation between human rights and the development of science and technology. After graduating from the Faculty of Law at Belgrade University, Prof. Vukasovic received a Master’s degree, along with a doctorate from the same university, and obtained the diploma of Air and Space Law at McGill University.

Professor DRAGOLJUB TODIC has served for more than ten years in the federal environmental administration. He currently teaches Environmental Policy and Law at the Megatrend University in Belgrade. He has published numerous works on environmental law, including “International Organizations and International Cooperation in
the Field of the Environment", “Protection of the Environment in International and National Law”, works on the
to environmental information, on the EU environmental legislation and transitional countries.

**Slovak Republic**

Dr. JÁN KLUCKA is a Lecturer of International Law at P.J. Safarik University in Kosice and a Judge on the
Constitutional Court of the Slovak Republic. He previously served as External Legal Advisor to the Air Law
Section of the Federal Ministry of Transport and Telecommunication, to the Federal Ministry of Foreign Affairs,
and to the Slovak Ministry of Foreign Affairs. Dr. Klucka has been a Member of the Venice Commission for
Democracy through Law, the Slovak National Group at the Permanent Court of Arbitration, the CSCE Dispute
Settlement Mechanism, and the ILA Committee on Extradition and Human Rights. He has published widely on
international air and space law, international environmental law, the UN General Assembly and Security Council,
human rights, the relationship between international law and national constitutional law, and product liability.
Dr. Klucka holds a Ph.D. in International Law from Comenius University.

*Lecturer of International Law, Law Faculty of P.J. Safarik University, Kosice,
Judge of the Constitutional Court of the Slovak Republic, Hlavna 72, 04265 Kosice, Slovak Republic.

**Slovenia**

Prof. dr. BORUT BOHTE, Professor of International Law (until 2005), Faculty of Law, University of Ljubljana,
Former Head or member of a number of diplomatic delegations; Former Chief of the Environment Law Unit at
UNEP, Nairobi, Kenya (1981-83); Ambassador, Principal Legal Advisor and Director of the International Law
Department at the Federal Secretariat for Foreign Affairs of the SFRY (1984-1989) and Ambassador to the
Netherlands; Member of the Permanent Court of Arbitration (1986-91); Conciliator at the OSCE Court of
Conciliation and Arbitration in Geneva (since 2000);

*University of Ljubljana, Faculty of Law
Poljanski nasip 2, 1000 Ljubljana, Slovenia,
tel: +386 1 420 31 16, fax: +386 1 420 31 30, e-mail: borut.bohte@pf.uni-lj.si.*

**South Africa**

Ms. SANDEA DE WET (JGS) is presently heading the Office of the Chief State Law Advisor in the Department
of Foreign Affairs of the Republic of South Africa which advises on international law. She provides advice and
written legal opinion on all aspects of international law, and especially with regard to international environmental
law. She previously served as legal advisor to another government department and acted as tutor at the University
of the Free State. Advocate de Wet has been a member of the South African delegation to many international
conferences and has extensive experience in multilateral environmental negotiations. She served in the delegation
to conferences, including those dealing with the United Nations Framework Convention on Climate Change
(UNFCC) and the Kyoto Protocol thereto, WSSD and Sustainable Development, Convention on Biological
the Internationally Binding Instrument for the Prior Informed Consent Procedure for certain Hazardous Chemicals
and Pesticides in International Trade (PIC) and the Bamako Convention; United Nations Forum on Forests
(UNFF); Convention to Combat Desertification and Drought; Stockholm Convention on the Implementation of
International Action on Certain Persistent Organic Pollutants (POP S); Lusaka Agreement on Transboundary Law
Enforcement and the SADC Protocol on Wildlife Law Enforcement; Vienna Convention and Montreal Protocol
on the Depletion of the Ozone layer. She is a member of various national committees, including on Climate
Change, Forests, Biodiversity and CITES. Advocate de Wet often acts as guest lecturer in international
environmental law as part of the Masters degree course of the University of Pretoria. She holds an LLB degree
from the University of the Free State and two Masters degrees, one in international law from the University of
Pretoria in South Africa.

*Principal State Law Advisor (IL), Office of the Chief State Law Advisor
Private Bag X152, Pretoria, 0001
Tel: +09 27 12 351 0877; E-mail: dewetjgs@foreign.gov.za*

**Spain**

Professor Dr. JOSÉ JUSTE RUIZ is a senior law professor of Public International Law and International
Relations at the University of Valencia, Spain. He received his law degree, as well as his Ph.D., from Valencia
University and also obtained the Diploma of the Institut des Hautes Études Internationales of the University of
Paris, the DES in Public Law of the same University and an LL.M from Boalt Hall at Berkeley. Prof. Juste Ruiz
is an experienced scholar in international environmental law. He has authored several books and more than sixty
articles in topics related to international law and environment. He serves regularly as a representative of the
Spanish government to international conventions and fora dealing with environmental protection. In 1998, the
Ministry of Environment listed him as an expert in protection of the marine environment. Prof. Juste Ruiz is member of the editorial board of the Revista de Derecho Ambiental (Journal of Environmental Law) and member of the International Law Association.

**Facultad de Derecho, Universidad de Valencia**
**Campus dels Tarongers, 46022 Valencia, Spain**
**Tel: +34 96 382 8551; Fax: +34 96 382 8552; E-mail: jose.juste@uv.es**

**Sri Lanka**

Dr. BATAGODA MUDIYANSELAGE SUREN BATAGODA currently serves at the Ministry of Forestry and Environment of Sri Lanka. He graduated with honours from the University of Sri Jayawardanapura, consequently earning his Masters in Science degree from Michigan State University and a Ph.D in Environmental Economics from the School of Environmental Sciences at the University of East Anglia, United Kingdom. He received a scholarship as the most outstanding student from the University of Sri Jayawardanapura, won four graduate fellowships form the Michigan State University, the Fulbright Scholarship for Post Graduate Studies, and the Commonwealth Post Graduate Scholarship for Doctoral Studies. Dr. Batagoda has undertaken consultations with the Ministry of Housing and Urban Development to develop legal framework for the implementation of community water supply and sanitation policy in Sri Lanka. He has also been consulted as an expert on South Asian Co-Operative environment programme concerning the study of land based pollution of marine environments, and prepared as a national expert the “South Asian Environmental Law Handbook”, coordinated by UNEP/SACEP. He is the author and co-author of numerous publications on environment, eco-business, ecosystem, consumerism of environmental goods, impact of non-timber forest product and emission trading potential.

**43/23, Janatha Road, Nawinna, Maharagama, Sri Lanka**
**Tel: +01 82 6243; E-mail: envecon@sltnet.lk**

**Sudan**

Mr. HAFIZ EL SHEIKH MOHAMED EL ZAKI is the former Chief Justice of Sudan. He previously held positions as Deputy Chief Justice, as Dean of the Law Faculty and Associate Professor of Commercial Law and Criminal Law at the University of Khartoum, as Minister of Justice, as Member of the Constituent Assembly, as M.P. in the People’s Assembly, as Legal Counsel in the Attorney General’s Chamber, and as an Advocate. Mr. El Zaki served on a committee to revise Sudanese law to conform with Sharia (Islamic Law) and assisted in the drafting of the law of evidence, criminal law, and criminal procedure in Sudan. He has participated in numerous UN and international conferences and committees, including a technical committee drafting the Arab Unified Law for Judiciary and several seminars on human rights. Mr. El Zaki received an LL.B. from the University of Khartoum, a Bar Exam Certificate, and an M.C.J. and an LL.M. from the University of Texas at Austin.

**Former Chief Justice of Sudan**
**The Judiciary, P.O. Box 763, Khartoum, Sudan**

**Sweden**

Justice ULF BJÄLLÅS is the Presiding Judge on the Environmental Court of Appeal in Stockholm, as well as Chairman of a governmental committee for revision of the Swedish Environmental Code. He formerly served on the National Licensing Board for Environmental Protection, both as head of a division and as General Director, before the Board was replaced by the environmental court system. Prior to that, Justice Bjällås headed a division in the Swedish Environmental Agency and worked as a clerk and assistant judge in district and appellate courts in Sweden. He has educated judges and published on the Swedish Environmental Code; assisted Latvia in the adoption of national environmental legislation; and presented the Swedish approach to environmental law and pollution prevention and control at numerous meetings around the world. Justice Bjällås is fluent in Swedish and English. He holds a Master of Laws from the University of Stockholm.

**Svea Hovrät,Miljööverdomstolen, P.O. Box 2290, 10317 Stockholm, Sweden**

**Switzerland**

Dr. FRANZ XAVER PERREZ is Head of the Global Affairs Section of the Swiss Agency for the Environment, Forests and Landscape, where he is responsible for UNEP, CSD, chemicals conventions, UNFF, and other international environmental law matters. He formerly was Legal Advisor in the WTO Division of Switzerland’s State Secretariat for Economic Affairs. Prior to that, Dr. Perrez served as Legal Counsel in the Public International Law Directorate of the Federal Department of Foreign Affairs. He has published several articles on international environmental law issues, including the Cartagena Protocol on Biosafety, domestic biosafety regulation, and cooperative sovereignty. Dr. Perrez completed his law degree and attorney exam at the University of Bern School of Law, participated in the Hague Academy of International Law, and received an LL.M. and a J.S.D. from New York University in the United States.

**Dr. BATAGODA MUDIYANSELAGE SUREN BATAGODA**
**Sri Lanka**

**Mr. HAFIZ EL SHEIKH MOHAMED EL ZAKI**
**Sudan**

**Justice ULF BJÄLLÅS**
**Sweden**

**Dr. FRANZ XAVER PERREZ**
**Switzerland**
Thailand

Mr. PANAT TASNEEYANOND is a Senator and serves as Chairman of the Committee on the Environment of the Senate. He is also President of the Environmental Law Centre-Thailand Foundation, as well as Regional Governor of the International Council of Environmental Law. He has held several high level posts on environmental boards and commissions in Thailand, and has also written many environmentally related research and academic papers. He also has extensive drafting experience. He has completed an LL.M. (Law and Marine Affairs) from the University of Washington, an LL.M. from the School of Law, University of California and an LL.B. from Thammasat University, Bangkok. He has been a member of the Thai Bar Association since 1964. He is a Member of the Commission on Environmental Law, International Union for Conservation of Nature and Natural Resources (IUCN), and a Member of the Institute for Global Environmental Strategies (IGES). He held the position of Dean in the Faculty of Law, Thammasat University, Bangkok, and served as an Advisor for the Committee on the Environment of the Senate.

65/2 Soi 28 (Soi Sasana), Rama VI Rd, Samsen-nai, Phayathai, Bangkok 10400, Thailand
Tel. / Fax: +662 279 1968

Ukraine

Professor Dr. YURI SHEMSHUCHENKO serves as Rector of the High Law School and Director of the V. Koretski Institute at the Institute of Law and State of the Academy of Sciences of Ukraine. He is also academician of the Academy of Sciences of Ukraine, Ukrainian Academy of Political Sciences, Academy of Legal Sciences and member of the Russian Academy of Sciences. He is a founder of the Kiev Environmental Law School. He is also a co-author of a number of Ukrainian draft laws, such as the “Law on the Protection of Environment”, “About Energy Conservation”, and “About the Legal Regime of the Territories Polluted as a Consequence of Chernobyl Accident”. As a member of the Constitutional Commission in the Parliament of Ukraine, he participated in drafting the Constitution of Ukraine in 1996. He initiated and presided at the Ukrainian Association of Political Scientists, as well as the Union of Lawyers of Ukraine. He also sits as an arbitrator at the Maritime Arbitral Commission at the Chamber of Trade and Industry of Ukraine.

Rector of Kiev Institute of Law and Director of V. Koretski Institute of Law and State of the Academy of Sciences of Ukraine, Kiev
Tel: +380 44 228 51 55; Fax: +380 44 228 54 74; E-mail: jus@ukrpack.net

United States

Professor Dr. STEPHEN McCAFFREY is a Distinguished Professor and Scholar at McGeorge School of Law at the University of the Pacific. He formerly was Counselor on International Law in the Office of the Legal Advisor at the United States Department of State. Prior to that, he was a Professor of Law at Southwestern University School of Law. Prof. McCaffrey is Special Legal Advisor to the Secretariat of the North American Commission for Environmental Cooperation under NAFTA; Legal and Institutional Consultant for UNDP’s Nile River Basin Cooperative Framework project; and Lead External Advisor on Water Law for the British Department for International Development and Adam Smith Institute project to assist the Palestinian Authority Negotiations Affairs Department. He continues to serve as Counsel to Slovakia in the ICJ Case concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia) and as Rapporteur for the ILA’s Committee on Transnational Enforcement of Environmental Law. Prof. McCaffrey was Special Rapporteur for the UN International Law Commission’s draft articles on the Law of Non-Navigational Uses of International Watercourses. He has been a Visiting Professor at universities in Switzerland, as well as a consultant on many environmental projects for UNDP, the World Bank, UNEP, the IUCN, and other organizations. He has participated in numerous international environmental commissions and working groups, and is on the board of several international law journals. Prof. McCaffrey has published extensively in the field of international environmental law and has knowledge of German, French, and Spanish. He holds a Bachelor’s degree from the University of Colorado, a J.D. from the University of California at Berkeley (Boalt Hall), and a Doctorate from the University of Cologne in Germany.

University of the Pacific, McGeorge School of Law
3200 Fifth Avenue, Sacramento CA 95817, USA
Tel: +1 916 739 7179; Fax: +1 916 739 7111; E-mail: smccaffrey@uop.edu
Uruguay

Professor Dr. RICARDO GOROSITO is Vice-Minister and Deputy Minister in the Ministry of Housing, Zoning, and Environmental Affairs, as well as Professor of Environmental Law at the UCUDAL (Damaso Antonia Larranaga Catholic University) and Professor of Political Science at the University of Maldonado. He has held several high level posts in Uruguay’s Ministry of Transportation and Public Works and served as National Zoning Director in the Ministry of Housing, Zoning, and Environmental Affairs. Prof. Gorosito previously was Litigation Attorney and General Counsel at several real estate agencies and banks in Uruguay, including Arteaga Hill Propiedades S.A., Rincon Propiedades Ltda, Arechavaleta & Asociados, Univer, Casa Bancaria S.A., and Pemar Sudamericana S.A.. He has served as Chairman of the Intergovernmental Committee of the Paraguay-Panama Waterway and as General Rapporteur of Habitat II (Cities World Summit). He has also been a consultant and legal advisor for several public and private national and international projects, including the Colonía-Buenos Aires Bridge Project, the Port Restructuring, harmonization of land transportation legislation in Latin America, and the Colonia Master Plan. Prof. Gorosito is currently Chairman of the Executive Boards of PROBIDES and ECOPLATA, two programs addressing biodiversity and sustainable development in Uruguay. He has published and lectured extensively on environmental and transportation matters and is fluent in Spanish, English, French, and Portuguese. Prof. Gorosito holds a Doctorate in Law and Social Sciences from the University of the Republic.

Convención 1382, 8th Floor, Suite 801, Montevideo, Uruguay
Tel: +598 2 902 18 46 Fax: +598 2 902 52 77; E-mail: ninvargo@adinet.com.uy

Submissions by the Secretary-General

Professor Dr. LAURENCE BOISSON DE CHAZOURNES is Professor of International Law and Director of the Department of Public International Law and International Organization at the University of Geneva. She is also Visiting Professor at the Graduate Institute of International Studies in Switzerland and at the University Aix-Marseille in France. She is also a Consultant to several international organizations, including the World Bank, WHO, UNDP, Global Environmental Facility, and UNITAR, and a Member of the Steering Committee for the Project on Courts and Tribunals sponsored by the University of London and New York University. Prof. Boisson de Chazournes formerly served as Senior Counsel in the Environmental and International Law Unit of the World Bank’s Legal Department, and as Counsel at the Request of the WHO and the UN for an ICJ Advisory Opinion on the Legality of the Threat of Use of Nuclear Weapons. She has published extensively in the field of international law, international organizations, international economic law, and international environmental and natural resources law. Prof. Boisson de Chazournes is involved in several international law professional associations and on the editorial boards of several international law journals. She is fluent in French and English, and has working knowledge of Spanish. Prof. Boisson de Chazournes holds a Diploma in Political Science and a Licence in Private Law from the University of Lyon II, a Maitrise in Private Law from the University of Lyon III, and a Certificate of Advanced Studies and a Ph.D. in International Law from the Graduate Institute of International Studies.

Faculté de droit - UNI-MAIL, Université de Genève
40, Bd. du Pont-d’Arve, 1211 Genève 4, Switzerland
Tel: +41 22 705 85 44 Fax: +41 22 705 85 43; E-mail: Laurence.Boissondechazournes@droit.unige.ch

Professor Dr. ELLEN HEY is Professor of Public International Law and Head of the Department of Public International Law at the Faculty of Law of the Erasmus University Rotterdam, the Netherlands. Previous to that, she held the Chair of International Natural Resources Law Studies (ICWS). She has worked as a Legal Advisor to the Netherlands Ministry of Transport, Public Works and Water Management and has been a consultant to various international organisations, national institutions and NGO’s. She has published widely in the area of international natural resources and environmental law and participates in various international research and teaching projects. Prof. Hey received her education in the Netherlands, Venezuela and the United Kingdom; she holds law degrees from the University of Utrecht and a Master’s degree in Science from the University of Wales Institute of Science and Technology.

Faculty of Law, Erasmus University Rotterdam
P.O. Box 1738, 3000 DR Rotterdam, The Netherlands
Tel: +31 10 408 2677; Fax: +31 10 408 9195; E-mail: hey@law.eur.nl

Professor Dr. ALEXANDRE KISS is the current Director of Research Emeritus at the French National Centre for Scientific Research, and a professor at the University Robert Schuman (Strasbourg), Santa Clara University (California), and Erasmus University (Rotterdam). Furthermore, he works as an environmental consultant for many international organizations, including UNEP, WMO, OECD, the Council of Europe and the IUCN. He has additionally served as an expert with the French Ministry for Environment and Counsel of the Hungarian

05-09-01

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Government in the Gab-ôkovo-Nagymaros Case at the ICJ. He is the current President of the European Council on Environmental Law, and the former Secretary-General and Vice-President of the International Institute of Human Rights. He has published extensively in multiple languages in the field of international environmental law.

**Director of Research Emeritus, French National Center for Scientific Research (CNRS)**

29, rue du Conseil des Quinze, F 67000 Strasbourg, France

Tel/Fax: +33 (0)3 88 61 36 39; E-mail: achkiss@aol.com

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Dr. HERMANN E. OTT is Director of the Climate Policy Division of the Wuppertal Institute for Climate, Environment and Energy. He was trained as a professional lawyer in Munich, London (LSE) and Berlin. During a training scheme for lawyers he worked five months with the European Commission (Legal Service, Equipe Environnement, Transport et Culture). In 1991, he spent three months with the Ozone Secretariat (UNEP, Nairobi), where he assisted in the organisation and management of the Third Meeting of the Parties to the Montreal Protocol. Partly based on these experiences, he earned his Ph.D. with a thesis entitled “The Environmental Regime in International Law”, whose main focus is on institutional and procedural issues (institutions, law making procedures and conflict resolution) related to the Montreal Protocol and the Basel Convention on Hazardous Wastes. After working for two years as an advocate in Berlin (mainly on environmental and criminal law cases), Dr. Ott joined the Climate Policy Division of the Wuppertal Institute as Senior Fellow in April 1994. His main tasks at the beginning included legal research into environmental law (including its trade related aspects) with an emphasis on the climate regime. In 1996 and 1997 he was part of the EU-funded project “Enhancing Policy-making Capacity under the Framework Convention on Climate Change” that, inter alia, set out to analyse and enhance instruments for the implementation of the climate treaties. In 1998 he co-authored a study partly financed by the EC Commission containing a legal and political analysis of the Kyoto Protocol to the UN Framework Convention on Climate Change. This study was published under the title “The Kyoto Protocol. International Climate Policy for the 21st Century” (with Sebastian Oberthuer) in October 1999. A German translation was published in 2000, a Japanese translation in 2001. Dr. Ott took over the Climate Policy Division as Acting Head in late 1998 and initiated a financial and scientific consolidation. From November 2000 until June 2001 he was seconded to Policy Planning of the German Foreign Ministry in order to improve the institutional basis of environmental policy in the ministry. After his return to the Wuppertal Institute in July 2001 he was promoted Director of the division. Besides of his commitment to serve at the managerial level, his scientific work is devoted to all aspects of the Kyoto Protocol, in particular the flexible mechanisms, global climate policy and its implementation in the nation states, international environmental policy (especially forest policy and biodiversity) and, finally, issues pertaining to “globalisation and sustainable development”.

**Wuppertal Institute for Climate, Environment and Energy**

Doeppersberg 19, D - 42 103, Wuppertal, Germany

Tel.: +49 202 2492 246/+49 202 2492 129 (Secr.); Fax: +49 202 2492 250

E-mail: hermann.ott@wupperinst.org, Website: http://www.wupperinst.org

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Professor Dr. PETER H. SAND is lecturer in Transnational Environmental Law at the Faculty of Law, University of Munich/Germany, and Commissioner for Environmental Claims (F4 Panel) in the UN Compensation Commission, Geneva. He formerly was legal adviser for environmental affairs in the World Bank, Washington/DC. Prior to that, Prof. Sand served as senior legal officer for several UN organizations (FAO, UNEP, UN/ECE) and as Assistant Director General for the World Conservation Organization (IUCN). He has published five books and over 70 articles on environmental law and governance, and taught as visiting professor at the Universities of Addis Ababa/Ethiopia, Paris II, and Duke University School of Law. Prof. Sand completed his law degree at the University of Saarbrücken/Germany, and received an LL.M. degree from McGill University Montréal, Canada.

**Elsabeth-Str.38, D-80796 Munich, Germany**

Tel: +49 89 180 645; Fax: +49 89 123 3985; E-mail: p.sand@jura.uni-muenchen.de

---

Professor PHILIPPE SANDS QC is Professor of Laws and Director of the Centre for International Courts and Tribunals at University College London (London University). He is the author or editor of several books, including *Bowett's Law of International Institutions* (5th edition, 2001, with Pierre Klein), the *PICT Manual on International Courts and Tribunals* (1999, with R. Mackenzie and Y. Shany) and *Principles of International Environmental Law* (1995; 2nd ed. due 2003). He is a member of the Bar of England and Wales, with extensive experience acting as adviser and counsel for States, international organisations and the private sector. He has acted in proceedings before the Permanent Court of Arbitration, International Court of Justice, International Tribunal for the Law of the Sea, International Centre for the Settlement of Investment Disputes (including NAFTA), International Chamber of Commerce, World Trade Organisation Panel, European Court of Justice, European Court of Human Rights and World Bank Inspection Panel, as well as the English courts. He also has experience in mediation. He has dual French and British nationality.

**Matrix Chambers, Griffin Building**
Professor Dr. ATTILA M. E. TANZI is a full professor of International Law at the Faculty of Law, University of Verona. He has served as an Assistant Legal Advisor to the Italian Ministry for Foreign Affairs (1987-1992) and as an External Consultant since 1992. He participated in the negotiations of the 1997 UN Convention on the Law of the Non-navigational Uses of International Watercourses. He is currently Vice-Chairman of the Working Group on Legal and Administrative Aspects established under the 1992 UNECE “Water Convention”; Vice-Chairman of the Working Group for the elaboration of a Protocol on the civil liability for environmental harm on international watercourses caused by industrial accidents, established under the same Convention and the “Industrial Accident Convention”. In 2001-2002, he has served as legal consultant and special rapporteur to WHO and UNECE on the elaboration of a new international instrument on transport, environment and health. He has been an adviser and a counsel before the IJC and international arbitral tribunals. In 1999 he was Director of Studies at the Hague Academy of International Law. He has been a visiting lecturer at the Universities of Amsterdam and of the Netherlands Antilles, a guest lecturer at the Centre for Research in International Law at Cambridge University (UK), at the Faculty of Laws of the University College of London and at the School for International Studies of the J. Nehru University of New Delhi, India. He is a member of the I.L.A. (International Law Association), I.A.W.L. (International Association for Water Law), S.I.D.I. (Italian Society of International Law); Honorary Associate, Centre for Energy, Petroleum and Mineral Law and Policy, University of Dundee, Scotland. He has published extensively on international water law, State responsibility, jurisdictional immunities, peaceful settlement of disputes and the law of international organisations.

Facolà di Giurisprudenza, Via C. Montanari, 9, 37122 Verona, Italy
Tel: +39 045 8028836; +39 347 9307826; Fax +39 045 8028804; E-mail: attila.tanzi@univr.it

Professor ALAN BOYLE Public International Law at the University of Edinburgh School of Law and General Editor of the International and Comparative Law Quarterly. He graduated from Oxford University in 1976, was called to the English Bar in 1977, and from 1978 to 1994 taught law at Queen Mary College, London University. He now specializes in general public international law, but especially international environmental law, law of the sea, international water resources law and settlement of disputes. His publications include International Law and the Environment (with P.W.Birnie)(OUP, 1992 & 2002); Environmental Regulation and Economic Growth (ed.) (OUP,1994); Basic Documents on International Law and the Environment (with P.W.Birnie)(OUP,1995); Human Rights Approaches to Environmental Protection (co-ed. with M.Anderson)(OUP,1996); The International Law Commission and the Future of International Law (co-ed. with V.Lowe & others)(BIICL,1998); International Law and Sustainable Development (co-ed. with D.Freestone) (OUP,1999); Environmental Damage in International and Comparative Law (co-ed with M.Bowman)(OUP,2002), Human Rights and Scots Law (co-ed)(Hart, 2002), and various articles in Am.J.Int.L.; Brit.Yb.Int.L.; Int.&Comp.LQ; Int.J.Mar.& Coastal L, J.Env.L.; YbInt.Env.L. and elsewhere. Prof. Boyle has undertaken consultancy work for governments, international organisations, trade associations and NGOs on a wide range of environmental and maritime issues, including maritime boundary delimitation, fisheries, jurisdiction over ships, marine pollution, freedom of navigation, international rivers, and transboundary harm. He is on the Special Arbitrators’ list, UN Convention on the Law of the Sea, and chairs the International Law Association Committee on Transnational Enforcement of Environmental Law. He acted as counsel for the European Community in Chile/EC Swordfish case (ITLOS), 2000-1, and for the United Kingdom in Ireland/UK MOX Plant Arbitration (PCA), 2002-3. His first language is English and he has a working knowledge of French.

Professor ROBIN R. CHURCHILL

Professor DAVID FREESTONE has been Deputy General Counsel (Advisory Services) at the World Bank, Washington since 2004. Previously, he was Chief Counsel for Environmentally and Socially Sustainable Development and International Law. Prior to joining the Bank in 1996, he held a personal chair in International Law at the University of Hull, England (and still retains the title of Professor), and has acted as an international legal consultant on environment and natural resources issues for a wide range of international organisations including the FAO, ILO, UNEP, UNDP and the World Bank and the Global Environment Facility as well as for the Govt of the UK. From 1986-8 he worked for the Commonwealth Secretariat as Adviser to the Ministry of Foreign Affairs of Antigua and Barbuda, and until 1991, he represented Antigua/Barbuda at the Caribbean Environment Programme Meetings negotiating the Specially Protected Areas and Wildlife Protocol to the Cartagena Convention. Between 1992 and 1994 he was Chairman/Convenor in collaboration with Legal Office of IMO of three International Meetings of Legal Experts on Particularly Sensitive Sea Areas. He has been a delegate at a range of international meetings including the UN Framework Convention on Climate Change, Convention on Biological Diversity, Global Oceans Forum, Informal Meetings of Parties to the UN Fish Stocks Agreement, FAO Committee on Fisheries, the Governing Council of the Consultative Group of International Agriculture Research and the Global Environment Facility, Council and Assembly. He is the founding editor and now Editor in Chief of the International Journal of Marine and Coastal Law, and has written widely on international environmental and natural resource issues. His books include: The Law of the Sea: Progress and Prospects (ed., with R. Barnes and D. Ong, 2006); Legal Aspects of Implementing the Kyoto Protocol: making Kyoto work (ed., with C. Streek, 2005); Legislating for Sustainable Fisheries (with W. Edeson and E. Gudmundsdottir, 2001; French ed., 2004); International Law and Sustainable Development: (ed. with A. E.
Boyle, 1999); The Burden of Proof in Natural Resources Legislation (FAO, 1998); The Precautionary Principle and International Law: (ed. with E. Hey, 1996) International Law and Global Climate Change (ed., with R. Churchill, 1991). Professor Freestone has degrees from the Universities of Hull (LLB) and London (LLM) and in 1999 he was awarded the degree of LL.D. by Hull for his contributions to the field of International law.

Deputy General Counsel (Advisory Services), Legal Vice Presidency, The World Bank
1818 H Street, N.W., Washington D.C., 20633, USA
Tel: (1) 202-458-1743/4; Fax: (1) 202-522, E-Mail: dfreestone@worldbank.org.

Judge TUILOMA NERONI SLADE, OS 22-09-06
Argentina
Dr. OSVALDO CANZIANI is an integral member of the Intergovernmental Panel on Climate Change (IPCC). Over the past ten years, he has served on several IPCC Working Groups and has edited and/or contributed to many IPCC reports, including the IPCC Technical Paper on Climate Change and Sustainable Development, the IPCC Technical Paper on Climate Change and Biodiversity, and the IPCC Third Assessment Report. Dr. Canziani currently advises both the private enterprise TECHINT and Argentina’s Ministry of Foreign Relations, International Commerce, and Worship on environmental issues. He is also a lecturer at several universities and other organizations. Dr. Canziani previously served as Advisor for projects sponsored by the Global Environment Facility, as Consultant on meteorology for World Bank projects and for IATASA, as Principal Researcher at the Biometeorological Research Centre’s National Council of Science and Technology, and as Advisor to the Secretaries of Water Resources of Argentina’s Ministry of Public Works. He has had significant involvement with the United Nations, including as Advisor to Argentina’s delegation to UNCED meetings, as WMO Regional Director for Latin America and the Caribbean, as Regional Officer for Meteorology for the ICAO South American Regional Office, as UNDP Resident Representative in Paraguay, and as Head of the ICAO Technical Assistance Mission in Paraguay. Dr. Canziani has published extensively on climate change, sustainable development, and other environmental science issues. He is fluent in Spanish, English, French, Italian, and Portuguese. Dr. Canziani holds undergraduate degrees in Physics, as well as a Master of Science in Meteorology from the University of London and a Doctorate in Meteorology from the University of Buenos Aires.

Fundación Ecológica Universal
Casilla de Correo 141, Sucursal 5, 1405 Buenos Aires, Argentina
Tel/Fax: +54 11 4373 0552; E-mail: ocanz@ciudad.com.ar

Austria
Mr. ANDREAS TSCHULIK is presently Head of the Environmental Management and Technology Unit at the Austrian Ministry of Agriculture, Forestry, Environment and Water Management. He previously headed the Ministry’s Environmental Research and Environmental Technology Units. Prior to that, he was an Assistant Professor of Physics at the Vienna University of Technology. Mr. Tschulik has expertise in environmental management, clean production and clean technology, ecolabelling and ecodesign, and environmentally sound procurement. He studied Technical Physics at the Vienna University of Technology.

Belarus
Ms. SVETLANA UTOCHKINA PTROVNA leads the Department of Monitoring and Analytical Control of the Ministry of Natural Resources and Environment Protection. She is an expert in the field of accreditation of ecological laboratories, determining the pollution emission limits in atmospheric air, and estimation of the impact on environment. She is currently conducting research at the Department of Chemistry of the Belorusian State University. She is also in charge of specialized inspection for the Minsk City Committee of Natural Resources and Environment Protection.

Mr. VIKTOR SCHISLENOK NIKOLAEVICH is in charge of the specialized inspection of state control over use and protection of water resources of the Ministry of Natural Resources and Environment Protection. He specializes in water resources management. He is also fluent in French.

Mr. VALERY GONCHAROV VASILIEVICH is in charge of the specialized inspection of state ecological projects examination at the Ministry of Natural Resources and Environment Protection of the Republic of Belarus. He took part in drafting concepts, manuals and legislative acts of the Republic of Belarus. He has completed research on influences on the environment, location of objects, designing of reclamation projects and water-sources construction. He is also fluent in English.

Bolivia
Dr. CARLOS AGUIRRE B. currently serves as President of the National Academy of Sciences of Bolivia and as Director of the Interamerican Development Bank’s Project for Strengthening of the Ministry of Sustainable Development and Planning. He previously held important leadership positions in several government and academic organizations focused on science and technology policy and planning, including the National Council
of Science and Technology in Bolivia, the Bolivian Ministry of Planning and Coordination, the Physical Research Institute, and the Universidad Mayor de San Andres de La Paz. Dr. Carlos Aguirre B. has been involved as a consultant in several South American and UNB related projects and studies addressing technology transfer. He has published numerous books, articles, and reports on physics, science and technology policy, and sustainable development and international cooperation. He received a Bachelor’s degree in Physics from Oklahoma State University in the United States and a Master’s degree in Physics from the Universidad Federal de Rio de Janeiro in Brazil.

P.O. Box 5279, La Paz, Bolivia
Tel: +591 2 36 39 90/31 67 76; Fax: +591 2 37 96 81; E-mail: aguirre@ceibo.entelnet.bo

Brazil
Dr. ANTÔNIO CARNEIRO BARBOSA is Coordinator of the Program on Mercury Control in the Amazon, a branch of IBAMA’s Directorate for Licensing and Environmental Quality. He has extensive experience in dealing with international environmental issues. He holds a post-doctorate degree in Environmental Chemistry from the École Nationale de Chimie de Paris.

Canada
Mr. JOHN BUCCINI has extensive experience, at both the domestic as well as the international levels, in research, advisory and regulatory programs involving the development and implementation of science-based policies and programs on toxic substances and biotechnology products. He also has considerable experience in negotiating multilateral environmental agreements including: United Nations Environment Program (UNEP) Stockholm Convention on Persistent Organic Pollutants (POPs) (1995-2001); served as Chair of the Intergovernmental Forum on Chemical Safety Working Group on POPs; collaborated with UNEP in planning, organising and conducting regional workshops; and served as Chair on the UNEP intergovernmental negotiating committee (1998-2001) that concluded the successful development of the Convention in December 2000. He also participated in the United Nations Economic Commission for Europe Aarhus POPs Protocol (1995) and the UNEP Biosafety Protocol (1998). Mr. Buccini currently works as a consultant, providing analytical, advisory, report preparation, meeting facilitation and other services to the private sector, governments and intergovernmental organisations. He has a B.Sc. (Honours in Chemistry), M.Sc. and Ph.D. from the University of Manitoba. He was also a Postdoctoral Fellow at Carleton University (1970-1972).
31 Sycamore Drive, Ottawa, Ontario, K2H 6R4, Canada
Tel: +1 613 828 7667; E-mail: jbuccini@sympatico.ca

Chile
Professor OSCAR PARRA is a Professor of Biology at the University of Concepción in Chile, where he oversees environmental science research as the Director of the Centro Universitario Internacional de Formación e Investigación en Ciencias Ambientales. Prof. Parra is a specialist in the ecology of continental waters, water pollution, and water resources and environmental management, and has published extensively in these fields. He has been a visiting professor at numerous universities in Latin America, the United States, and Europe, and is a member of several national and international scientific societies. Since 1996, he has been a member of the Consejo Consultivo de la Comisión Nacional del Medio Ambiente de Chile. Prof. Parra holds a Doctorate from the University of Berlin in Germany.

Centro EULA, University of Concepción,
Casilla 160 C Correo 3, Concepción, Chile
Tel: +5641 204004; Fax: +5641 242546; E-mail: oparra@udec.cl

People’s Republic of China
Professor CHEN JINING is currently Professor and Head of the Department of Environmental Science and Engineering of Tsinghua University in Beijing. He has worked as Principal Investigator to several major environmental projects in China, including the Non-point Pollution Control in Dianchi Catchment, the largest environmental research project in China. Prof. Jining serves on numerous professional organizations and committees, including the International Task Force for Forecasting Environmental Change and the Governing Boards of the Chinese Environmental Engineering Society, the Chinese Environmental Science Society, and the Chinese Water Environmental Society. He is on the editorial board of several environmental journals and is environmental advisor to several industries and governmental bodies. Prof. Jining’s expertise is in systems analysis, modeling, hydrology, and technology assessment for river basin management and operation and control of wastewater treatment plants. He has a Bachelor’s degree in Environmental Engineering from Tsinghua University in Beijing and a Ph.D. in Environmental Systems Analysis from Imperial College in the United Kingdom.
Croatia
Dr. IVAN MARTINIC holds the position of Assistant Professor in the Faculty of Forestry at the University of Zagreb. He is Assistant Minister of the Ministry of Environmental Protection and Physical Planning and also Chief of the Nature Protection Department. He has been extensively involved with the Organization of Forestry Production, in the capacity of Assistant Researcher, Senior Assistant and lately as Assistant Professor. Dr. Martinic received his postgraduate diploma and doctoral degree from the Faculty of Forestry at Zagreb University. He has contributed to the number of workshops and conferences in Germany, Sweden, Austria, France and Turkey. Dr. Martinic’s work focuses on rural and natural resources management, ergonomic research on the forestry production, development and use of environmentally friendly technologies. He has acted as editor and editor-in-chief for several books and magazines. He is fluent in the English language.

Cyprus
Mr. NICOS GEORGIADES is Director of the Environment Service within the Ministry of Agriculture, Natural Resources and Environment. He has participated in numerous international environmental conferences, most recently in multilateral meetings on the EU Environmental Acquis, on National Focal Points of Regional Activity Centres of the Mediterranean Action Plan, on Integrated Pollution Prevention and Control, and on Tourism and the Environment. Mr. Georgiades has completed many seminars, training courses, and workshops on environmental issues, including desertification, integrated coastal area management, and environmental impact assessment. He holds a Diploma in Natural Sciences and Geography from the University of Athens, a Master of Town and Country Planning from the University of Sydney, and a Certificate in Environmental Planning from Cornell University in the United States.

Czech Republic
Mr. SVATOMIR MLCOCH is currently an attorney at law and legal consultant with extensive knowledge of and practice in Czech environmental legislation, with particular expertise in nature conservation, water law, and air pollution law. He also serves as Legal Consultant on Czech environmental inspections. He previously headed a division and oversaw consulting projects within the Czech Ministry of Environment. Mr. Mlcoch has significant experience with environmental liability and privatisation issues, Czech court and administrative procedures, and transposition of EU legislation into Czech legislation. He has published numerous articles on these issues. He has working knowledge of the English, Russian, Czech and Slovak languages. Mr. Mlcoch holds a Doctor of Law from Charles University in Prague.

Egypt
Dr. MOHAMED EL ZARKA is Advisor for the Egyptian Ministry for Environmental Affairs, as well as Head of Environment and Development for the Social Fund for Development. He previously was Head of the Environmental Quality Sector and Director of the Solid Waste, Hazardous Waste, and Hazardous Materials Department within the Egyptian Environmental Affairs Agency. Prior to that, he served as Advisor to the Egyptian Minister of Scientific Research and as an Officer in the Chemical Warfare Department of the Egyptian Armed Forces. Dr. El Zarka has extensive expertise in the areas of: protection against nuclear, biological, and chemical weapons; management of industrial waste and hazardous chemicals; environmental emergency management; and environmental monitoring and risk assessment. He represents the Egyptian Government at United Nations meetings related to the Basel Convention, Rotterdam Convention, and the Intergovernmental Forum on Chemical Safety. Dr. El Zarka also serves as International Expert to provide technical assistance to Kuwait on solid waste management and rehabilitation of old landfills. He is a member of numerous scientific societies and committees, has authored several books and articles on defence against weapons of mass destruction and environmental protection, and is fluent in Arabic, English, and Russian. In addition to several diplomas in various fields, Dr. El Zarka holds a Bachelor’s degree in Chemistry and Geology from Alexandria, Master’s degrees in Military Science and Chemistry from Cairo, and a Ph.D. in Chemistry from Cairo.

Finland
Professor PEKKA E. KAUPPI is Professor of Environmental Science and Policy in the Department of Limnology and Environmental Protection at the University of Helsinki. He previously worked as Senior Research Specialist for the Finnish Forest Research Institute, as Director of the Finnish Acidification Research Program, as Consultant for the Ministry of the Environment, and as Research Scientist for the Academy of Finland’s Committee for
Environmental Research. Prof. Kauppi has published numerous papers on forestry science, including studies of the impact of climate change on forests. He has participated in many international scientific conferences, projects, and committees, and is fluent in Finnish, Swedish, English and German. Prof. Kauppi received a Bachelor’s degree in Silviculture, a Master’s degree and a Licentiate in Forest Research, and a Ph.D. in Forest Ecology from the University of Helsinki.

University of Helsinki, Department of Limnology and Environmental Protection
P.O. Box 27, 00014 Helsinki, Finland
Tel: +358 9 19 15 83 00; Fax: +358 9 19 15 84 62; E-mail: pekka.kauppi@helsinki.fi

Germany

Professor Dr. ERNST-DETLEF SCHULZE is currently Director of the Max Planck Institute for Biogeochemistry in Jena. He was previously Head of the Collaborative Research Center 137 of the Deutsche Forschungsgemeinschaft, working on Flux Control in Ecological Systems; the Bavarian Research Group on Forest Toxicology, and the Bayreuth Institute of Terrestrial Ecosystems Research. He has been a professor at several German universities, the University of Alberta in Canada, the University of Minnesota in the United States, and the Technical University of Zürich. Prof. Dr. Schulze has served on numerous boards and committees, including the Bavarian Board for Nature Conservation, the Federal Board on Acid Rain and Forest Decline, the National Committee on Global Change, EUROSILVA, the SCOPE/ICSU Biodiversity Program, and the IPCC Working Group I and II. His research has most recently focused on the impact of global change on forest ecosystems, including establishing long-term flux measurements in European Russia and central Siberia. He has lectured at numerous international meetings. Prof. Dr. Schulze has a Diploma from the University of Göttingen, a Master’s degree in Botany from the University of California, Los Angeles, and a Doctorate from the University of Würzburg.

Director Max-Planck-Institute for Bio-Geochemistry
P.O. Box 100164, 07701 Jena, Germany
E-mail: Detlef.Schulze@bgc-jena.mpg.de

Greece

Professor Dr. KIMON HADJIBIROS is presently Assistant Professor in the Department of Water Resources, Hydraulic and Maritime Engineering at the National Technical University of Athens. He previously worked as an environmental consultant for the Ministry of National Economy and the Ministry of Environment, Physical Planning, and Public Works, and as a researcher on data processing and ecosystem modeling for the National Institute of Agronomic Studies of France. Prof. Hadjibiros has participated in and managed numerous scientific projects, including developing a “Data Bank for the Natural Environment of Greece” and the “Environmental Database FILOTIS” in Greece. He has extensive experience conducting environmental impact assessments, environmental protection studies, and physical planning and sustainable development studies. Prof. Hadjibiros has served on several editorial boards and has published two books and numerous articles on ecology, environmental protection, and sustainable development. After graduating with a degree in Physics from the University of Athens, he received a Certificate in Applied Informatics from the University of Paris VI, a D.E.A. in Ecology from the University Francois Rabelais of Tours, and a Doctorate in Ecological Modeling from the University of Paris VII.

Ass. Professor (Physics and Ecology), National Technical University of Athens, 5, Iroon Polytechniou, 15780 Zografou, Athens, Greece.
Tel: +30 10 77 22 896; Fax: +30 10 77 22 899; E-mail: kimon@hydro.ntus.gr

Iran

Mr. REZA MAKNOON, PhD, MS, BS, Special Advisor for Water Affairs of the Ministry of Energy, Advisor to the Vice President and Head of the Department of Environment, Deputy Chairman of the Iranian National Committee for Sustainable Development, former Deputy to the First Vice President, Islamic Republic of Iran, former Vice Minister for Research and Training, Ministry of Energy, former Vice Minister for Research, Ministry of Science and Technology, former President of the Technical University (Khajeh Nassir) Tehran.
Tel.: +98 21 88 78 80 15,
Fax: +98 21 88 78 32 02,
E-mail: reza@maknoun.com

Iraq

Professor JAMAL K. ABAYCHI, Ph.D., Adviser/Consultant to the Iraqi Ministry of Environment, Director of Cultural and International Relations, 2004-present, Professor of Environmental Pollution, 1992-2004, University of Bagdad, Research Scientist 1992-present, College of Science, University of Bagdad, Marine Science Centre, University of Basrah 1978-1991.
Israel

Professor Dr. URI MINGELGRIN is currently Principal Scientist at the Israeli Institute of Soils, Water and Environmental Sciences at the Volcani Centre, Agricultural Research Organization; Professor in the Department of Soil Science at the Hebrew University in Jerusalem; and Consultant to Israel’s Ministry of the Environment. He previously served as Chief Scientist to Israel’s Ministry of the Environment; as Chairman of the Department of Soil Environmental and Physical Chemistry at the Israeli Institute of Soils, Water and Environmental Sciences at the Volcani Centre, Agricultural Research Organization; and as Consultant to the Chemical Physics Department at the Weizmann Institute of Science. Prof. Mingelgrin has been a UN Consultant to the Institute for Technology of Nuclear and Other Mineral Raw Materials in Yugoslavia. He has published extensively and his current research interests include, among others: degradation of small organic molecules on clay surfaces; behavior of organic pollutants in soils and water systems; novel controlled release formulations for agrochemicals; and transport of heavy metals and organic monomers. Prof. Mingelgrin has served on several international scientific committees, including as Israeli Representative to the Managing Committee of the Environment and Climate Research and Development Program of the European Union. He has chaired several conference organizing committees, most recently that of the Symposium on the Mechanistic Aspects of the Retention of Hydrophobic Organic Compounds by Soils and Sediments. Prof. Mingelgrin received a Bachelor’s degree and a Master’s degree in Soil Chemistry from Cornell University, as well as a Ph.D. in Physical Chemistry from Harvard University.

Israel Institute of Soils, Water and Environmental Sciences, Volcani Centre, Agricultural Research Organization P.O. Box 6, Bet Dagan, Israel
Tel: +972 3 968 36 41; Fax: +972 3 960 40 17; E-mail: uriming@agri.gov.il

Italy

Mr. DOMENICO DA EMPOLI is a Professor of Political Science at the University “La Sapienza” in Rome and an expert in environmental economics.

Republic of Korea

Dr. BAE WOOKEUN is an Associate Professor in the Department of Civil and Environmental Engineering at Hanyang University. He previously served as Director and Senior Researcher in the Water Quality Engineering Division, the Solid Waste Research Division, and the Specific (Hazardous) Waste Research Division of the Waste Management Research Department of the National Institute of Environmental Research in Korea. Prior to that, he was a Senior Researcher in the Waste Management Division of the Water Quality Research Department of the National Institute of Environmental Research, and an Assistant Director in the Civil Engineering Department of the Bureau of School Facilities within Korea’s Ministry of Education. Dr. Bae Wookeun has held leadership positions in several professional societies and is currently President of the Korean Society of Groundwater and Soil Environment. His research interests focus on the biological treatment of waste, soil, and wastewater. He has published extensively on these and other topics, including wastewater treatment, septic tank design, industrial waste treatment and management, hazardous waste treatment, and remediation of contaminated soil and groundwater. Dr. Bae Wookeun holds a Bachelor’s degree in Civil Engineering from Youngnam University in Korea, a Master’s degree in Urban Planning from Seoul National University, and Master’s and Ph.D. degrees in Environmental Engineering from the University of Illinois at Urbana-Champaign in the United States.

Hanyang University, Department of Civil and Environmental Engineering
1271 Sa 1-dong Ansan Kyunggi-do, Korea 425 - 791
Tel: +82 31 400 51 48; Fax: +82 31 417 81 39; E-mail: wkbae@email.hanyang.ac.kr

Kyrgyzstan

Ms. FILKOVA TATIANA NIKOLAEVNA leads the Department of State Environmental Expertise at the Ministry of Environmental Protection and Emergency Situations of the Kyrgyz Republic as the Chief State Environmental Expert of the Kyrgyz Republic. She is in charge of the state environmental impact assessment of the pre-project and project documentation of the planned economic activities of the Republic, as well as cooperation with the public in this area. She is a member of various working groups responsible for drafting normative legal instruments concerning environmental protection and implementation of international conventions and agreements. She has worked in the field of environmental protection 30 years.

Mr. DAVLETKELDIEV ARSTANBEK ABDYKULOVICH is the Acting Deputy Minister of Environmental Protection and Emergency Situations of the Kyrgyz Republic. He has experience working as the Head of the Chuisk Regional Administration of Environmental Protection, the Head of the Chuisk-Bishkek and Chuisk-Talas Territorial Administrations of Environmental Protection.

Latvia

Professor Dr. MARIS KLAVINIS is a Professor of Environmental Chemistry and Ecotoxicology in the Department of Environmental Protection at the University of Latvia, as well as a Senior Researcher in the Institute of Biology.
He previously served as a researcher and headed a lab in the Institute of Applied Biochemistry. Prof. Klavins has published extensively, including articles on aquatic humic substances, inland water pollution, organic matter in aquatic environments, fractionation of aquatic and soil humic substances, and well water in Latvia. He holds undergraduate and Doctorate degrees in Chemistry from the University of Latvia.

Professor, Faculty of Geography and Earth Sciences, Department of Environmental Protection, University of Latvia
Raina blvd. 19, LV 1568, Riga, Latvia
Tel: +371 336373; Fax: +371 820113

Professor Dr. PETERIS BUSMANIS currently serves as the Vice-rector and as a Professor in the Department of Environmental Engineering and Water Management at the Latvia University of Agriculture. He is an expert in agricultural sciences, environmental engineering, water pollution and water resources. He served as the Deputy-leader of the “Baltic agricultural environmental runoff project” (BEAROP) in BAAP-I from 1994-1997, and as the Latvian project leader in the Danish-Latvian project “Code of good agriculture practices for Latvia” in 1998-1999. He currently serves as the Latvian partner in the project “Central and Eastern European Sustainable Agriculture” under the Fifth Framework Programme of the European Union. Prof. Bušmanis is a member of the Academy of Agricultural and Forestry Sciences of Latvia, the Association for the Advancement of Baltic Studies, and the Nordic Association of Agricultural Scientists.

Vice-rector and Professor, Latvia University of Agriculture
Brivibas boul. 28-31, LV-5004, Jelgava, Latvia
Tel: +371 30 22329; E-mail: peterbus@cs.ffl.lv

Libyan Arab Jamahiriya

Professor Dr. ELHAJI ABDULQADIR IMBERISH currently serves as President of the Libyan Appeal Court in Tripoli. He also takes part in the activities of the inspection department responsible for controlling the work of legal organs.

Professor Dr. FTEMA YOUSSEF WAFA has expertise in environmental issues, in particular related to food science, technology and ecolabeling. She holds B.Sc. in Food Science and Technology from El-Fateh University in Libya, and M.Sc. and Ph. D from U.G.A, USA, in Food Packing and Engineering. She is currently the advisor to the General People’s Congress of Libya and heads the Environmental General Authority. She has been a former advisor to the Environmental Technical Centre, the Centre of Processing Research and the Centre of Agricultural Research of Libya. Prof. Wafa is fluent in English and Arabic, and has a reading ability in French.

Macedonia, FYR

Mr. KONSTANTIN SIDEROVSKI is Director of the Macedonian Agency for the Environment in the Ministry of Environment and Physical Planning. He was previously Assistant Professor at the Institute for Earthquake Engineering and Engineering Seismology at the University “St. Cyril and Methodius” in Skopje. Mr. Siderovski has been involved in management of several environmental projects, including: wastewater, water quality and solid waste management in Macedonia under the PHARE Program; post-conflict environmental assessment in Macedonia; protection of the Valdar River from chromium pollution; technical assistance for rehabilitation, redevelopment, and environmental assessment for the Kosovo refugee camps in Macedonia; and protection of the Radika River. He is fluent in English and holds a Master’s degree in Civil Engineering.

Director of the Macedonian Agency for the Environment,
Kej 13 Noemvri 18/16, Skopje, Macedonia

Mauritius

Mr. PHOSUN KALLEE is Acting Deputy Director of the Department of Environment in Mauritius, for which he previously served as Divisional Environment Officer, Environment Officer, Scientific Officer, and Technical Officer. He has contributed to several publications addressing environmental management issues; participated in various international and national marine research expeditions, projects, and surveys; and assisted in preparation of World Bank-sponsored environmental plans for Mauritius. Mr. Kallee has received numerous certificates in marine and environmental resource management, including Post Graduation Certificates in Coastal Fishery Development, in Management and Conservation of Marine Resources; Seabed Mining, and in Environmental Impact Assessment and Management. He holds a Master’s degree in Ichthyology and Fish Culture from the Astrakhan Institute of Fisheries in the former Soviet Union.

Netherlands

Professor Dr. IR. N.D. VAN EGMOND is Director of Environment at the Netherlands National Institute of Public Health and the Environment, as well as Professor of Environmental Sciences at Utrecht University. He previously
headed the Air Research Laboratory and the Soil and Groundwater Research Laboratory at the Netherlands National Institute of Public Health and the Environment. Prof. van Egmond has significant experience in the design and development of air quality monitoring networks and simulation models. He has participated in several national councils, including the National Council on Environment and Spatial Planning, the National Environmental Committee, and the Advisory Commissions on Environmental Research and Policy Problems. He has also been involved in several international scientific activities, including: bilateral projects with Germany, Belgium, and Luxembourg on transboundary environmental problems; international intercomparison studies on modeling; ISO working groups on air quality standards; and an expert group to define the role and task of the European Environmental Agency. Prof. van Egmond holds a degree in Food Technology from Wageningen University in the Netherlands.

New Zealand Nouvelle-Zélande

Professor MICK CLOUT is Director of the Centre for Biodiversity and Biosecurity at the University of Auckland, New Zealand. He is also the founding Chair of the Invasive Species Specialist Group of IUCN- the World Conservation Union. Prof. Clout is a vertebrate ecologist and has published widely on the ecology and conservation of native wildlife and the management of invasive alien species. Through his role as Chair of ISSG, he is involved in a wide range of international biosecurity initiatives to prevent, eradicate and manage invasive species. He previously worked for the NZ Department of Conservation and holds degrees from the University of Edinburgh and the University of Auckland, Email: m.clout@auckland.ac.nz

Panama Panama

Mr. GONZALO MENÉNDEZ G. is specialized 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.

E-mail: menendezgonzalo@gmx.net

Mr. RICARDO ROGELIO ANGUIZOLA 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 Pérou

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.

Mr. JOSE RIVAS LLUNCOR is specialised in agriculture engineering and agriculture economy. He has undertaken his studies at the Universidad Nacional Agraria La Molina, Peru. He currently serves as the Director General for Soil & Water.

E-mail: jdvas@lamolina.edu.pe

Mr. CARLOS SALINAS MONTES is General Director for Forestry & Wildlife at the National Institute of Natural Resources. He obtained his Master of Arts/Economics degree from Boston University. He graduated from the Universidad Nacional Agraria La Molina, having specialised in management for Environmental Quality. He has also studied at the Universidad Nacional de Ingenieros in Lima, qualifying as Industrial Engineer in Systems; as well as at the Economics Institute of University of Boulder, Colorado, USA.

E-mail: esalinasmontes@hotmail.com, esalinas@dgas.gob.pe

Mr. MANUEL CABRERA SANDOVAL is Director for Environmental Management at the National Institute of Natural Resources. He has been educated in Environmental Mapping at the West Chester University, USA and
in Environmental Management at Universidad Federico Villareal in Lima, Peru. Mr. Sandoval has acquired his postgraduate degree in Environmental Economy and Sustainable Development from Universidad Nacional Agraria La Molina, Peru.

E-mail: dgmar@fgas.gob.pe

**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 Waringen, 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 Danubian 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 Gabčíkovo-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.

**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 over 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 Open 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.

444/9 (13/13) Wewa Para, Akuregoda, Battaramulla, Sri Lanka
Tel: +075 88 21 27; Fax: +075 337 644; E-mail: fogs@slt.lk

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

**Sudan**

20-11-02
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.

Milaöverdomstolen, P.O. Box 2290, 10317 Stockholm, Sweden

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 tread 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 Environment 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 (OEPP), 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.

Department of Marine Science, Faculty of Science, Chulalongkorn University
Bangkok 10330, Thailand
Tel: +662 255 3381; Fax: +662 255 0780; E-mail: ssurapho@netserv.chula.ac.th

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