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I. EXECUTIVE SUMMARY

1. The year under review marked the centenary of the Second Hague Peace Conference in 1907 and the signing of the 1907 Convention for the Pacific Settlement of Disputes. These events were commemorated by the Permanent Court of Arbitration (PCA) with a number of events and activities. The PCA launched its new website and introduced a modernized version of its original emblem, as well as new letterhead and house style. A new flag, bearing the modernized emblem, was inaugurated on October 18.

2. A commemorative session of the PCA’s Administrative Council was held on October 18, to which both member states and a select number of non-member states, as observers, were invited.

3. A French-language version of Professor Shabtai Rosenne’s classic 2001 English-language volume The Hague Peace Conferences of 1899 and 1907 and International Arbitration was published under the title Les Conférences de la Paix de 1899 et 1907 et l’Arbitrage International to commemorate the centenary of the 1907 Hague Peace Conference. Also published during the year under review was Dr. Arthur Eyffinger’s book The 1907 Hague Peace Conference: The Conscience of the Civilized World, to which the Secretary-General contributed the Foreword.

4. In the course of 2007, the PCA’s registry caseload reached an all-time record of twenty-three cases.

5. The PCA continued to serve as registry for both the Eritrea-Ethiopia Boundary Commission and the Eritrea-Ethiopia Claims Commission, two tribunals established under Annex VII of the 1982 United Nations Convention of the Law of the Sea (UNCLOS), thirteen investor-state disputes arising under bilateral or multilateral investment treaties, and six arbitrations under contracts between private entities and states or state-controlled entities.

6. The PCA received twenty-five requests for designation of an appointing authority or services as appointing authority under the UNCITRAL Arbitration Rules.

7. During the year under review, Montenegro announced its succession to the 1899 Convention for the Pacific Settlement of International Disputes, bringing the number of PCA member states to 107.

8. The Secretary-General made an official visit to Abu Dhabi, United Arab Emirates, from February 19 to 22, where he met with senior members of government, including in particular the Minister of Foreign Affairs, H.H. Sheikh Abdullah bin Zayed Al Nahyan. He also delivered a lecture at the Emirates Center for Strategic Studies & Research on dispute resolution and international arbitration, which was attended by the Minister of Justice, H.E. Mohammed Nukhaia Al Dhaheri.

9. The Secretary-General visited Pretoria, South Africa, from April 17 to 19, where he signed an agreement with the Minister of Foreign Affairs, Dr. Nkosazana Dlamini Zuma, establishing a PCA Facility in South Africa.

10. From June 20 to 22, the Secretary-General visited Azerbaijan, where he was received by the Minister of Foreign Affairs, Mr. Elmar Mammadyarov. He participated in the Second Forum for Local Counsel law firms of the Commonwealth of Independent States (CIS) in Baku, where he spoke on the role of the PCA with regard to international investment disputes.

11. The Secretary-General visited the Republic of Georgia from July 16 to 20, where he was the guest of the Minister of Justice, Mr. Gia Kavtaradze, and met with other senior members of the government, including in particular the Minister of Foreign Affairs, Mr. Gela Bezhuaishvili, and the Speaker of Parliament, Ms. Nino Burjanadze.

12. During his visit to Singapore on September 10, the Secretary-General signed an agreement with the Deputy Prime Minister and Minister for Law, Professor Shumugam Jayakuma, establishing a PCA Facility in Singapore. The Secretary-General also met with the Senior Minister of State for Law, Professor Ho Peng Kee, and the Senior Minister of State for Foreign Affairs, Dr. Balaji Sadasivan.

13. The PCA continued in 2007 with the second 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.

The PCA’s cooperation with the International Council for Commercial Arbitration (ICCA) continued in 2007, with the publication of the *Yearbook Commercial Arbitration* (Volume XXXII), three supplements to the *International Handbook on Commercial Arbitration*, and the volume of the ICCA Congress Series reporting on the 2006 ICCA Congress in Montreal.

The PCA co-hosted a Joint International Conference on “Multiple Parties, Multiple Problems: Consent, Procedure and Enforcement in Commercial and Investment Arbitration” at the Peace Palace on May 10 and 11.

The PCA’s Deputy Secretary-General and General Counsel attended, as observers, the Forty-sixth session of UNCITRAL Working Group II on Arbitration and Conciliation in New York from February 5 to 9. The Deputy Secretary-General also attended the Forty-seventh session of this Working Group in Vienna from September 10 to 14. He participated in the Joint Conference UNCITRAL/VIAC (Vienna International Arbitral Centre) on 30 Years UNCITRAL Arbitration Rules on March 29 and 30.

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 INTERNATIONAL BUREAU

A. SCOPE OF ACTIVITY

Arbitration

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 Czar 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.

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).

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.

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

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.

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**

25. The PCA provides full registry services as well as 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 to tribunals or PCA-administered 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 for use by the PCA as part of the new Hague Academy Building, annexed to the Peace Palace. This suite comprises a hearing room, several breakout rooms, and an arbitrators’ suite. The new building was officially opened by Her Majesty Queen Beatrix of the Netherlands on January 18, 2007.

**Financial Assistance Fund**

26. 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), set out in Annex 5c to this report. 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, as well as the composition of the Board of Trustees, have been reproduced in Annex 5 to this report.

27. Since the establishment of the Fund, Norway, Cyprus, the United Kingdom, South Africa, the Netherlands, Costa Rica, Saudi Arabia, and Switzerland 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.

**Movements in and out of the Financial Assistance Fund 1995 - 2007**

[Graph showing movements in and out of the Financial Assistance Fund from 1995 to 2007]

**International Cooperation**

28. 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.

29. 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. During the year under review, the 1989 cooperation agreement with ICCA was re-negotiated, providing for continued cooperation in the production of ICCA publications and provision of information to the PCA on developments in international arbitration.

30. 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 as well as on 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 50, below).


32. Through 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, the PCA and ITLOS have agreed to cooperate with respect to 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 United Nations Convention on the Law of the Sea, and to explore cooperation in other areas.

Host Country Agreements

33. To make its dispute resolution services more widely accessible, the PCA has adopted a policy of concluding “Host Country Agreements” with states that are contracting parties to either the 1899 or 1907 Convention. Through a Host Country Agreement, the host country and the PCA establish a legal framework under which future PCA-administered proceedings can be conducted in the territory of the host country on an ad hoc basis, without the need for a permanent physical PCA presence in that territory. Dispute resolution proceedings may be administered by the PCA, whether or not they are conducted pursuant to the 1899 or 1907 Conventions, or any of the PCA’s optional rules of procedure, thus guaranteeing to the parties in dispute the maximum degree of procedural autonomy.

34. The PCA and the host country cooperate to ensure that adjudicators, PCA staff, and participants in proceedings (such as counsel, agents, and witnesses) are able to perform their functions under similar conditions to those guaranteed under the PCA’s Headquarter Agreement with the Kingdom of The Netherlands. Importantly, the Host Country Agreement secures the provision by the host country of the facilities and services required for PCA-administered proceedings (such as office and meeting space and secretarial services) and regulates the privileges and immunities that are afforded by the host country to adjudicators and participants in PCA-administered proceedings (such as certain fiscal exemptions and immunity, under certain conditions, from legal process in respect of words spoken or written). The PCA and the host country may also establish a PCA facility in the territory of the host country. Thus, the Host Country Agreement allows parties in dispute who are located in or near the host country to take full advantage of the flexibility and efficiency of PCA-administered proceedings in the territory of the host country.

35. The wider benefits of the Host Country Agreement to the host country, neighboring states, and parties in dispute include:

- attracting arbitrations to the host country that would otherwise be conducted elsewhere;
- raising the international profile of the host country as an arbitral forum;
- increasing domestic and regional awareness of arbitration and other methods of dispute settlement offered by the PCA;
- promoting use of arbitral institutions located in the host country;
- strengthening cooperation between the PCA and national or regional arbitral institutions and facilitating the exchange of expertise; and
- increasing the accessibility of PCA-administered dispute resolution.
During 2007, agreements were concluded to establish PCA facilities in Pretoria, South Africa, and in Singapore. These follow agreements concluded to establish PCA facilities in Costa Rica (2003/2007) and Lebanon (2006).

8. DEVELOPMENTS IN 2007

Registry and Related Activities

(a) Registry

In the course of 2007, the PCA acted as registry in twenty-three cases. These cases included four state-state arbitrations (two of which were initiated under Annex VII of the 1982 United Nations Convention of the Law of the Sea (UNCLOS)), thirteen investor-state arbitrations under bilateral or multilateral investment treaties, and six arbitrations under contracts between private entities and states or state-controlled entities. To the extent permitted by the parties’ confidentiality requirements, information on recent and pending cases is set out in this report and, in greater detail, on the PCA’s website: www.pca-cpa.org.

Number of pending cases during the course of each year since 2000

Types of cases conducted under PCA auspices in 2007
38. The International Bureau serves as registry for the arbitral tribunal concerning the Bank for International Settlements (BIS), established pursuant to Article XV of an Agreement signed at The Hague on January 20, 1930 ("1930 Hague Agreement"). The tribunal is composed of Professor W. Michael Reisman (President), Professor Dr. Dres. h.c. Jochen Abr. Frowein, Professor Mathias Krafft, Professor Paul Lagarde, and Professor Albert Jan van den Berg. On September 19, 2003, the tribunal issued a final award in a dispute between the Bank and three of its former private shareholders. 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.


40. The Eritrea-Ethiopia Boundary Commission, composed of Sir Elihu Lauterpacht, CBE QC (President), His Excellency Prince Bola Adesumbo Ajibola (appointed by Ethiopia), Professor W. Michael Reisman (appointed by Eritrea), Judge Stephen M. Schwebel (appointed by Eritrea), and, until his death on November 16, 2007, 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.

41. The Commission issued a Statement on November 27, 2006, setting out coordinates indicating the location of pillars demarcating the boundary. Paragraph 22 of the Statement provides that, if "by the end of [November 2007] the Parties have not by themselves reached the necessary agreement and proceeded significantly to implement it, or have not requested and enabled the Commission to resume its activity, the Commission hereby determines that the boundary will automatically stand as demarcated by the boundary points listed in the Annex [to the Statement] and that the mandate of the Commission can then be regarded as fulfilled."

42. The Commission met at the Peace Palace on September 5, and with the parties on September 6 and 7, in order to discuss possibilities for the resumption of demarcation activities, which had been halted in 2003 due to circumstances beyond the Commission’s control. In its twenty-sixth Report to the Secretary General of the United Nations, the Commission recorded that, "[n]otwithstanding the meeting on 6 and 7 September 2007, described in the Commission’s previous report, no progress has been made towards the construction of boundary pillars in the manner foreseen in the [...] Statement." The Commission also recalled that "[t]he Delimitation Decision of 13 April 2002 and the Statement of 27 November 2006 remain binding on the Parties." It concluded by noting that, "[i]n stipulating that the boundary now automatically stands as demarcated by the boundary points listed in the annex to the 27 November 2006 Statement, the Commission considers that it has fulfilled the mandate given to it. It remains in existence in order to deal with any remaining administrative matters.”

43. 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 Commission held its fifth round of hearings – the first in its damages phase – at the Peace Palace in April 2007. The Commission issued Decision No. 7 “Guidance Regarding Jus ad Bellum Liability” and Decision No. 8 “Relief to War Victims” on July 27, 2007.

44. 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 acting as registry. The members of the arbitral tribunal are Professor Dr. Peter Behrens and Maître L. Yves Fortier, CC QC. Sir Arthur Watts, KCMG QC, served as Chairman of the tribunal until his death on November 16, 2007. The tribunal rendered a Partial Award on March 17, 2006, which can be found on the PCA’s website.

45. The International Bureau continued in 2007 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 at Sellafield 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 European law, 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. In January, the tribunal decided to suspend until further notice the requirement that the parties submit periodic reports and information. An Order (Order No. 5) formalizing the suspension was issued on February 22, 2007. The tribunal remains seized of the dispute and has reserved the subsequent procedure for further decision. The arbitral tribunal was 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. Following the death of Sir Arthur Watts on November 16, 2007, the United Kingdom was requested to appoint a replacement arbitrator, in accordance with Article 7, paragraph 1(a), of the Rules of Procedure of the tribunal.

46. In 2007, the International Bureau continued to serve as registry in an arbitration between Guyana and Suriname concerning delimitation of their maritime boundary. A final award was rendered on September 17, 2007, ending the arbitration. The proceedings, submitted pursuant to Part XV of UNCLOS and UNCLOS Annex VII, were instituted by Guyana in February 2004. The tribunal consisted of Judge Dolliver Nelson (President), Professor Thomas Franck, Professor Hans Smit, Professor Ivan Shearer, and Dr. Kamal Hossain.

47. 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. A partial award was rendered on January 30, 2007.

(b) Iran—United States Claims Tribunal

48. 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

49. Under its cooperation agreement with the International Centre for Settlement of Investment Disputes (ICSID), the PCA makes its facilities available, upon request, to arbitrations conducted under ICSID’s auspices. The PCA also 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 2007, the following tribunals made use of the PCA’s facilities:

- an ad hoc ICSID tribunal held a hearing on April 13;
- an ad hoc ICSID tribunal held hearings from April 16 to 21; and
- an ICC tribunal held hearings from October 30 to November 10.
Designation of Appointing Authorities and the Appointment of Arbitrators by the Secretary-General

50. 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 Arbitration 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 session1 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

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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.

51. 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.
52. During 2007, the PCA received twenty-five new requests relating to its appointing authority services under the UNCITRAL Arbitration Rules or other ad hoc arbitration provisions. These requests included seventeen requests that the Secretary-General designate an appointing authority, three requests that the Secretary-General act as the appointing authority for the appointment of arbitrators, and two requests that existing appointing authorities be replaced. In three matters in which the Secretary-General acts as the appointing authority, he was requested to decide challenges to an arbitrator.
An overview of appointing authority activity in 2007 is set out below:

**Case No. AA196:** Respondent, a South American government, requested that the Secretary-General replace the appointing authority that had been previously designated in a dispute with Claimant, a European company. In the absence of an agreement between the parties, the Secretary-General considered that the Rules did not empower him to replace the appointing authority on the grounds put forward by Respondent.

**Case No. AA226:** Respondent, a European government, requested that the Secretary-General, the agreed appointing authority in the matter, decide a challenge to the arbitrator appointed by Claimant, a European corporation. The Secretary-General upheld the challenge.

**Case No. AA227:** Respondent, a European government, requested that the Secretary-General, the agreed appointing authority in the matter, decide a challenge to the arbitrator appointed by Claimant, a European corporation. The Secretary-General upheld the challenge.

**Case No. AA228:** Respondent, a European government, requested that the Secretary-General, the agreed appointing authority in the matter, decide a challenge to the arbitrator appointed by Claimant, a European corporation. The Secretary-General upheld the challenge.

**Case No. AA274:** 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. AA275:** In a dispute between two European companies, Claimant requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator. The parties subsequently agreed on an appointing authority and no further action was taken by the Secretary-General.

**Case No. AA276:** Claimant, a European company, requested that the Secretary-General act as appointing authority to appoint the sole arbitrator in a dispute with Respondent, also a European company. The Secretary-General appointed a sole arbitrator using the list-procedure set forth in the Rules.

**Case No. AA277:** Claimants, two North American companies, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondent, a South American government. The Secretary-General designated an individual as appointing authority.

**Case No. AA278:** Two Claimants, a North American company and an Asian company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with Respondent, an Asian government. The Secretary-General appointed an individual as appointing authority.

**Case No. AA279:** Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, an African government. The Secretary-General designated an individual as appointing authority.
Case No. AA280: Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator in a dispute with Respondent, an Asian government. The Secretary-General designated an individual as appointing authority.

Case No. AA281: 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. The Secretary-General designated an individual as appointing authority.

Case No. AA282: Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, another European company. The Secretary-General designated an institution as appointing authority.

Case No. AA283: Two Claimants, both European companies, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator in a dispute with a European government. The Secretary-General designated an individual as appointing authority.

Case No. AA284: Two Claimants, both Asian companies, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a European company. The Secretary-General designated an institution as appointing authority.

Case No. AA285: Claimant, an African government, requested that the Secretary-General act as appointing authority to appoint the sole arbitrator in a dispute with Respondents, two African companies. Claimant subsequently reached an agreement with Respondents regarding the constitution of a three-member tribunal and withdrew its request.

Case No. AA286: Claimant, a Middle Eastern company, requested that the Secretary-General act as appointing authority to appoint the presiding arbitrator in a dispute with Respondent, an intergovernmental organization. The Secretary-General appointed the presiding arbitrator using the list-procedure set forth in the Rules.

Case No. AA287: Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a European company. The Secretary-General designated an institution as appointing authority.

Case No. AA288: Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a European government. Respondent made a late appointment of an arbitrator, to which Claimant consented. Accordingly, Claimant withdrew its request.

Case No. AA289: Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, an African individual. The Secretary-General designated an individual as appointing authority.

Case No. AA290: Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, also a European company. The Secretary-General designated an individual as appointing authority.

Case No. AA291: 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 organization. The request was subsequently withdrawn following the settlement of the dispute.

Case No. AA292: Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a Caribbean company. The Secretary-General designated an individual as appointing authority.

Case No. AA293: Two Claimants, both Asian companies, requested that the Secretary-General replace an agreed appointing authority in a dispute with Respondent, an Asian government. As the parties subsequently agreed on an institution as appointing authority, no action was taken by the Secretary-General.

Case No. AA294: Claimant, a Central American individual, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of Respondent, a Central American company. The Secretary-General designated an individual as appointing authority.

**Environmental Dispute Resolution**

54. 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”) continue to be referred to, as the procedural rules for certain disputes, in a variety of instruments ranging from treaties such as the 2003 UNECE Civil Liability Protocol, to numerous public and private carbon emissions trading contracts in the context of the Kyoto Protocol.

55. In promoting the use of the Environmental Rules, a PCA legal counsel attended Carbon EXPO, an emissions trading conference in Cologne, Germany, from May 2 to 4. Climate Focus in Rotterdam on May 7, and a conference on Emissions Trading in St Paul de Vence, France, from October 10 to 12. He gave a lecture on “Dispute Resolution in Carbon Contracts” for the Clingendael Institute’s Diplomatic Studies Program “Tackling Climate Change – An Appraisal of the Kyoto Protocol and Opinions for the Future” on March 30 and 31.

56. The PCA is continuing its association with the United Nations Environment Program (UNEP) working group on dispute resolution established in 2006.

Mass Claims

57. The work of the PCA’s Steering Committee on Mass Claims Processes, chaired by Judge Howard M. Holtzmann, was published in 2007 by Oxford University Press. International Mass Claims Processes: Legal and Practical Perspectives (ISBN 978-0-19-920744-2) is 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 describes the approaches to these matters taken by eleven modern mass claims processes.

58. The International Bureau continues to gather 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 on the PCA’s website (on the “Mass Claims Processes” page under “PCA Services”).

Cooperation Agreements


60. 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, with commentary by pre-eminent international legal scholars.

61. 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.

62. On June 26, the Secretary-General and the U.S. Ambassador to the Netherlands signed a Tax Reimbursement Agreement between the PCA and the Government of the United States of America regarding “reimbursement to PCA staff members of United States Federal, state, and local income tax and self-employment tax levied under United States law on the income they receive as compensation for official services rendered to PCA.”

Meetings, Conferences and Seminars

63. On February 17, on the occasion of its 60th anniversary and in commemoration of the centenary of the 1907 Hague Convention, the Telders Society of International Law held a seminar, mini-moot, and reception at the Peace Palace under the auspices of the PCA. The Secretary-General spoke on the role of the PCA in peaceful settlement of international disputes and participated as an arbitrator in the moot hearing.

64. The PCA co-hosted a Joint International Conference on “Multiple Parties, Multiple Problems: Consent, Procedure and Enforcement in Commercial and Investment Arbitration” at the Peace Palace on May 10 and 11. The conference was co-hosted with the Houston International Arbitration Club, Inc. and the University of Texas School of Law. A volume comprising the papers emanating from the conference, to be edited by the PCA’s International Bureau, is expected to be published by Oxford University Press in 2008.
65. On September 6 and 7, the Secretary-General participated in a colloquium organized by the Hague Academy of International Law: “Topicality of the 1907 Hague Peace Conference.”

66. A Commemorative Session of the Administrative Council was held on October 18, to mark the one hundredth anniversary of the signing of the 1907 Hague Convention for the Pacific Settlement of International Disputes - one of the two constitutive treaties of the PCA. The session was opened by Acting President H.E. Max van der Stoel, Minister of State of the Netherlands. Presentations were given by H.E. Judge Gilbert Guillaume, who spoke on inter-state arbitration, Professor Philippe Sands QC, who discussed the PCA’s role in inter-state arbitration under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS), and Professor James Crawford, SC, who addressed mixed arbitrations between states and private entities. During the session Dr. Arthur Eyffinger presented his publication The 1907 Hague Peace Conference: The Conscience of the Civilized World to the Acting President.

67. On November 2, the PCA hosted the annual meeting of the Dutch chapter of the International Law Association (Nederlandse Vereniging voor Internationaal Recht) with a focus on the 1907 Convention under the theme “Old Treaties in New Times.”

68. The PCA facilitated a conference of the Project on International Courts and Tribunals (PICT) on the subject of “International Courts and Tribunals in the 21st Century: The Future of International Justice” on November 30 and December 1. The conference, which took place at the Peace Palace, marked the tenth anniversary of the establishment of PICT and coincided with the centenary of the signing of the 1907 Hague Convention.

69. The PCA took part in the World Legal Forum “Effective International Dispute Resolution for Public and Private Actors” - one hundred years after the 1907 Hague Peace Conference - at the Peace Palace and World Forum Convention Center in The Hague on December 10 to 12. The Secretary-General participated as a panelist on “Institutional Challenges on Effective International Dispute Settlement,” where he spoke on the topic of new perspectives for arbitration. One of the PCA’s legal counsel served as moderator on the environmental dispute resolution panel of the forum’s program.

**PCA Publications**

70. To celebrate the centenary of the Second Hague Peace Conference in 1907, the PCA presented to the Francophone community a French-language version of Professor Shabtai Rosenne’s classic 2001 English-language volume *The Hague Peace Conferences of 1899 and 1907 and International Arbitration*, published under the title *Les Conférences de la Paix de 1899 et 1907 et l’Arbitrage International* by TMC Asser Press and Bruylant. Also published during the year under review was Dr. Arthur Eyffinger’s book *The 1907 Hague Peace Conference: The Conscience of the Civilized World*, to which the Secretary-General contributed the foreword.

71. The second and third volumes in the PCA Award Series were published by TMC Asser Press in 2007 covering, respectively, the awards of the Bank for International Settlements Arbitration of 2002 and 2003, with an introduction by V.V. Veeder, and the award in the Iron Rhine Arbitration between Belgium and the Netherlands of 2005, with an introduction by Professor Colin Warbrick. Both of these volumes were published as bi-lingual editions.

**Increasing Awareness of the PCA**

72. The Secretary-General attended the 33rd meeting of the Committee of Legal Advisers (CAHID) at the Council of Europe in Strasbourg, France, on March 22. He gave a presentation on the role of the PCA in the resolution of international disputes, referring to past and present cases before arbitral tribunals under PCA auspices.

73. The Secretary-General was one of two keynote speakers at the International Law Forum “Arbitration and Judicial Settlement,” held in Vientiane, Lao People’s Democratic Republic, on November 19. Judge Gilbert Guillaume, former President of the International Court of Justice and Member of the Permanent Court of Arbitration, was the other keynote speaker at the forum, which focused on the dispute resolution mechanisms under Article 33 of the Charter of the United Nations.

74. 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 hosted by the PCA and held at the Peace Palace and the TMC Asser Institute on March 23 and 24. The PCA was represented by the Deputy Secretary-General at the 14th Annual Willem C. Vis International Commercial Arbitration Moot, held in Vienna in April. One of the PCA’s legal counsel attended the 4th Annual Willem C. Vis (East) International Commercial Arbitration Moot in Hong Kong from March 19 to 25.

75. The Deputy Secretary-General represented the PCA at a number of events during the course of 2007. He and the PCA’s General Counsel attended, as observers, the Forty-sixth session of UNCITRAL Working Group
II on Arbitration and Conciliation held in New York from February 5 to 9, and the Forty-seventh session of this Working Group in Vienna from September 10 to 14. The Deputy Secretary-General also attended the Joint Conference UNCTRAL/VIAC (Vienna International Arbitral Centre) on 30 Years UNCTRAL Arbitration Rules on March 29 and 30, in Vienna. On May 2, he conducted an arbitration simulation for members of the Danish and Norwegian Bar Associations attending arbitration training at the ICC in Paris. On May 18, the Deputy Secretary-General and two of the PCA’s legal counsel attended the Energy Charter Treaty Conference in Washington. In Paris, the Deputy Secretary-General attended meetings of the ICC Commission on Arbitration on May 24 and 25. The Deputy Secretary-General attended the International Oil & Gas Conference in London, held on September 20 and 21, and chaired a panel discussion on investment treaty arbitrations in the Oil & Gas Industry. From October 13 to 18, he attended the International Bar Association (IBA) Conference in Singapore. On November 28 to 30, he attended the Croatian Arbitration Days in Zagreb.

76. The PCA’s General Counsel attended the ICCA Council meeting in Dubai from April 28 to May 2.

77. On October 11, the PCA received a delegation of dignitaries from Ireland, including its Chief Justice.

78. One of the PCA’s legal counsel attended the American Society of International Law Conference in Washington, D.C., from March 28 to 31. Another legal counsel attended UNCTRAL’s 40th session in Vienna in July and the “Modern Law for Global Commerce” Congress to celebrate that session on July 12 to 13. In August, two legal counsel participated in the first Summer Academy of the International Foundation for the Law of the Sea (IFLOS) in Hamburg. The four-week program focused on legal, economic, and natural science issues with respect to the uses and protection of the sea. One of the PCA’s legal counsel spoke to arbitration specialists in Madrid on the work of the PCA in December.

79. During 2007, the Secretary-General and other PCA staff members regularly addressed groups of judges, lawyers, students, and other visitors on the activities of the PCA.

80. 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 17 and August 7.

III. STATE PARTIES TO THE CONVENTIONS OF 1899 AND 1907

81. During the year under review, Montenegro announced its succession to the 1899 Convention for the Pacific Settlement of International Disputes, and became a member state with effect from June 3, 2006. A list of state parties to the 1899 and 1907 Conventions, as of April 23, 2008, is set out in Annex 1 to this report.

![Growth in number of PCA Member States in 25-year periods](image)

IV. MEMBERS OF THE COURT

82. 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 April 23, 2008, along with brief biographical notes, is set out in Annex 6 to this report.
83. 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.

84. 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 (ICJ). Further, Article 36, paragraph 4, of the Rome Statute provides that nominations of candidates for election to the International Criminal Court may be made by the procedure provided for the nomination of candidates for the ICJ. In addition to these statutory roles granted to the Members of the PCA, they may also propose candidates for the Nobel Peace Prize.

V. SPECIALIZED PANELS

85. 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 April 23, 2008, is set out in Annexes 7 and 8 to this report, and includes nominations put forth by the Secretary-General.

IV. ADMINISTRATIVE MATTERS

Administrative Council

86. 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.”

87. At its regular meeting on May 24, 2007, the Administrative Council, which is charged with the direction and control of the International Bureau, took note of the Budget Performance Report and Audited Financial Accounts 2006. At the same meeting, the Council adopted a proposed budget for the biennium 2008-2009.

Sources of funding of PCA biennial budgets 2004 - 2005 and 2006 - 2007

* Other sources include: subsidy from the Netherlands Ministry of Foreign Affairs; interest earned on deposits; and guest tribunal income.
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 2007, the representative of Japan succeeded the representative of Iran, who served as a member of the Committee from 2005 through 2006. As of January 1, 2007, the Committee was composed of the representatives of Ireland, Italy, and Japan. During the year under review, the Committee met on March 6, prior to the regular spring meeting of the Administrative Council on May 24, 2007.

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 8 and April 12, 2007.

International Bureau Staff

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

Secretary-General: Mr. Tjaco T. van den Hout
Deputy Secretary-General: Mr. Brooks W. Daly
General Counsel: (also see below) Ms. Judith Freedberg (until July 1, 2007)
General Counsel: Mr. Maurizio Brunetti (from November 1, 2007)
Legal Counsel: Mr. Dane Ratliff
Legal Counsel/Chief Editor: Ms. Belinda Macmahon
Legal Counsel: Mr. Guillaume Tattevin
Legal Counsel: Mr. Henry Warwick (until April 7, 2007)
Legal Counsel: Ms. Sarah Grimmer
Legal Counsel: Mr. Paul-Jean Le Cannu (since December 3, 2007)
Assistant Legal Counsel: Mr. Samuel Moss
Assistant Legal Counsel: Ms. Evgeniya Rubinina (until June 22, 2007)
Assistant Legal Counsel: Ms. Rocío Digón
Assistant Legal Counsel: Ms. Fedelma Claire Smith (since June 4, 2007)
Assistant Legal Counsel: Ms. Maxtalen Aranzamendi (until August 17, 2007)
Assistant Legal Counsel: Ms. Rita Labib Feghali (since November 14, 2007)
Assistant Legal Counsel: Ms. Xin Pei (since December 3, 2007)
Finance Officer: Mr. Riny van Eekelen
Editor/Administrator: Mr. Theodore Mercredi
Office Manager: Ms. Gertie Burgers (until January 31, 2007)
Secretary to the Secretary-General: Ms. Kimberly Pronk
Legal Secretary: Ms. Eloise Gautier
Legal Secretary: Ms. Helen Pin
Legal Secretary: Ms. Maita Borromeo (since November 26, 2007)
Secretary: Ms. Vilmante Blink (since January 17, 2007)

ICCA Publications
Managing Editor, ICCA: Ms. Judith Freedberg (until July 1, 2007)
Assistant Managing Editor: Ms. Silvia Borelli (from July 1, 2007)
Sub-editor: Ms. Alice Siegel (until July 1, 2007)
Senior Editor: Ms. Tamela Smith (since August 20, 2007)

In 2001, the PCA’s legal staff comprised lawyers of five different nationalities. In 2007, the PCA’s legal staff comprised lawyers of twelve different nationalities.

Legal Assistant and Internship Programs

91. The PCA continued its cooperation program with McGill University (Montreal) in the year under review. Participants in this 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 2006/2007 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).

92. The PCA’s internship program provides law students and graduates with the opportunity to participate in the functioning of the International Bureau, usually for a period of three months. The following individuals participated in the program in 2007:

- Megan Telford (Canadian): LL.B., Queen’s University (Kingston, Ontario); M.I.R. (Masters of International Relations), Queen’s University (Kingston, Ontario); B.A. (Honours) summa cum laude, McMaster University (Hamilton, Ontario);
- Freya Baetens (Belgian): Ph.D. (Law), Cambridge University; LL.M., Columbia University; Cand. Jur., Lic. Jur. with great distinction, Ghent University;
- Anne-Sophie Petidemange (French/Italian): LL.M., McGill University (Montreal), Maîtrise en droit in European Business Law (Honours), University of Paris II (Panthéon-Assas); Maîtrise en droit in European Law (Honours), University of Paris II (Panthéon-Assas); LL.B. (Honours), Robert Schuman University (Strasbourg).

Budget and Finance

93. The Budget Performance Report 2007 and the Audited Financial Accounts 2007 were duly examined by the Financial Committee on March 10, 2008, considered by the Budget Committee on March 12, 2008, and
approved by the Administrative Council on April 23, 2008. They are available to member states in a supplement to this report.

94. 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.

95. 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.
## MEMBER STATES

This list comprises signatories to and contracting powers of the Hague Conventions of 1899 and 1907. The date for which either of the conventions took effect for the corresponding state is also indicated. Bold text indicates that the International Bureau received notification of accession during the year under review. An asterisk (*) indicates a Declaration of Succession.

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CASES CONDUCTED UNDER THE AUSPICES OF THE PCA OR WITH THE
COOPERATION OF THE INTERNATIONAL BUREAU

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

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* These awards and other case-related documents are available at the website of the Hague Justice Portal: www.haguejusticeportal.net.
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<td>Watts1</td>
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<tr>
<td>38. Eritrea-Ethiopia Claims Commission</td>
<td>Settlement of claims arising from armed conflict</td>
<td>12 - 12 - 2000</td>
<td>01 - 07 - 2003</td>
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<td>39. 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>07 - 03 - 2001</td>
<td>22 - 11 - 2002</td>
<td>Reisman1</td>
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<td>Frowein1</td>
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<td>31 - 08 - 2001</td>
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<td>40. Ireland - United Kingdom</td>
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<td>15 - 06 - 2001</td>
<td>2 - 07 - 2003</td>
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<td>41. Saluka Investments B.V. - Czech Republic</td>
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<td>42. Ireland - United Kingdom</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>25 - 10 - 2001</td>
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<td>43. European government - European corporation</td>
<td>Investment treaty dispute</td>
<td>30 - 04 - 2002</td>
<td>24 - 05 - 2004</td>
<td>Hanotiaux1</td>
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<td>Jarvin1</td>
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<td>44. Two corporations - Asian government</td>
<td>Contract dispute</td>
<td>16 - 08 - 2002</td>
<td>12 - 10 - 2004</td>
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<td>Gaillard1</td>
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<td>45. Malaysian company - African government</td>
<td>Investment treaty dispute</td>
<td>10 - 02 - 2003</td>
<td>-</td>
<td>Layton1</td>
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</table>

* These awards and other case-related documents are available at the website of the Hague Justice Portal: 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.
4. The proceedings of this case were conducted in writing exclusively.
5. In this case the summary procedure provided for in Chapter IV of the Convention of October 18, 1907 was applied.
6. Pursuant to the Arbitration Agreement the award was rendered in writing.
<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date Initiated</th>
<th>Date of Award</th>
<th>Arbitrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>46. Belgium - The Netherlands⁷</td>
<td>Dispute regarding the use and modernization of the “Ijzeren Rijn” on the territory of The Netherlands</td>
<td>22/23-07-2003</td>
<td>24-05-2005</td>
<td>Higgins&lt;br&gt;Schrans⁶&lt;br&gt;Simma⁶&lt;br&gt;Soons⁶&lt;br&gt;Tomka</td>
</tr>
<tr>
<td>47. Barbados - Trinidad and Tobago⁶</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>16-02-2004</td>
<td>11-04-2006</td>
<td>Schwebel¹&lt;br&gt;Brownlie¹&lt;br&gt;Orrego Vicuña¹&lt;br&gt;Lowe¹&lt;br&gt;Watts</td>
</tr>
<tr>
<td>48. Guyana - Suriname⁷</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>24-02-2004</td>
<td>17-09-2007</td>
<td>Nelson¹&lt;br&gt;Hossain¹&lt;br&gt;Franck¹&lt;br&gt;Shearer&lt;br&gt;Smit¹</td>
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<tr>
<td>49. Malaysia - Singapore⁵</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>04-07-2003</td>
<td>01-09-2005</td>
<td>Award on Agreed Terms</td>
</tr>
<tr>
<td>50. 1. The Channel Tunnel Group Limited&lt;br&gt;2. France-March S.A. -&lt;br&gt;1. United Kingdom&lt;br&gt;2. France⁴</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>17-12-2003</td>
<td>30-01-2007</td>
<td>Partial Award</td>
</tr>
</tbody>
</table>

* These awards and other case-related documents are available at the website of the Hague Justice Portal: 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.
4. The proceedings of this case were conducted in writing exclusively.
5. In this case the summary procedure provided for in Chapter IV of the Convention of October 18, 1907 was applied.
6. Pursuant to the Arbitration Agreement the award was rendered in writing.
INTERNATIONAL COMMISSIONS OF INQUIRY

For summaries of the Commissions of Inquiry 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. 295-314.

<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of Inquiry Agreement</th>
<th>Date of Report</th>
<th>Commissioners†</th>
</tr>
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<tbody>
<tr>
<td>1. Great Britain - Russia</td>
<td>Incident in the North Sea The Dogger Bank Case</td>
<td>25 - 11 - 1904</td>
<td>26 - 02 - 1905</td>
<td>Spaun Fournier Doubassoff Beaumont Davis</td>
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<tr>
<td>2. France - Italy</td>
<td>Capture of the “Tavignano” and cannon shots fired at the “Canouna” and the “Galois”</td>
<td>20 - 05 - 1912</td>
<td>23 - 07 - 1912†</td>
<td>Segrave Somborn Genoese Zerbi</td>
</tr>
<tr>
<td>3. Germany - Spain</td>
<td>The Steamship “Tiger” Sinking of the steamer “Tiger”</td>
<td>-</td>
<td>08 - 11 - 1918</td>
<td>Garde Montagut y Miro Horn</td>
</tr>
<tr>
<td>4. Germany - The Netherlands</td>
<td>Loss of the Dutch Steamer “Tubantia”</td>
<td>30 - 03 - 1921</td>
<td>27 - 02 - 1922</td>
<td>Hoffmann Surie Ravn Unger Gayer</td>
</tr>
<tr>
<td>5. Great Britain - Denmark</td>
<td>“Red Crusader” Incident</td>
<td>15 - 11 - 1961</td>
<td>23 - 03 - 1962</td>
<td>de Visscher Gros Moolenburgh</td>
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</tbody>
</table>

† The names of the presidents are typeset in bold.

‡ 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>
<tbody>
<tr>
<td>1. Denmark - Lithuania</td>
<td>Method of payment of the balance of the claim of Hoigaard and Schultz against the Lithuanian Government</td>
<td>01-09-1937</td>
<td>30-09-1938</td>
<td>van Karnebeek Oldenburg Vte de Fontenay Römer 'is Ozolins</td>
</tr>
<tr>
<td>2. France - Switzerland</td>
<td>Customs irregularities Costs of internment in Switzerland of the 2nd Polish division</td>
<td>20-08-1954</td>
<td>24-11-1955</td>
<td>van Asbeck de Zulueta Corbin Panchaud McNair</td>
</tr>
</tbody>
</table>

1. On May 1, 1937, the Administrative Council authorized the International Bureau to put its offices and organization at the disposal of Conciliation Commissions.
2. The names of the presidents are typeset in bold.
FINANCIAL ASSISTANCE FUND
FOR SETTLEMENT OF INTERNATIONAL DISPUTES
TERMS OF REFERENCE AND GUIDELINES

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.

The Administrative Council
December 11, 1995
FINANCIAL ASSISTANCE FUND
FOR SETTLEMENT OF INTERNATIONAL DISPUTES

BOARD OF TRUSTEES

The Financial Assistance Fund Board of Trustees currently consists of:

Mr. Hans Corell (former Legal Advisor to the United Nations);
Judge Gillbert Guillaume (former President of the International Court of Justice);
Judge Howard M. Holtzmann (former Judge of the Iran-United States Claims Tribunal);
Judge Kenneth Keith (Judge of the International Court of Justice);
Prof. Dr. Al-Kosheri (arbitrator and former Judge ad hoc of the International Court of Justice);
Mr. Christopher Pinto (Secretary-General of the Iran-United States Claims Tribunal); and
Judge Bernardo Sepúlveda Amor (Judge of the International Court of Justice).

The four-year terms of each of the members of the board commenced on February 23, 2006.
## Annex 5c

### FINANCIAL ASSISTANCE FUND
FOR SETTLEMENT OF INTERNATIONAL DISPUTES

**DAC LIST OF ODA RECIPIENTS**
**EFFECTIVE FROM 2006 FOR REPORTING ON FLOWS IN 2005, 2006 AND 2007**

<table>
<thead>
<tr>
<th>Least Developed Countries</th>
<th>Other Low Income Countries</th>
<th>Lower Middle Income Countries and Territories</th>
<th>Upper Middle Income Countries and Territories</th>
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<tr>
<td></td>
<td>(per capita GNI)</td>
<td>(per capita GNI)</td>
<td>(per capita GNI)</td>
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<td>&lt;$825 in 2004</td>
<td>$826 - $3,255 in 2004</td>
<td>$3,256 - $10,065 in 2004</td>
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<td>Malawi</td>
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<td>Maldives</td>
<td>Congo, Rep.</td>
<td>Oman</td>
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<td>Mali</td>
<td>Côte d'Ivoire</td>
<td>Antigua and Barbuda</td>
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<td>Benin</td>
<td>Mauritania</td>
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<td>Barbados</td>
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<td>Kenya</td>
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<td>Niger</td>
<td>Rep</td>
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<td>Samoa</td>
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<td>Senegal</td>
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<td>Nauru</td>
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</tbody>
</table>

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1. Territory.
2. Saud Arabia passed the high income country threshold in 2004. In accordance with the DAC rules for the revision of this List, it will graduate from the List in 2008 if it remains a high income country in 2005 and 2006.

### Members of the Permanent Court of Arbitration

**Liste des membres de la Cour permanente d’arbitrage**

<table>
<thead>
<tr>
<th>Date of appointment</th>
<th>Date of latest renewal</th>
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<tbody>
<tr>
<td>April 29, 2008</td>
<td>29 avril 2008</td>
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</tbody>
</table>

#### 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 Martín 4408, piso 13°, 1424 Buenos Aires, Argentina.

Dr. **RAÚL EMILIO VINUESA**, Raul Emilio Vinuesa. Law Degree from the University of Buenos Aires, The Fletcher School of Law and Diplomacy, Harvard Law School, University of Cambridge, University of Amsterdam. Professor of International Law, at the Faculty of Law, University of Buenos Aires and at the Argentine Foreign Service Institute. Arbitrator at MERCOSUR, ICSID, CAR, ICC, SIECA, Judge ad hoc at the International Court of Justice. Member of the Institut de Droit International. Arsenales 843 5° 18, Buenos Aires (C1061AAC), Argentina; tel./fax: +54 11 4394 4412.

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, Avenida Coronel Díaz 2277 (10-A), C1425DQI Buenos Aires, Argentina.

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.

#### Australia

**Prof. IVAN A. SHEARER, A.M. R.F.D.**, Emeritus Professor of Law, University of Sydney, member of the United Nations Human Rights Committee (appointed 2001), Senior Member (Part Time) Administrative Appeals Tribunal, former Challis Professor of International Law, Judge ad hoc at the International Tribunal for the Law of the Sea, Member, International Independent Group of Eminent Persons observing the Sri Lanka Commission of Inquiry into Alleged Abuses of Human Rights, specializations: law of the sea, 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, Australia; fax: +61 2 9351 0200.


**26 - 04 - 1995** | **21 - 11 - 2007**
**21 - 11 - 2007** | **28 - 02 - 2005**
**23 - 10 - 1986** | **17 - 06 - 2005**
**20 - 04 - 1989** | **17 - 06 - 2005**
Court of Victoria, former Commonwealth of Nations Special Envoy to Bangladesh, former Chairman of the United Nations Expert Group on Cambodia, 4 Treasury Place, Melbourne, Victoria, 3002, Australia; fax: +61 3 9650 0210.

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Annex 6 - PCA Members

<table>
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<tr>
<th>Country</th>
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<th>Renewal/</th>
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<tr>
<td>Benin</td>
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<tr>
<td>M. le Professeur MAURICE FIFATIN.</td>
<td>10 - 09 - 2007</td>
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<tr>
<td>Maître ABRAHAM ZINZINDOHOUÉ.</td>
<td>10 - 09 - 2007</td>
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<tr>
<td>M. THÉODORE C. LOKO.</td>
<td>10 - 09 - 2007</td>
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<tr>
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<td>25 - 04 - 2005</td>
</tr>
<tr>
<td>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, Bolivia; tel.: +591 127 924 00.</td>
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<tr>
<td>Dr. ALBERTO ZELADA CASTEDO.</td>
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<tr>
<td>Brazil</td>
<td>02 - 09 - 2002</td>
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<th>Annex 6 - PCA Members</th>
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<td><strong>Dr. VLADIMÍR BALAŠ</strong></td>
<td><strong>01 - 09 2000</strong></td>
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<td><strong>Prof. Dr. JIRÝ MALENOVSKÝ</strong></td>
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<td><strong>His Excellency Mr. PAUL HENNING FISCHER</strong></td>
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Members de la CPA - Annexe 6

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<th>Appointment/nomination</th>
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Members de la CPA - Annexe 6

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Dr. Juan José RUDA SANTOLARIA.

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  - Appointment: 15 - 01 - 2003

- **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).

  - Appointment: 15 - 01 - 2003


  - Appointment: 15 - 01 - 2003

- **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.

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### Senegal
**Sénégal**

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### Specialized Panel of Arbitrators

Established pursuant to the Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment

#### Commission d’Arbitres Spécialistes

Établie en application du Règlement facultatif pour l’arbitrage des différends relatifs aux ressources naturelles et/ou l’environnement

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**Serbia**

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**Submissions of the Secretary-General**

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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, 42103 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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Implementing the Kyoto Protocol: making Kyoto work (ed., with C. Streck, 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, U.S.A.; tel: +1 202 458 1743/4; fax: +1 202 522 2615; e-mail: dfreestone@worldbank.org.

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**COMMISSION SPÉCIALISÉE D’EXPERTS SCIENTIFIQUES**

**ÉTABLIE EN APPLICATION DU RÈGLEMENT FACULTATIF POUR L’ARBITRAGE**

**DES DIFFÉRENTS RELATIFS AUX RESSOURCES NATURELLES ET/OU L’ENVIRONNEMENT**

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**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: +5411 4373 0552; e-mail: ocanz@ciudad.com.ar.

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**Austria**

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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.
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**Republic of Korea**

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**Kyrgyzstan**

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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 KĻAVIŃŠ 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. Kļaviņš 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.: +3712 336373; fax: +3712 820113.

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**Libyan Arab Jamahiriya**

Professor Dr. ELHAIJ 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.

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

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; e-mail: m.cloot@auckland.ac.nz.

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
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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

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

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Romania

Mr. FLOREA-GABRIAN CORNEL OVIDIU acts as Deputy General Commissioner of the Environmental Guard of Romania. He has been in charge of the Ecological Control and Monitoring Directorate. Mr. Ovidiu also cooperated with the Water State Directorate of Romania, within the Ministry of Water and Environment Protection. In addition, he has gained experience in tailing dams, while working for the Ministry of Mines. He has earned his Master’s degree from the University of Constructions in Bucharest. He has been trained at the Ministry of Environment of the Netherlands, the International Agricultural Centre of 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. Ground Water Consulting Ltd., Kolískova 1, 84105 Bratislava, Slovak Republic; tel.: +421 2 6531 52 67; fax: +421 2 6531 52 88; e-mail: imu@gwc.sk.

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: fogsl@slt.lk.

Sudan

Dr. NADIR MOHAMMED AWAD is the Secretary-General of the Higher Council for Environment and Natural Resources of the Ministry of Environment and Tourism of Sudan. He is also a distinguished scholar and recognised botanist in his country. He obtained a Ph.D. in Wildlife Management from Colorado State University, U.S. and has served as a lecturer in various universities around the world. Dr. Awad has published numerous papers and scientific reports regarding wildlife and environment, and also has appeared as guest speaker in international conferences and workshops of environmental and sustainable development. He is a member of the Sudanese Environment Conservation Society and the UNESCO Water Resources Council. Higher Council for Environment and Natural Resources; P.O. Box 10488, Khartoum, Sudan; tel.: +249 11 78 7616/781479; fax: +249 11 777 017; e-mail: nadirawad@yahoo.com.

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 Rosengarden holds a Master’s degree in Chemical Engineering from the Royal University of Technology in Stockholm. Svea Hovrätt, Miljööverdomstolen, P.O. Box 2290, 10317 Stockholm.

**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 (ASBAMS), 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 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, 10330 Bangkok, Thailand; tel.: +662 255 3381; fax: +662 255 0780; e-mail: ssurapho@netserv.chula.ac.th.

**Ukraine**

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**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.