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I. EXECUTIVE SUMMARY

1. 2008 was a dynamic year for the Permanent Court of Arbitration (PCA). On April 22 the Administrative Council accepted the resignation of the PCA’s eleventh Secretary-General, Mr. Tjaco T. van den Hout, with effect from September 1. The council expressed its gratitude for Mr. Van den Hout’s service to the PCA since coming to office in May 1999 and wished him success in his return to diplomatic service.

2. The Administrative Council appointed by acclamation as his successor Mr. Christiaan M.J. Kröner, the former Netherlands Ambassador to, inter alia, the United States, France, Italy, and Israel. Mr. Kröner commenced his five-year term as the PCA’s twelfth Secretary-General on September 1.

3. In the course of the year under review, the PCA acted as registry in thirty-four cases. These included three state-state arbitrations (one of which was initiated under Annex VII of the 1982 United Nations Convention of the Law of the Sea (UNCLOS)), twenty-three investor-state arbitrations under bilateral or multilateral investment treaties, and eight arbitrations under contracts or other agreements to which at least one party is a state, state-controlled entity, or intergovernmental organization. Three long-standing arbitrations – the Eritrea-Ethiopia Boundary Commission, Saluka Investments B.V. v. Czech Republic, and the MOX Plant Case between Ireland and the United Kingdom – were concluded.

4. The PCA was requested to act as registry in twelve new cases in 2008, including ten cases brought pursuant to bilateral or multilateral investment treaties, one pursuant to a contractual claim, and an intra-state arbitration pursuant to a submission agreement.

5. During 2008, the PCA continued to serve as registry for the Eritrea-Ethiopia Claims Commission (EECC). The EECC held the second round of hearings in the damages phase of its proceedings in May 2008.

6. The PCA was appointed, in accordance with the Arbitration Agreement between the Government of Sudan and the Sudan People’s Liberation Movement/Army dated July 7, 2008, to serve as registry in the arbitration concerning the delimitation of the Abyei Area (Abyei Arbitration). The Arbitration Agreement provides for the arbitration to be conducted under the PCA Optional Rules for Arbitrating Disputes between Two Parties of Which Only One is a State, subject to such modifications as the Parties may agree in writing.

7. The PCA received a record thirty-four new requests for designation of an appointing authority or services as appointing authority under the UNCITRAL Arbitration Rules. These requests included twenty-seven requests that the Secretary-General designate an appointing authority and seven requests that the Secretary-General act as the appointing authority for the appointment of arbitrators.

8. With the accession of the Kingdom of Bahrain and the United Arab Emirates to the 1907 Convention for the Pacific Settlement of International Disputes, the number of PCA member states increased to 109.


10. In September 2008, at an official ceremony at the Peace Palace, the PCA’s Secretary-General and the Minister for Law and Justice for India, Mr. Hansraj Bhardwaj, signed a Host Country Agreement between the Government of India and the PCA, which will facilitate dispute-resolution activities of the PCA in India and on the Indian sub-continent.

11. Voluntary contributions to the PCA’s Financial Assistance Fund, which aims at helping eligible developing countries offset the costs involved in international arbitration or other means of dispute settlement offered by the PCA, were received from Switzerland, Norway, Lebanon, and the Netherlands. The Netherlands announced that it would donate € 700,000 over a period of four years, and also made a special contribution to the PCA for purposes of promoting the use of the fund amongst thirteen developing countries. A contribution by Norway of 2 million Norwegian kroner is earmarked for expenses relating to the Abyei Arbitration between the Government of Sudan and the Sudan People’s Liberation Movement/Army.

12. As part of the PCA’s efforts to encourage awareness of the Financial Assistance Fund, a legal counsel met with officials at the Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka in Colombo on October 2. The visit was conducted pursuant to the Netherlands’ special contribution to the PCA to promote the Financial Assistance Fund in thirteen countries.
13. The PCA website was expanded in 2008 by the addition of four language modules – Arabic, Chinese, Russian, and Spanish. Each site features basic information about the PCA and downloadable texts of the 1907 Convention for the Pacific Settlement of International Disputes.

14. In April, the PCA co-hosted a conference in Houston, Texas, on “Remedies in Commercial, Investment and Energy Arbitrations,” with the Houston International Arbitration Club, Inc., and the University of Texas School of Law. The program focused on the law, economics, advocacy, and enforcement of remedies in commercial, investment, and energy arbitrations.

15. The PCA’s cooperation with the International Council for Commercial Arbitration (ICCA) continued in 2008, with the publication of the “Yearbook Commercial Arbitration” (Volume XXXIII) and three supplements to the “International Handbook on Commercial Arbitration.”

16. The 2008 ICCA Conference, on the theme of the 50th anniversary of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, was held in Dublin in June. This was also the occasion for the launch of the new ICCA website: http://www.arbitration-icca.org.


18. The PCA in 2008 continued, in close cooperation with the Hague Justice Portal, to digitalise the PCA’s historic international arbitral awards, making them available for the first time in searchable electronic format.

19. The Secretary-General visited Jaipur, India, in February, to attend a seminar on International Mediation and Arbitration, jointly organized by the International Association of Lawyers and LAWASIA. In June, the Secretary-General made an official visit to the Republic of Turkey, where he was the guest of the Undersecretary of the Ministry of Foreign Affairs (MFA), H.E. Ambassador Erutigul Apakan. The Secretary-General also met with other senior officials of the MFA, Turkish Members of the Court of the PCA, and academics at the Avrasya Strategic Research Center in Ankara.

20. In May, the Secretary-General received the Minister of the Government of the Czech Republic, H.E. Mr. Cyril Svoboda, and the Ambassador of the Czech Republic, H.E. Mr. Petr Mareš, to discuss the PCA’s role in the peaceful resolution of disputes between states. In that month the Secretary-General also received a delegation of Judges of the Kingdom of Thailand. The Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCCC) visited the PCA in May to discuss with the Secretary-General the PCA’s role in providing dispute-resolution services to diverse actors within the international climate-change regime.

21. At the invitation of the Association of Southeast Asian Nations’ (ASEAN) High-level Legal Experts Group (HLEG), the Secretary-General attended the HLEG’s 4th Meeting in October, in Singapore. The meeting focused on the establishment of a dispute settlement mechanism for the ASEAN Charter, which was adopted by ASEAN’s ten member states in November 2007. The Secretary-General delivered a presentation on the PCA’s recent international arbitration and conciliation activities, and discussed possible ways in which the PCA may provide assistance to ASEAN.

22. The Deputy Secretary-General attended, as an observer, the Forty-eighth session of UNCITRAL Working Group II on Arbitration and Conciliation held in New York from February 4 to 8, and the Forty-ninth session of this Working Group in Vienna from September 15 to 19. He also attended the Joint Conference UNCITRAL/VIAC on 30 Years UNCITRAL Arbitration Rules in Vienna on March 13 and 14.

23. 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

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

25. 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).

26. 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.

27. 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

28. 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.

29. 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

30. The PCA provides full registry services 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 for 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 arbitrator deliberation room.

Financial Assistance Fund

31. 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 foreseen in 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 5 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.

32. Since the establishment of the Fund, Norway, Cyprus, the United Kingdom, South Africa, the Netherlands, Costa Rica, Saudi Arabia, Switzerland, and Lebanon have made contributions. Six grants of assistance have been made: one to a Central Asian state, one to an Asian state, one to a Central American state, and three to African states. In 2008, a grant was made to Nicaragua, and a grant was made to Sudan. The latter grant included a contribution from Norway which was specifically earmarked for detraying expenses in the Abyei Arbitration between the Government of Sudan and the Sudan People’s Liberation Movement/Army, the first time a state has made a contribution for use in a particular case. The Netherlands has also made a special contribution to the PCA for purposes of promoting the use of the Fund amongst certain developing countries.

![Movements in and out of the Financial Assistance Fund](image)

**International Cooperation**

33. 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.

34. 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. In 2007 a new cooperation agreement with ICCA was signed, providing for continued cooperation in the production of ICCA publications and provision of information to the PCA on developments in international arbitration.

35. The PCA is a member of the International Federation of Commercial Arbitration Institutions (IFCAI), which aims to establish and maintain permanent relationships among commercial arbitration institutions; facilitate the exchange and distribution of information on services offered and potential arbitrators and conciliators; promote and facilitate the publication of research on conciliation and arbitration; and exchange information on legislation, rules, non-confidential awards, and judicial decisions. This information facilitates the exercise of the Secretary-General’s special competence to designate appointing authorities under the UNCITRAL Arbitration Rules (see paragraph 60, below).

37. Through an exchange of letters in 2005 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 UN Convention on the Law of the Sea, and to explore cooperation in other areas.

**Host Country Agreements**

38. 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. 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.

39. 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 conditions similar to those guaranteed under the PCA’s Headquarters 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.

40. 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.

41. In the execution of the PCA’s Medium Term Plan for 2008–2011, a Host Country Agreement was concluded between the PCA and the Government of the Republic of India on September 19, 2008, to establish a legal framework under which future PCA-administered proceedings can be conducted in India on an ad hoc basis. This follows agreements concluded to establish PCA facilities in Costa Rica (2003; supplemented in 2007), Lebanon (signed in 2006; ratification pending), South Africa and Singapore (2007).

**Registry and Related Activities**

(a) Registry

42. In the course of 2008, the Permanent Court of Arbitration (PCA) acted as registry in a new record of thirty-four cases. These cases included three state-state arbitrations (one of which was initiated under Annex VII of the 1982 United Nations Convention of the Law of the Sea (UNCLOS)), twenty-three investor-state arbitrations under bilateral or multilateral investment treaties, and eight arbitrations under contracts or other agreements to which at least one party is a state, state-controlled entity, or intergovernmental organization. To the extent permitted by the parties’ confidentiality requirements, information on recent and pending cases is set forth in this report and in greater detail on the PCA’s website at http://www.pca-cpa.org.

43. The International Bureau serves as registry for the arbitral tribunal concerning the Bank for International Settlements (BIS Tribunal), established pursuant to Article XV of an Agreement signed at The Hague on
January 20, 1930. The tribunal is composed of Professor W. Michael Reisman (President), Professor Dr. Jochen Abr. Frowein, Professor Mathias Krahf, 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 before the BIS Tribunal.

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

45. 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 reported 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.

46. 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.”

47. The Commission met at the Peace Palace on September 5, 2007, 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.”

48. The Commission’s twenty-seventh and final Report to the Secretary-General of the United Nations, dated September 22, 2008, noted that “the Commission considers that it has fulfilled the mandate given to it” and that with the conclusion of “all administrative matters connected with the termination of its mandate, it now considers itself functus officio.”

49. 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 embarked on the damages phase of its work. The Commission held its sixth round of hearings - the second and final in its damages phase - at the Peace Palace in May 2008.

50. In 2008, the International Bureau continued to serve as registry in the arbitration of a dispute between Saluka Investments B.V. and the Czech Republic. The members of the arbitral tribunal were 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. This arbitration was settled and fully resolved in the course of 2008. The Partial Award of March 17, 2006, can be found on the PCA website.

between Ireland and the United Kingdom concerning a nuclear fuel reprocessing facility in the United Kingdom (MOX Plant Case). In 2003, the arbitral tribunal decided to suspend further proceedings in the MOX Plant Case, pending resolution of problems that had been raised regarding certain matters related to 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 2007, 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 arbitral tribunal was composed of Judge Thomas A. Mensah (President), Professor James Crawford, SC, Maitre 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 appointed The Rt. Hon. Lord Mustill, PC, as replacement arbitrator, in accordance with Article 7, paragraph 1(a), of the Rules of Procedure of the tribunal. On June 6, 2008, the tribunal issued Order No. 6, terminating the proceedings. This followed Ireland’s withdrawal of its claim against the United Kingdom on February 15, 2007.

52. The International Bureau served 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 arbitral tribunal was composed of Professor James Crawford SC (Chairman), Maitre 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.

53. The International Bureau is acting as registry and providing administrative support in an arbitration between the Government of Sudan and The Sudan People’s Liberation Movement/Army (Abyei Arbitration) in accordance with the Arbitration Agreement between The Government of Sudan and The Sudan People’s Liberation Movement/Army on Delimiting Abyei Area dated July 7, 2008. The members of the arbitral tribunal are Professor Pierre-Marie Dupuy (Presiding Arbitrator), H.E. Judge Awal Al-Khasawneh, Professor Gerhard Hafner, Professor W. Michael Reisman, and Judge Stephen Schwebel. The Arbitration Agreement provides for the arbitration to be conducted under the PCA Optional Rules for Arbitrating Disputes between Two Parties of Which Only One is a State, subject to such modifications as the parties may agree in writing. A preliminary meeting with the parties was held on November 24, 2008, at which Terms of Appointment and a schedule for written and oral submissions were agreed. All documents related to the case are made public via the PCA’s website. Pursuant to the parties’ Arbitration Agreement, the Presidency of the Republic of Sudan applied, on behalf of both parties, for assistance from the PCA’s Financial Assistance Fund and received a grant of EUR 400,000 in December 2008.

54. The International Bureau is providing administrative support in an arbitration brought by TCW Group, Inc. and Dominican Energy Holdings, L.P. against the Dominican Republic. The proceedings are being conducted under the UNCITRAL Arbitration Rules, pursuant to the Central America–Dominican Republic–United States Free Trade Agreement (CAFTA-DR). The arbitral tribunal comprises Professor Karl-Heinz Böckstiegel (Presiding Arbitrator), Professor Juan Fernández-Armesto, and Mr. Mark Kantor.

55. The International Bureau is providing administrative support in arbitration proceedings brought by Centerra Gold Inc. and Kumtor Gold Company against the Kyrgyz Republic. The arbitration is being conducted under the UNCITRAL Arbitration Rules, pursuant to the parties’ Investment Agreement of December 31, 2003, and Kyrgyz Law No. 66 “On Investments in the Kyrgyz Republic” of March 27, 2003. The sole arbitrator is Professor Albert Jan van den Berg.

56. The International Bureau is providing administrative support in an arbitration brought by Vito G. Gallo against the Government of Canada, which is being conducted under the UNCITRAL Arbitration Rules, pursuant to Chapter Eleven of the North American Free Trade Agreement (NAFTA). The arbitral tribunal consists of Mr. Juan Fernández-Armesto (Presiding Arbitrator), Mr. Jean-Gabriel Castel OC, QC, and Mr. John Christopher Thomas QC.

57. The International Bureau is providing administrative support in an arbitration brought by Chemtura Corporation (formerly Crompton Corporation) against the Government of Canada, which is being conducted under the UNCITRAL Arbitration Rules, pursuant to Chapter Eleven of NAFTA. The arbitral tribunal consists of Professor Gabrielle Kaufmann-Kohler (Presiding Arbitrator), Mr. Charles N. Brower, and Professor James Crawford QC.

(b) Iran–United States Claims Tribunal

58. 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 (Guest) Tribunals

59. 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 2008, the following guest tribunals made use of the PCA’s facilities:

- an ICSID ad hoc Committee held a hearing on March 31;
- an ICSID ad hoc Committee held a hearing on June 11;
- a Sole Arbitrator held hearings in ICDR proceedings from July 14 to 17;
- an ICSID Arbitral Tribunal held a hearing on August 5;
- an ICSID Arbitral Tribunal held a hearing on September 13;
- an ICSID ad hoc Committee held hearings from December 3 to 4;
- an ad hoc Arbitral Tribunal held a hearing on December 5; and
- an ICSID Arbitral Tribunal held a hearing on December 16.

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

60. Articles 6, 7 and 12 of the 1976 United Nations UNCITRAL Arbitration Rules, reproduced below, entrust the Secretary-General of the PCA with maintaining the integrity of the international arbitral process, by authorizing him, upon the request of a party, to designate an “appointing authority” for the purpose of appointing the members of an arbitral tribunal and ruling on challenges to arbitrators. Parties may also designate the Secretary-General as appointing authority under the UNCITRAL Rules or other instruments.

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


The General Assembly,

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

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

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

Noting that the Arbitration Rules were adopted by the United Nations Commission on International Trade Law at its ninth 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 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.

61. 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.

62. During 2008, the PCA received a record thirty-four new requests relating to its appointing authority services under the UNICTRAL Arbitration Rules or other ad hoc arbitration provisions. These requests included twenty-seven requests that the Secretary-General designate an appointing authority and seven requests that the Secretary-General act as the appointing authority for the appointment of arbitrators. In two cases, the Secretary-General was requested to designate an appointing authority to decide on a challenge or challenges, and in one case, the Secretary-General was requested to act as appointing authority to decide upon a challenge himself. In two cases, the Secretary-General was requested to replace appointing authorities that had been previously chosen by the parties.

Overview of Appointing Authority Activity in 2008

Case No. AA295: The Claimant, a South-East Asian company, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator in a dispute with the Respondent, another South-East Asian company. The Secretary-General designated an institution as appointing authority.

Case No. AA296-297: The Claimant, a South-East Asian company, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator in two separate proceedings against the Respondents, eight South-East Asian companies. The Secretary-General designated the same institution as appointing authority in both cases.

Case No. AA298: The Claimants, two European entities, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondent, an Asian state. The Secretary-General designated an individual as appointing authority.

Case No. AA299: The Claimant, a North American company, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator in a dispute with the Respondents, a European company and a European individual. The Secretary-General designated an institution as appointing authority.

Case No. AA300: In a dispute between the Claimants, one South-East Asian and three Australasian companies, and Respondents, one Australasian and three South-East Asian companies, the Claimants requested that the Secretary-General replace a previously agreed-upon appointing authority. The Secretary-General accepted the Claimants’ request and designated an institution as replacement appointing authority.

Case No. AA301: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint a sole arbitrator in a dispute with the Respondent, an international organization. The Claimant did not pursue its request; thus, no further action was taken by the Secretary-General.

Case No. AA302: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with the Respondent, a North American company. The Secretary-General designated an institution as appointing authority.

Case No. AA303: The Claimant, an Asian company, requested that the Secretary-General act as appointing authority to appoint the sole arbitrator in a dispute with the Respondent, a North American company. The Secretary-General conducted a list procedure and appointed a sole arbitrator.

Case No. AA304: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator in a dispute with the Respondents, two European companies. The Secretary-General designated an institution as appointing authority.

Case No. AA305: The Claimant, an Asian company, requested that the Secretary-General of the PCA designate an appointing authority for the appointment of the second arbitrator on behalf of the Respondent, also an Asian company. The Secretary-General designated an institution as appointing authority.
Case No. AA306: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondent, a European company. The Respondent subsequently appointed an arbitrator, to which the Claimant did not object. Accordingly, the Claimant withdrew its request.

Case No. AA307: The Claimant, a Middle Eastern company, requested that the Secretary-General act as appointing authority to appoint the presiding arbitrator in a dispute with the Respondent, another Middle Eastern company. The Secretary-General conducted a list procedure and appointed the presiding arbitrator.

Case No. AA308: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondents, the government and two state entities of a European country. The Secretary-General designated an individual as appointing authority.

Case No. AA309: The Claimants, a European company and a Middle Eastern company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondents, a Caribbean company and an Asian company. The Secretary-General designated an institution as appointing authority.

Case No. AA310: The Claimants, a European company and a Middle Eastern company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondents, a Caribbean company and an Asian company. The Secretary-General designated an institution as appointing authority.

Case No. AA311: The Claimants, a European company and a Middle Eastern company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondent, an Asian company. The Secretary-General designated an institution as appointing authority.

Case No. AA312: The Claimant, a Latin American company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondent, an intergovernmental organization. The Secretary-General designated an individual as appointing authority.

Case No. AA313: The Claimant, a Latin American company, requested that the Secretary-General act as appointing authority to appoint the presiding arbitrator in a dispute with the Respondent, another Latin American company. The Secretary-General conducted a list procedure and appointed the presiding arbitrator.

Case No. AA314: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator; and the Respondent, another Asian company, requested that the Secretary-General designate an appointing authority to resolve a challenge to the arbitrator appointed by the Claimant. The Secretary-General designated an institution as appointing authority.

Case No. AA315: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondent, an African State. The Secretary-General designated an individual as appointing authority.

Case No. AA316: The Claimant, a Latin American company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondent, another Latin American company. The Secretary-General designated an individual as appointing authority.

Case No. AA317: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondent, a Middle Eastern company. The Secretary-General designated an individual as appointing authority.

Case Nos. AA318-319: The Claimant, an autonomous joint subsidiary program of two intergovernmental organizations, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in two separate proceedings against the Respondents, two African individuals. The Secretary-General designated the same individual as appointing authority in both cases.

Case No. AA320: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, an Asian company. The Secretary-General designated an institution as appointing authority.

Case No. AA321: The Parties, the Government of Sudan and the Sudan People’s Liberation Movement/Army, jointly requested in their arbitration agreement that the Secretary-General serve as
appointing authority under the PCA Optional Rules for Arbitrating Disputes between Two Parties of Which Only One is a State. The Parties each appointed two co-arbitrators. The fifth and presiding arbitrator was appointed by the Secretary-General in consultation with the Party-appointed arbitrators, in accordance with the terms of the Parties’ arbitration agreement.

**Case No. AA322:** The Claimants, a Caribbean company and a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, a Middle Eastern company. The Secretary-General designated an individual as appointing authority.

**Case No. AA323:** The Claimant, a European company, requested that the Secretary-General replace a previously agreed-upon appointing authority to appoint the second arbitrator on behalf of the the Respondent, another European company. The Secretary General designated an institution as replacement appointing authority.

**Case No. AA324:** The Claimant, a European company, requested that the Secretary-General act as appointing authority to appoint the second arbitrator on behalf of the Respondents, a European company and two European individuals. The Respondents subsequently appointed an arbitrator, and the Claimant withdrew its request.

**Case No. AA325:** The Claimant, a European company, and the Respondent, a European state, requested that the Secretary-General act as appointing authority to decide upon the Respondent’s challenge to the arbitrator appointed by the Claimant. The Secretary-General sustained the challenge against the arbitrator appointed by the Claimant.

**Case No. AA326:** In a dispute between the Claimant, a North American company, and the Respondent, a Latin American State, each party submitted a challenge to the arbitrator appointed by the other Party. The Parties requested that the Secretary-General designate an appointing authority to decide upon the respective challenges. The Secretary-General designated an individual as appointing authority.

**Case No. AA327:** In a dispute between the Claimant, a European company, and the Respondent, an intergovernmental organization, the Parties agreed upon the Secretary-General to act as appointing authority for the appointment of the sole arbitrator. After conducting a list procedure, the Secretary-General appointed a sole arbitrator, in accordance with Article 6 of the UNCITRAL Rules.

**Case No. AA328:** The Claimant, an Eastern European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator on behalf of the Respondent, a Central Asian government. The matter is still pending.

**Environmental Dispute Resolution**

63. 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.

64. In promoting the use of the Environmental Rules in the year under review, a PCA legal counsel attended the first meeting of “Project: The Hague Espace for Environmental Global Governance” of the Institute for Environmental Security in The Hague on January 18. He also attended the meeting of the Working Group Secretariat of the Convention on Biological Diversity in Cartagena, Columbia, from March 12 to 19, and the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety in Bonn, Germany, from May 12 to 16.

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

**Mass Claims**

66. 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


68. The PCA has entered into an agreement with TMC Asser Press for the publication of a PCA Award Series. The Series features recent arbitral awards rendered under the auspices of the PCA, accompanied by commentary from pre-eminent international legal scholars.

69. 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.

Meetings, Conferences and Seminars

70. On March 2 and 3, the PCA again hosted pre-moot practice rounds at the Peace Palace and the TMC Asser Institute to prepare students for the annual Willem C. Vis International Commercial Arbitration Moot, held in Vienna from March 14 to 20.

71. The PCA, with the Houston International Arbitration Club, Inc., and The University of Texas School of Law, co-hosted a conference on “Remedies in Commercial, Investment & Energy Arbitrations” on April 17 to 18, in Houston, Texas. The conference focused on the law, economics, advocacy, and enforcement of remedies in commercial, investment, and energy arbitrations. This conference followed the successful symposium “Multiple Parties, Multiple Problems,” co-hosted by the PCA and held at the Peace Palace in May 2007.

PCA Publications

72. A compilation volume entitled “Multiple Party Actions in International Arbitration,” comprising the papers emanating from the 2007 conference “Multiple Parties, Multiple Problems,” was edited by the PCA’s International Bureau. The book was published by Oxford University Press in early 2009.

73. The fourth volume in the PCA Award Series, “The Rhine Chlorides Arbitration Concerning the Auditing of Accounts (Netherlands-France) Award of 2004,” was published in 2008 by TMC Asser Press. The volume, a bilingual edition, contains the official French version of the Award as well as an unofficial English translation. The volume includes a commentary by Professor Laurence Boisson de Chazournes on the contribution of the Award to international law.

Increasing Awareness of the PCA

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

75. The Secretary-General visited Jaipur, India, in February, to attend a seminar on International Mediation and Arbitration, jointly organized by the International Association of Lawyers and LAWASIA. In June, the Secretary-General made an official visit to the Republic of Turkey, where he was the guest of the Undersecretary of the Ministry of Foreign Affairs (MFA), H.E. Ambassador Ertegrul Apakan. The Secretary-General also met with other senior officials of the MFA, Turkish Members of the Court of the PCA and academics at the Avrasya Strategic Research Center in Ankara.

76. In May, the Secretary-General received Minister of the Government of the Czech Republic, H.E. Mr. Cyril Svoboda, and the Ambassador of the Czech Republic, H.E. Mr. Petr Mareš, to discuss the PCA’s role in the peaceful resolution of disputes between states. In that month the Secretary-General also received a delegation of judges of the Kingdom of Thailand. The Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCC) visited the PCA in May to discuss with the Secretary-General the PCA’s role in providing dispute-resolution services to diverse actors within the international climate-change regime.

77. The Secretary-General attended the inaugural Forum of the International Arbitration Institute on “The Review of International Arbitral Awards” in Burgundy, France, from September 14 to 18. On October 6 and 7, he represented the PCA at the Council of Europe Conference on “International Courts and Tribunals – The Challenges Ahead” in London. The Conference brought together the Legal Advisers of the Ministries for
Foreign Affairs of the Council’s member states; presidents, prosecutors, and registrars of international judicial bodies; and representatives of other states and international organizations.

78. Also in October, the Secretary-General attended the 4th meeting of the Association of Southeast Asian Nations’ (ASEAN) High-level Legal Experts Group (HLEG) in Singapore, at the invitation of HLEG. The meeting focused on the establishment of a dispute settlement mechanism for the ASEAN Charter, which was adopted by ASEAN’s ten member states in November 2007. The Secretary-General delivered a presentation on the PCA’s recent international arbitration and conciliation activities, and discussed possible ways in which the PCA may provide assistance to ASEAN.

79. The Deputy Secretary-General attended, as an observer, the Forty-eighth session of UNCITRAL Working Group II on Arbitration and Conciliation held in New York from February 4 to 8, and the Forty-ninth session of this Working Group in Vienna from September 15 to 19. He also delivered a speech at the Joint Conference UNCITRAL/VIAC on 30 Years UNCITRAL Arbitration Rules in Vienna on March 13 and 14, prior to representing the PCA, with an assistant legal counsel, at the 15th annual Willem C. Vis International Commercial Arbitration Moot from March 14 to 20. From April 9 to 12, he attended the Annual Meeting of the American Society of International Law in Washington, DC. On April 17 and 18, the Deputy-Secretary General attended, with a legal counsel, the “Remedies in Commercial, Investment and Energy Arbitrations” conference co-hosted by the PCA in Houston, Texas. In Paris, he attended meetings of the ICC Commission on Arbitration on May 24, and gave a presentation to the Club Español del Arbitraje in Madrid on May 30. He attended the ICCA Conference in Dublin from June 8 to 10, where he was a panelist commenting on the differences between the international commercial arbitration legal framework and the investment treaty arbitration legal framework. In August, the Deputy Secretary-General participated in the second Summer Academy of the International Foundation for the Law of the Sea (IFLOS) in Hamburg. On December 4, he gave a lecture to Master of Laws students at Groningen University on the role of arbitral institutions and the conduct of arbitration hearings.

80. The PCA’s Special Counsel and a legal counsel met with representatives of the Legal Service of the Council of the European Union in Brussels on May 15 to discuss the activities of the PCA and the work of the Council of the European Union in the areas of crisis management, conflict prevention, and end-of-conflict processes. On May 21, a legal counsel attended the conference on Arbitration and Mediation in the ACP (African, Caribbean and Pacific Group of countries)-European Union Relations, and on September 24, met with officials of the European Commission in Brussels and made a presentation on the services offered by the PCA.

81. From June 8 to 10, several legal counsel and the staff of ICCA publications attended the 19th ICCA Conference in Dublin, on the theme of the 50th anniversary of the New York Convention.

82. As part of the PCA’s efforts to encourage awareness of the Financial Assistance Fund, a legal counsel met with officials at the Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka in Colombo on October 2. Apart from highlighting the availability of the Financial Assistance Fund to Sri Lanka, the PCA’s recent international dispute resolution activities and host country agreements within the region were also discussed. The visit to Sri Lanka was conducted pursuant to a mandate from the Government of the Netherlands, which provided a separate grant to the PCA to promote the Financial Assistance Fund in thirteen countries.

83. A legal counsel gave lectures at the Chartered Institute of Arbitrators (Malaysia and Australia Chapters) Diploma on International Commercial Arbitration, Kuala Lumpur in June, and in August, participated as a lecturer in the United Nations Institute for Training and Research Fellowship Programme organized by the UN Office of Legal Affairs (Geneva).

84. A legal counsel attended a workshop on International Mass Claims Processes and Domestic Court litigation at the Amsterdam Center for International Law on December 4.

85. A legal counsel gave an extended lecture at Essex University on International Commercial Arbitration as part of the European Business Law Masters of Law program of Pallas (a consortium of nine European universities).

86. During 2008, the Secretary-General and other PCA staff members addressed groups of judges, lawyers, students, and other visitors to the Peace Palace on the activities of the PCA, and also gave a number of lectures elsewhere.

87. The Deputy Secretary-General taught a course on international arbitration from March to May to students enrolled in two Master of Laws programs at Leiden University. He also made presentations to students at the Hague Academy of International Law, on July 15, and on August 14.
III. STATE PARTIES TO THE CONVENTIONS OF 1899 AND 1907

88. The Kingdom of Bahrain acceded to the 1907 Convention for the Pacific Settlement of International Disputes on June 30, 2008, and became a member state effective August 29, 2008. On November 6, 2008, the United Arab Emirates acceded to the 1907 Convention, and became the 109th member state of the PCA effective January 5, 2009. A list of state parties to the 1899 and 1907 Conventions, as of July 6, 2009, is set forth in annex 1 to this report.

IV. MEMBERS OF THE COURT

89. Each member state is entitled to select up to four persons of “known competency in questions of international law, of the highest moral reputation and disposed to accept the duties of arbitrators” for inscription as a Member of the Court. A list of all the persons so inscribed as of May 12, 2009, along with brief biographical notes, is set forth in annex 6 to this report.

90. 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.

91. In accordance with Article 4, paragraph 1 of the Statute of the International Court of Justice, the Members of the Permanent Court of Arbitration appointed by each state party constitute “national groups” which are entitled to nominate candidates for election, by the General Assembly and the Security Council of the United Nations, to the International Court of Justice. In addition to this statutory role granted to the Members of the PCA, they may also propose candidates for the Nobel Peace Prize.

V. SPECIALIZED PANELS

92. The PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment were adopted on June 19, 2001, and the Optional Rules for Conciliation of Disputes Relating to Natural Resources and/or the Environment were adopted on April 16, 2002. The working group, drafting committee and member states agreed that, given the highly technical nature of most environmental disputes, tribunals and conciliation committees should be made up of highly skilled experts on the subject matter. At the Administrative Council meeting of June 19, 2001, member states agreed to nominate one environmental law expert and one environmental science expert to be appointed to the lists of persons referred to in Articles 8(3) and 27(5) of the Environmental Arbitration Rules. The Secretary-General may make these lists available to assist the parties, the tribunal, and/or the appointing authority, depending on the circumstances of the case. A list of members of the specialized panels as of May 12, 2009, is set forth in annex 7 to this report, and includes nominations put forth by the Secretary-General.

VI. ADMINISTRATIVE MATTERS

Administrative Council

93. 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.”

94. At its regular meeting on April 23, 2008, 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 2007.

95. 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 2008, the representative of Jordan succeeded the representative of Ireland, who served as a member of the Committee from 2006 through 2007. As of January 1, 2008, the Committee was composed of the representatives of Italy, Japan, and Jordan. During the year under review, the Committee met on March 10, prior to the regular spring meeting of the Administrative Council on April 23, 2008.

96. 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 12, 2008.

**International Bureau Staff**

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

- **Secretary-General:** Mr. Christiaan Kröner (from September 1, 2008)
  Mr. Tjaco T. van den Hout (until September 1, 2008)
- **Deputy Secretary-General:** Mr. Brooks W. Daly
- **General (Special) Counsel:** Mr. Maurizio Brunetti
- **Legal Counsel:** Ms. Dane Ratliff (until November 30, 2008)
- **Legal Counsel/Chief Editor:** Ms. Belinda Macmahon
- **Legal Counsel:** Mr. Guillaume Tattevin (until January 29, 2008)
- **Legal Counsel:** Ms. Sarah Grimmer
- **Legal Counsel:** Mr. Paul-Jean Le Cannu
- **Legal Counsel:** Ms. Judith Levine (from May 26, 2008)
- **Legal Counsel:** Mr. Aloysius Lamzon (from September 8, 2008)
- **Assistant Legal Counsel:** Ms. Martin Doe (from January 21, 2008)
- **Assistant Legal Counsel:** Ms. Rocio Digón (until September 30, 2008)
- **Assistant Legal Counsel:** Ms. Fedelma Claire Smith (until August 26, 2008)
- **Assistant Legal Counsel:** Ms. Rita Labib Feghali
- **Assistant Legal Counsel:** Ms. Xin Pei
- **Assistant Legal Counsel:** Ms. Catherine Quinn (from September 8, 2008)
- **Finance Officer:** Mr. Riny van Eekelen
- **Editor/Administrator:** Mr. Theodore Mercredi
- **Secretary to the Secretary-General:** Ms. Kimberly Pronk
- **Legal Secretary:** Ms. Evelien Pasmantier Meulen
- **Legal Secretary:** Ms. Eloise Gautier (until March 14, 2008)
- **Legal Secretary:** Ms. Helen Pin
- **Legal Secretary:** Ms. Maita Borromeo (until November 28, 2008)
- **Legal Secretary:** Ms. Gaëlle Chevalier (from June 24, 2008)
- **Secretary:** Ms. Vilmante Blink

**ICCA Publications**

- **Managing Editor, ICCA:** Ms. Silvia Borelli
- **Legal Counsel/Senior Editor:** Ms. Tamela Smith (until November 14, 2008)
- **Legal Counsel/Executive Editor:** Ms. Lise Bosman (from November 10, 2008)
- **Assistant Managing Editor:** Ms. Alice Siegel
- **Sub-Editor:** Ms. Mary Kendrick (from May 6, 2008)

**Legal Assistant and Internship Programs**

98. In 2008 the PCA’s fellowship program expanded to include two participants, from one participant in recent years. Participants in this program spend twelve months at the International Bureau working closely with legal staff and arbitral tribunals. The candidates accepted to the program for 2008/2009 were:

- Aloysius Lamzon: J.S.D. (Doctor of the Science of Law) Cand., LL.M., Yale Law School (New Haven, Connecticut); J.D., A.B., Ateneo de Manila University (Philippines);
- Catherine Quinn: B.C.L./LL.B., McGill University (Montreal); Diplôme d’études collégiales (Law and Society), Dean’s Honour List, Dawson College, Montreal.

99. 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 2008:
- Céline Lachmann (French): LL.M. (International Law), Bristol University; *Master Bilingue des Droits de l’Europe, Maîtrise de Droit International*, University of Paris X, Nanterre.
- Monique Cormier (Australian): LL.B. first class honours, Graduate Diploma in Legal Practice, B.A. (International Studies), University of Adelaide.
- Véronique Laughlin (French/American): J.D., University of California, Berkeley, School of Law (Boalt Hall); M.A. (International Relations), Institut d’Etudes Politiques de Paris; B.A. (Political Science/European and Russian Studies) *summa cum laude*, University of California, Los Angeles.
- Akinjide Adesokan (Nigerian): LL.M. (Petroleum Law and Policy), University of Dundee; Bar Vocational Course, Inns of Court School of Law; LL.B. (Honours) (European, International and Comparative Law), University of Sheffield.
- Simone-Prudence Zogo Mvogo (Cameroonian): *Master II Option Contentieux International, Master I Option Contentieux International*, Institut des Relations Internationales du Cameroun; *Maîtrise en Droit Privé*, University of Yaoundé; *Licence en Droit*, University of Dschang (Cameroon).
- José Antonio Reyes (Costa Rican): LL.M., American University, Washington College of Law; LL.M, LL.B, Universidad Latina de Costa Rica.
- Erwann Nicot (French): Paris Bar School, Postgraduate diploma, University of Paris I, Panthéon-Sorbonne; LL.M. (International Business Law) with merit, University of Exeter (United Kingdom); *Maîtrise (Business Law)*, LL.B. *cum laude*, University of Rennes (France).

**Budget and Finance**

100. The Combined Financial Report (containing the Audited Financial Accounts 2008 and the Budget Performance Report 2008), was duly examined by the Financial Committee on March 12, 2009, considered by the Budget Committee on March 17, 2009, and approved by the Administrative Council on May 12, 2009. It is available to member states in a supplement to this report.

101. 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.

102. 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 24, 2007. 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 International 1999) pp. 29-281.

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* 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.

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<td>Vallotton¹</td>
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<td>Huber</td>
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<td>23. States of Levant under French Mandate - Egypt*</td>
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# INTERNATIONAL COMMISSIONS OF INQUIRY


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1. The names of the presidents are typeset in bold.
2. In conformity with the Inquiry Convention, this report was transmitted by the Parties to the Arbitral Tribunal charged with deciding these cases. As the Parties agreed to settle these cases, the report was not published.
## INTERNATIONAL CONCILIATION COMMISSIONS


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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 Gilbert 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. Ahmed Al-Koshehi (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.
FINANCIAL ASSISTANCE FUND
FOR SETTLEMENT OF INTERNATIONAL DISPUTES

DAC LIST OF ODA RECIPIENTS
EFFECTIVE FOR REPORTING 2008, 2009 AND 2010 FLOWS*

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<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>Afghanistan</td>
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<td>Côte d’Ivoire</td>
<td>Albania</td>
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<td>Rwanda</td>
<td>China</td>
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<td>Sao Tome and</td>
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<td>Republic of</td>
<td>Marshall Islands</td>
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1. Territory.
2. Antigua & Barbuda and Oman exceeded the high income country threshold in 2007. In accordance with the DAC rules for revision of this List, both will graduate from the List in 2011 if they remain high income countries until 2010.
3. Barbados, Trinidad & Tobago exceeded the high income country threshold in 2006 and 2007. In accordance with the DAC rules for revision of this List, both will graduate from the List in 2011 if they remain high income countries until 2010.
4. At present aid to Kosovo is recorded under aid to Serbia. Kosovo will be listed separately if and when it is recognised by the UN.

MEMBERS OF THE PERMANENT COURT OF ARBITRATION

LISTE DES MEMBRES DE LA COUR PERMANENTE D’ARBITRAGE

July 6, 2009

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. Libertad Gral. San Martín 4408, piso 13°, 1424 Buenos Aires, Argentina.

Dr. RAÚL EMILIO VINUESA, Raul Emilio Vinueza. 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, Avda. 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

Professor IVAN A. SHEARER, A.M. RFD., Emeritus Professor of Law, University of Sydney, Adjunct Professor of Law at the University of South Australia, former Challis Professor of International Law, Judge ad hoc at the International Tribunal for the Law of the Sea, Member, former member of the UN Human Rights Committee (2001-2008), Vice President (2006-2008). Past President of the Australian Branch of the International Law Association, specializations: law of the sea, law of armed conflict, national security law, extradition law, international human rights law, Faculty of Law, University of Sydney, Building F10, Sydney NSW 2006, Australia; fax: +6129351 0200.

Professor HILARY CHARLESWORTH, Professor of International Law at the Australian National University since 1998; Australian Research Council Federation Fellow; educated at the University of Melbourne and Harvard Law School; inaugural President of the Australian and New Zealand Society of International Law, visiting Professor at Harvard Law School, New York University Global Law School, Universite de Paris (I), University of

Date of appointment

Date of latest renewal

 Argentine

26 - 04 - 1995

21 - 11 - 2007

21 - 11 - 2007

25 - 07 - 1997

21 - 11 - 2007

28 - 01 - 2005

23 - 10 - 1986

17 - 06 - 2005

22 - 04 - 2009
California at Los Angeles. Specialisations: public international law, international human rights law, use of force, law of armed conflict, peacebuilding and post-conflict legal regimes. Australian National University, Acton, Australian Capital Territory 0200, Australia; email: hilary.charlesworth@anu.edu.au; fax: +61 26125 1507.

The Honourable ROBERT SHENTON FRENCH, Chief Justice of the High Court of Australia since 1 September 2008, formerly a Judge of the Federal Court of Australia since 1986, President of the National Native Title Tribunal from 1994 to 1998. Formerly a member of the Supreme Court of Fiji, additional member of the Supreme Court of the Australian Capital Territory, Deputy President of the Australian Competition Tribunal, Member of the Australian Law Reform Commission and former President, Australian Association of Constitutional Law. High Court of Australia, PO Box 6309, Kingston, ACT 2604; fax: +61 262706947.

Mr STEPHEN GAGELER SC, Solicitor-General of Australia, Barrister and Solicitor of the High Court of Australia, Barrister of the Supreme Court of New South Wales; L17, Law Courts Building, Queen’s Square, Sydney, NSW 2000, Australia; fax: +61 292308920.

Austria

Em. univ. prof. Dr. MANFRED ROTTER, Professor for Public International Law, European Community Law and International Relations (1983 - 2004); Head of the Institute for European Community Law (1990 - 2004); Head of the Institute for Public International Law and International Relations (1996 - 2004); Member of the Scientific Board of the Conference of Rectors of the Alps-Adriatic Community (1982-97); Director of the European Documentation Centre of the European Commission at Johannes Kepler University Linz (1990 - 2004); Member of the Advisory Board for Nuclear Affairs at the Federal Ministry for Environment (since 1990); Member of the Governing Board of the Joint Programme of the Czech Republic and Austria for Scientific Co-operation (since 1996). Memberships: International Law Association; German Society of International Law; Austrian Society of European Law; Austrian Commission of Jurists; Austrian Law Association; Austrian Society of Political Science; International Law Association (Austrian branch). Fields of specific expertise: International Lawmaking Processes; International Treaty Law; International Security Cooperation (on various levels); International Environmental Law (e.g. legal dimension of sustainability); Nuclear Security; Humanitarian Law; Johannes Kepler Universität Linz, Altenbergerstrasse 69, 4040 Linz, Österreich.

Univ. prof. Dr. WOLFRAM KARL, Professor for International Law at the University of Salzburg (since 1989) and Head of the Department of International Law (where he spent most of his academic career); Scientific Director of the Austrian Human Rights Institute in Salzburg (since 2004) where he had been Managing Director since 1990; Honorary Professor at the University of Innsbruck; Guest Professor at the McGeorge School of Law, Sacramento, California, and at the Universities of Maribor and Frankfurt/Oder; Head of Department for Human Rights in the Federal Ministry for Foreign Affairs of Austria (1988/89); ECFR (Council of Europe) in 1994/95; Observer Missions for the OSCE 1992 in Belarus, Moldova and Ukraine; Missions for the United Nations in Iraq/Iran 1985 and 1988 (POW camps); venia legendi for international law and international relations (Salzburg 1981); Legal Department of the European Free Trade Association (EFTA) in Geneva (1969/71); LL.B. (Cambridge 1965/67); Dr.iur. (Vienna 1964). Memberships: German Society for International Law; Austrian Commission of Jurists. Fields of specific expertise: Human rights, Humanitarian Law, Protection of Minorities, Law of Treaties. Address: University of Salzburg, Churfirstenstrasse 1, A-5020 Salzburg, Austria; tel.: +43 662 8044 3651 or 3650; fax: +43 662 8044 135; e-mail: wolfram.karl@sbg.ac.at.

Univ. prof. Dr. CHRISTOPH SCHREUER, Professor of International Law at the University of Vienna since October 2000. Edward B. Burling Professor of International Law and Organization at the Paul H. Nitze School of Advanced International Studies (SAIS) of the Johns Hopkins University in Washington, D.C. 1992 to 2000. Professor of International Law at the University of Salzburg 1970-2000. Membership: ICSID Panel of Conciliators and Arbitrators; Chairman ILA Committee on the Law of Foreign Investment 2003-2008; International Arbitration Institute; The London Court of International Arbitration; German Society for International Law; American Society of International Law; Austrian Society for International Law; Board of Editors Austrian Review of International and European Law; Fields of specific expertise: International Investment Law; Peaceful Settlement of Disputes; International
Arbitration; Arbitrator in ICSID and UNCITRAL investment arbitrations. Address: University of Vienna; Juridicum Schottenbastei 10-16, Stg. 2, 5, Stock, A-1010 Wien, Austria; tel.: +43 1 4277 35314; fax: +43 1 4277 9353; e-mail: christoph.schreuer@univie.ac.at.

Univ. prof. Dr. GERHARD HAFNER, Professor for International Law at the University of Vienna (since 1990); Professor, Diplomatic Academy, Vienna; Permanent Guest Professor, Law Faculty, Comenius University, Bratislava; Professor, Vysoka Škola Prava, Bratislava, Jurisconsult of the Austrian Ministry for International and European Affairs. Memberships: Membre de l’Institut de Droit International; President, Austrian Branch, International Law Association; Chairman, ILA-Comité on Succession of States; Member of the Council of the German Society for International Law; Member of the Austrian Delegation to the General Assembly of the United Nations; Chairman, Academic Commission of the Diplomatic Academy in Vienna; Member, American Society of International Law; Member, Société française pour le droit international; Member, Austrian Society for European Law; Member of the Committee of Publishers, Austrian Review of International and European Law; Member, Austrian Society for Foreign Policy; Member, Programm Volgadoc (Grenoble, Amsterdam, Universities of the district Volga of the Russian Federation, 2003 - 2006); Former member of the International Law Commission of the United Nations (ILC), Member of the Arbitration Panel in the MOX case (Ireland v United Kingdom), Governing Board of the European Studies Institute (Moscow). Fields of specific expertise: International Law for the prevention of transboundary damages and liability; Peaceful settlement of disputes; Codification of International Law; European Law; Law of Neutrality; Territorial aspects of International Law; Succession of States; International Criminal Law, Law of the Sea. Address: University of Vienna, Schottenbastei 10-16, Stiege 2, 5, Stock, A-1010 Wien, Austria; tel.: +43 1 4277 35306; fax: +43 1 4277 35321; e-mail: gerhard.hafner@univie.ac.at.

Bahrain

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His Excellency Mr. MIKHAIL M. KHVOSTOV, Deputy Prime-Minister and Minister of Foreign Affairs of the Republic of Belarus, former Ambassador of the Republic of Belarus

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to Canada, specializations: public international law, international economic law, international organizations, diplomatic and consular law, treaty law, 19 Lenin Str., Minsk 220050, Belarus; fax: +375 17 227 45 21.

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**Benin**

Maître ROBERT DOSSOU.

M. le Professeur MAURICE FIFATIN.

Maître ABRAHAM ZINZINDOHOUE.

M. THÉODORE C. LOKO.

**Bolivia**

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

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

Dr. ALBERTO ZELADA CASTEDO.

BRAZIL


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


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BULGARIA

Mr. DIMITAR GOCHEV, Member of the Arbitration Court of the Bulgarian Chamber of Commerce and Industry; Vice-President of the Bulgarian Union of Lawyers; Former Judge at the Constitutional Court of the Republic of Bulgaria; Former Arbitrator at the International Chamber of Commerce, Paris; Former Judge at the European Court of Human Rights, Strasbourg; Former Vice-President of the Supreme Court of the Republic of Bulgaria; Former Chairman of the Commercial Department of the Supreme Court of the
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Members de la CPA - Annexe 6

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<tr>
<th>Annex 6 - PCA Members</th>
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<td>Dr. ÁRPÁD PRANDLER, Honorary professor of international law; Chairman of the Hungarian Branch of the International Law Association; Ad litem Judge of the International Criminal Tribunal for the Former Yugoslavia, The Hague; formerly Director and Deputy to the Under-Secretary General for Disarmament, United Nations, New York; Chairman of the Sixth (Legal) Committee of the UNGA (2002-03); Ambassador, former Head of the International Law Department, Ministry of Foreign Affairs; former Chairman of the National Advisory Committee on International Humanitarian Law. Churchillplein 1, 2517 JW, The Hague.</td>
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<td>Prof. Dr. JÁNOS BRUHÁCS, Professeur de droit international public à l’Université de Pécs et à l’Université Calviniste à Budapest, spécialisations: droit des cours d’eau internationaux, droit des traités, responsabilité internationale à cause des dommages environnementaux transfrontalières; 48-astér 1, 7622 Pécs, Hongrie ; fax : +36 72 21 51 48.</td>
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<tr>
<td>Honourable MILON K. BANERJI, Attorney General for India, B.Sc. (Gold Medalist) and L.L.B. from Allahabad University, LL.M. in International Law and Research Diploma in International law from Cambridge University. Barrister and Honorary Bencher of Lincoln’s Inn, started practice in the Allahabad High Court and shifted to the Calcutta High Court and then to the Supreme Court of India, Lecturer in Law in Calcutta University; was Additional Solicitor General of India from 1979-1986, Solicitor General of India from 1986-1989, Attorney General for India from 1992-1996 and again appointed Attorney General for India on the 5th of June, 2004; recipient of India’s second highest National Award the Padma Vibhushan. F-19, Maharani Bagh, New Delhi-110 065, India; tel.: +91 11 26834834 &amp; 23383254; fax: +91 11 23782101 &amp; 26324479.</td>
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<td>Mr. Y.K. SABHARWAL, Chief Justice of India, Judge at the Supreme Court of India since January 28, 2000, Chief Justice since November 1, 2005, former Judge of Delhi High Court; Acting Chief Justice of Delhi High Court and Chief Justice of the Bombay High Court. Mr. Sabharwal has held various other positions, including Secretary and President of the Bar</td>
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République démocratique populaire lao

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**Annex 6 - PCA Members**

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<td>Mr. MIGUEL J. MORENO</td>
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<td>Mr. CARLOS IVAN</td>
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<td>Prof. MARIO JUlio GALINDO</td>
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**Roumanie**

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**Russian Federation**  
**Fédération de Russie**

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<table>
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<th>Country</th>
<th>Name</th>
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<tr>
<td>Saudi Arabia</td>
<td><strong>Saudi Arabia</strong></td>
<td><strong>Dr. OMAR BIN ABU BAKAR BAKHSHAB</strong></td>
<td>Associate Professor in Public International Law, Head of Department of Law, King Abdul-Aziz University, Jeddah, Member of the Legal Appellate Commission for Settling Customs and Excises Disputes in Makkah Region, Member of the Saudi Arbitration Group.</td>
<td>15 - 01 - 2003</td>
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<tr>
<td></td>
<td><strong>Sheikh IBRAHIM BIN SULEIMAN AL RASHID</strong></td>
<td>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).</td>
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<td><strong>Sheikh SALIH BIN OTHMANE AL SALIH</strong></td>
<td>former Assistant Cultural Attache, Saudi Embassy, London (1968-1972), former Investigator and Sharia Consultant, Ministry of the Interior, President of Commercial and Criminal Circuit Courts, Cassation Judge and President of the Board of Grievances, Makah Al-Mukarrrmah Province and President of the Commercial Circuit Court.</td>
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<td><strong>H.R.H. Prince Dr. BANDAR BIN SALMAN BIN MOHAMMAD AL SAUD</strong></td>
<td>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.</td>
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<td>Senegal</td>
<td><strong>Senegal</strong></td>
<td><strong>Son Excellence M. GUIBRIL CAMARA</strong>, Premier Président de la Cour de Cassation, ancien Procureur général près la Cour de Cassation depuis le 29 juillet 1993, Président de la Commission nationale des fugitifs, Membre du Comité contre la torture.</td>
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<td><strong>Son Excellence Mme MIREILLE NDIAYE</strong>, Magistrat, ancien Inspecteur général de l’Administration de la Justice, ancien Procureur général près la Cour de Cassation de la</td>
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République du Sénégal : Cour de cassation, Corniche Ouest, B.P. 15184 Dakar-Fann, Sénégal ; tél. : +221 889 10 24 ; fax : +221 822 64 37.

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**Singapore**


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**Annex 6 - PCA Members**

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<th>Country</th>
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<td><strong>Serbia</strong></td>
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<td></td>
<td>Prof. Dr. VOJIN DIMITRIJEVIC, Dr. iur., University of Belgrade. Dr. h.c., McGill University. DCL, <em>honoris causa</em>, University of Kent at Canterbury. Chevalier, <em>Legion d’Honneur</em>. Winner of the 2007 Prize for Tolerance of the Danubian Bureau. Winner of the 2007 title of the “Most European” in Serbia. Professor of Public International Law, Union University Law School, Belgrade. Director, Institute for Human Rights, and professor of International Law and International Relations, State University of Belgrade Law School. Director of the Post-Graduate Programme in European Law at the Faculty of Law. Dismissed in 1998 because of opposition to the new University Act. Member, <em>Institut de Droit International</em>. Member, Permanent Court of Arbitration Member, Venice Commission for Democracy through Law, Council of Europe. Commissioner, International Commission of Jurists. Founding member, Balkan Political Club. Member, Executive Committee of the Association of Human Rights Institutes (ARRI). Judge Ad Hoc on the International Court of Justice in the case concerning <em>Application for Revision of the Judgment of 1 July 1996 in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)</em>; Counsel for the applicants in the case <em>Bankovic et al v. Belgium et al.</em> before the European Court of Human Rights (1999-2000). Chairman, Legal Council of the President of Serbia; Chairman, Governing Board of the Yugoslav Film Archives; Member, Serbian PEN Centre. Chairman, Programme Council of the Foundation “Dr. Zoran Dindic”. Former Member of Presidency, Civic Alliance of Serbia. Former Chairman, Council of the Institute for International Politics and Economy, Belgrade. Former member, rapporteur and vice-chairman of the UN Human Rights Committee. Former president, European Movement in Serbia Chairman, Former chairman, Council of Human Rights of the Centre for Antiwar Action, Former chairman of the Yugoslav Forum for Human Rights. Former professor, Yugoslav Association for International Law Visiting professor at the universities in Split, Sarajevo, University of Virginia, the Norwegian Institute of Human Rights, University of Oslo, and at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, University of Lund. Lectured extensively on human rights issues in many countries of the world; Bulevar oslobođenja 139, 11040 Belgrade, Serbia; tel.: +381 11 344 71 21; e-mail: <a href="mailto:vojin@bgdream.com">vojin@bgdream.com</a>.</td>
<td>15 · 01 · 2002</td>
<td>10 · 04 · 2008</td>
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<td></td>
<td>Prof. Dr. DOBROSAV MITROVIC, Member of the International Academy of Comparative Law, Member of the Law and Practice Institute of the International Affairs of the ICC, President of the External Commercial Arbitration in Belgrade, President of the Council Institute of Comparative Law, President of the Yugoslav Commission for the succession of the Federated Republic of Yugoslavia; former Professor of Comparative Law, University of Strasbourg (1968-1975), former Professor, University of Paris II, former President of the Committee of the International Association of Legal Sciences (1983-1993), former Member of the Court of Arbitration of the International Chamber of Commerce (1988-2000), former President of the Yugoslav Association of the Comparative Law.</td>
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<td>Prof. Dr. OBRAD RACIC, former Professor of International Law and International Organisation, University of Belgrade; Gospodar Jovanova 11, 11000 Belgrade, Serbia; tel.: +381 11 263 83 63; e-mail: <a href="mailto:o.racic@eunet.yu">o.racic@eunet.yu</a>.</td>
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<td>Dr. TIBOR VARADY, (S) J.D. Harvard) - Professor of Law, Central European University and Emory University (earlier Novi Sad University). Author of more than 250 publications dealing with International Commercial Arbitration, Private International Law, International Commercial Law, and International Law. Acted as arbitrator in more than 200 cases. Acted as agent, counsel and advocate in three cases before the International Court of Justice. Member of the lists of arbitrators at the Serbian Chamber of Commerce, Croatian Chamber of Commerce, Slovenian Chamber of Commerce, Chamber of Commerce of Bosnia and Herzegovina, Macedonian Chamber of Commerce, Hungarian Chamber of Commerce, and of the Cairo Regional Center for Commercial Arbitration; Kej zrta ve racije 2, 21000 Novi Sad, Serbia; e-mail: <a href="mailto:varadyt@ceu.hu">varadyt@ceu.hu</a>.</td>
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<td><strong>Singapour</strong></td>
<td><strong>Singapore</strong></td>
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**Members of la CPA - Annexe 6**

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**Slovenia**  
**Slovénie**

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**South Africa**  
**Afrique du Sud**

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Spain

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June 5, 2008

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Canada

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Judge TUILOMA NERONI SLADE, OS.

22 - 09 - 2006
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**Commission Spécialisée d’Experts Scientifiques**

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

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Canada

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**Latvia**

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Sweden

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Switzerland

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**United States of America**

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**Uruguay**

Mr. VICTOR CANTON.