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I. EXECUTIVE SUMMARY

1. In the course of 2009, the Permanent Court of Arbitration (PCA) administered a record number of fifty-four cases, including its first intra-state arbitration, in which the final award was delivered approximately one year after the parties’ arbitration agreement was deposited at the PCA and within nine months of the constitution of the Tribunal.

2. The PCA’s fifty-four pending registry cases, twenty-two of which were submitted to the PCA in 2009, included: two state-state arbitrations (including the Eritrea-Ethiopia Claims Commission, which rendered its final award on damages); one intra-state arbitration; thirty-three investor-state arbitrations under bilateral or multilateral (investment) treaties; sixteen arbitrations under contracts or other agreements to which at least one party is a state, state-controlled entity, or intergovernmental organization; two cases under national investment laws; and two cases under the PCA Optional Rules for Arbitration of Disputes relating to Natural Resources and the Environment.

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

4. With the accession of Madagascar to the 1907 Convention for the Pacific Settlement of International Disputes, the number of PCA member states increased to 110.


6. 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 the Netherlands and France. Disbursements from the Financial Assistance Fund were made to three African countries, including Sudan for the arbitration between The Government of Sudan and The Sudan People’s Liberation Movement/Army (“Abyei Arbitration”). The contribution from France was given specifically for the Abyei arbitration.

7. As part of the PCA’s efforts to encourage awareness of the Financial Assistance Fund, a legal counsel met with the permanent representatives to the United Nations from Uganda, Rwanda, Yemen, Democratic Republic of Congo and Afghanistan in New York and with the Ministry of Justice of Uganda in Kampala. Both visits were conducted pursuant to the Netherlands’ special contribution to the PCA to promote the Financial Assistance Fund in thirteen countries.

8. In May, the PCA co-hosted a conference at the Peace Palace on “Weighing the Facts: Information Exchange and Presentation of Evidence in International Commercial and Investment Arbitration” with the Houston International Arbitration Club, Inc. and the University of Texas School of Law.

9. The PCA’s cooperation with the International Council for Commercial Arbitration (ICCA) continued with the publication of the Yearbook Commercial Arbitration (Volume XXXIV), four supplements to the International Handbook on Commercial Arbitration, and ICCA Congress Series no. 14, entitled “50 Years of the New York Convention.”

10. The fifth and sixth volumes in the PCA Award Series, covering the “OSPAR Arbitration” between Ireland and the United Kingdom (award of 2003) and the “Barbados/Trinidad and Tobago Arbitration” between Barbados and Trinidad and Tobago (award of 2006), respectively, were both published by TMC Asser Press.

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

12. At the invitation of the Indian Society of International Law (ISIL) on the occasion of its 50th anniversary, the Secretary-General made a presentation at the Sixth International Conference on International Law in the Contemporary World. While in India, he was also received by the Minister for Law and Justice.
13. The Secretary-General made an official visit to Bangladesh, where he was received by the State Minister for Foreign Affairs, the Minister of Law and the Assistant Secretary (UN) of the Ministry of Foreign Affairs.

14. The Secretary-General visited Washington DC and met with the Secretary-General of the Organization of American States, the Acting Legal Adviser of the U.S. State Department, and the then nominated (now current) Legal Adviser to the U.S. State Department, and the Acting Secretary-General of the International Centre for Settlement of Investment Disputes (ICSID).

15. The Deputy Secretary-General and a legal counsel attended, as an Observer, the Fiftieth and Fifty-first sessions of UNCITRAL Working Group II on Arbitration and Conciliation.

16. 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

17. 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 lasting peace, and above all, of limiting the progressive development of existing armaments.” 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.

18. 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 rules 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).

19. 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.

20. 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

21. 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.

22. 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 Services and Facilities

23. 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.

24. The PCA can also provide facilities for hearings pursuant to its regional facility and host country agreements.

Financial Assistance Fund

25. The PCA Financial Assistance Fund was established by the Administrative Council in October 1994 with the aim of helping developing countries meet part of the costs involved in international arbitration or other means of dispute settlement offered by the PCA. The Fund relies on voluntary contributions and is available to qualifying states that are state parties to the Convention of 1899 or 1907 and that: (1) have concluded an agreement for the purpose of submitting one or more disputes, whether existing or future, for settlement by any of the means administered by the PCA; and (2) at the time of requesting financial assistance from the fund, are listed on the “DAC List of Aid Recipients” prepared by the Organization for Economic Co-operation and Development (OECD), set out in annex 5c to this report. A qualifying state may seek financial assistance from the Fund by submitting a written request to the Secretary-General of the PCA. An independent Board of Trustees decides on the request. The fund’s Terms of Reference and Guidelines, as well as the composition of the Board of Trustees, have been reproduced in annex 5a to this report.

26. Since the establishment of the Fund, Norway, Cyprus, the United Kingdom, South Africa, the Netherlands, Costa Rica, Saudi Arabia, Switzerland, Lebanon and France have made contributions. In 2009, contributions were made by the Netherlands and France.

27. To date, grants of assistance have been made to a Central Asian state, an Asian state, a Central American state and five African states. In 2009, disbursements were made from the Fund to three African States, including Sudan. The disbursement to Sudan was pursuant to a contribution by France specifically earmarked for the Abyei Arbitration which followed the example of a contribution from Norway in 2008. 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
1995 - 2009

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International Cooperation

28. In 1968, the PCA entered into its first cooperation agreement with the International Centre for Settlement of Investment Disputes (ICSIID), an agreement that provides, among others, 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. The PCA has since concluded similar agreements with the Multilateral Investment Guarantee Agency (MIGA) in 1990, with the American Arbitration Association (AAA) in 2002, and with the Singapore International Arbitration Centre (SIAC) in 2008.

29. A 1989 cooperation agreement with 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.

30. The PCA is a member of the International Federation of Commercial Arbitration Institutions (IFCAI), which aims to: establish and maintain permanent relationships among commercial arbitration institutions; facilitate the exchange and distribution of information on services offered 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 51, below.).


Host Country Agreements

32. To make its dispute resolution services more widely accessible, the PCA has adopted a policy of concluding “Host Country Agreements” with its member states. Through a Host Country Agreement, the host country and the PCA establish a legal framework to support the conduct of PCA-administered proceedings in the territory of the host country.

33. Specifically, 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, Host Country Agreements secure 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 regulate the privileges and immunities that are afforded by the host country to the 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, these arrangements give the PCA the flexibility to offer parties the full advantages of PCA-administered proceedings in the territory of the host country on an increasingly international basis.

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

- attracting arbitrations to the host county 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 the 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.

35. Since the establishment of the program, the PCA has concluded seven Host Country Agreements. On April 3, 2009, the PCA concluded a Host Country Agreement with the Government of the Republic of Mauritius. The Mauritius Host Country Agreement provides for the posting of a PCA legal counsel in Mauritius under the direct authority of the Secretary-General. This legal counsel is expected to commence his activities in 2010. Pursuant to the terms of the Agreement, all expenses incurred by the posting of a PCA legal counsel
to Mauritius will be covered by the Mauritian Government in the form of a special subsidy. The PCA also concluded a Host Country Agreement with the Government of the Argentine Republic at the Administrative Council meeting held on May 12, 2009.

8. DEVELOPMENTS IN 2009

Registry and Related Activities

(a) Registry

36. In the course of 2009, the Permanent Court of Arbitration (PCA) reached a new record of fifty-four registry cases. These cases included: two state-state arbitrations; one intra-state arbitration; thirty-three investor-state arbitrations under bilateral or multilateral (investment) treaties; sixteen arbitrations under contracts or other agreements to which at least one party is a state, state-controlled entity, or intergovernmental organization; two cases under national investment laws; and two cases under the PCA Optional Rules for Arbitration of Disputes relating to Natural Resources and the Environment. 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.

37. The PCA was requested to act as registry in twenty-two new cases in 2009, including nine cases brought pursuant to bilateral or multilateral investment treaties (including the North American Free Trade Agreement (NAFTA) and the Energy Charter Treaty (ECT)), eleven pursuant to contractual claims, one case pursuant to a national investment law, and two cases under the PCA Optional Rules for Arbitration of Disputes relating to Natural Resources and the Environment.

38. The International Bureau continues to serve 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 Krafft, Professor Paul Lagarde, and Professor Albert Jan van den Berg. On September 19, 2003, the tribunal issued a final award in a dispute between the Bank and three of its former private shareholders. In 2006, the members of the BIS Tribunal were re-appointed for a period of five years in accordance with the appointment procedure foreseen in the 1930 Hague Agreement. There are no arbitrations currently pending before the BIS Tribunal.

39. In 2001, the International Bureau began providing administrative support 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. The Eritrea-Ethiopia Boundary Commission declared on September 22, 2008 that it considers itself, functus officio. 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 both the liability and damages phases of the proceedings, having rendered fifteen partial and final awards on liability and two final awards on damages (which were delivered on August 17, 2009).

40. The International Bureau continues to provide administrative support for arbitration proceedings brought by the Channel Tunnel Group Limited and France-Manche S.A. against the governments of the United Kingdom and France in a dispute concerning the Channel Fixed Link (“Eurotunnel”). The members of the arbitral tribunal are Professor James Crawford SC (Chairman), 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.

41. The International Bureau continued to provide administrative support for the 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 were Professor Pierre-Marie Dupuy (Presiding Arbitrator), H.E. Judge Awn Al-Khasawneh, Professor Gerhard Hafner, Professor W. Michael Reisman, and Judge Stephen Schwebel. The arbitration was conducted under the PCA Optional Rules for Arbitrating Disputes between Two Parties of Which Only One is a State, subject to modifications the parties agreed to in writing. 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 2008 and a further EUR 100,000 in 2009. A preliminary meeting with the Parties was held on November 24, 2008, and – after multiple rounds of written submissions – a public hearing on the merits was held at the Peace Palace from April 18 to April 23. The hearing was broadcast live by webcast, as well as being attended in person by over 250 party representatives and members of the diplomatic corps and public. On July 22, 2009, the Final Award of the arbitral tribunal was rendered at a public ceremony held at the Peace Palace, and was broadcast live by webcast. Pursuant to the Parties’ agreement, all pleadings and video footage of the proceedings have been made public via the PCA’s website, including Arabic translations of the Final Award and Dissenting Opinions.

42. The International Bureau continued to provide administrative support in an arbitration brought by TCW Group, Inc. and Dominican Energy Holdings, L.P. against the Dominican Republic. The proceedings were being conducted under the UNCTRAL Arbitration Rules, pursuant to the Central America-Dominican Republic-United States Free Trade Agreement. The arbitral tribunal comprised Professor Karl-Heinz Böckstiegel (Presiding Arbitrator), Professor Juan Fernández-Armesto, and Mr. Mark Kantor. The Parties reached a settlement and the tribunal issued a consent award on July 16, 2009.

43. The International Bureau continued to provide administrative support in an arbitration brought by Romak S.A. against the Republic of Uzbekistan. The arbitration was conducted under the UNCTRAL Arbitration Rules, pursuant to the Agreement between the Swiss Confederation and the Republic of Uzbekistan on the Promotion and the Reciprocal Protection of Investments of 16 April 1993. The arbitral tribunal consisted of Mr. Fernando Mantilla-Serrano (Presiding Arbitrator), Mr. Noah Rubins, and Professor Nicolas Mol fissis. The Tribunal rendered its final award in this case on 26 November 2009.

44. The International Bureau provided administrative support in arbitration proceedings brought by Centerra Gold Inc. and Kumtor Gold Company against the Kyrgyz Republic. The arbitration was conducted under the UNCTRAL 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 was Professor Albert Jan van den Berg.

45. The International Bureau provided administrative support in an arbitration brought by Vito G. Gallo against the Government of Canada, which is being conducted under the UNCTRAL Arbitration Rules, pursuant to Chapter Eleven of NAFTA. The arbitral tribunal consists of Mr. Juan Fernández-Armesto (Presiding Arbitrator), Mr. Jean-Gabriel Castel OC, QC, and Dr. Laurent Lévy.

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

47. The International Bureau provided administrative support in an arbitration brought by HICEE B.V. against The Slovak Republic, which is being conducted under the UNCTRAL Arbitration Rules pursuant to the Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic. The arbitral tribunal consists of Sir Franklin Berman KCMG QC (Presiding Arbitrator), The Honorable Judge Charles N. Brower, and H.E. Judge Peter Tomka.

48. The International Bureau provided administrative support in an arbitration brought by Blicon of Delaware et al against the Government of Canada, which is being conducted under the UNCTRAL Arbitration Rules, pursuant to Chapter Eleven of NAFTA. The arbitral tribunal consists of Judge Bruno Simma (Presiding Arbitrator), Professor Donald McRae, and Professor Bryan Schwartz.

(b) Iran-United States Claims Tribunal

49. 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

50. 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 2009, the following guest tribunals made use of the PCA’s facilities:

- an ICSID ad hoc Committee held a hearing on April 27;
- an ICSID Arbitral Tribunal held a hearing on July 20;
- an ICSID ad hoc Committee held a hearing on October 19;
- an ICSID ad hoc Committee held hearings from October 22 to 24;
- an ICSID Arbitral Tribunal held a hearing on December 4.

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

51. 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 (Articles 6 to 8)

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 (Articles 9 to 12) [...]
twenty-six requests that the Secretary-General designate an appointing authority and nine requests that the Secretary-General act as appointing authority for the appointment of arbitrators. In one case, the Secretary-General was requested to designate an appointing authority to decide on a challenge or challenges and in another case, the Secretary-General was requested to act as appointing authority to decide on a challenge himself.

**Overview of appointing authority activity in 2009**

**Case No. AA 329:** The Claimant, an Australasian 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 Nos. AA 330 + AA 336:** The Claimant, an Asian state entity, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in two disputes with the Respondent, an Asian company, arising out of two separate contracts. The Secretary-General designated an individual to act as appointing authority in both disputes.

**Case No. AA 331:** The Claimant, a Caribbean company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with the Respondent, an individual with North American and Asian nationalities. The Secretary-General designated an institution as appointing authority.

**Case No. AA 332:** The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, an African State. The Respondent subsequently appointed an arbitrator, and the Claimant withdrew its request.

**Case No. AA 333:** The Claimant, an individual from the Middle East, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, an international organization. The Secretary-General designated an individual as appointing authority.

**Case No. AA 224:** The Claimant, a Caribbean company, requested that the Secretary-General designate an independent expert in a dispute with the Respondent, an African state-owned company, pursuant to a contract concluded by the parties. The Secretary-General appointed an independent expert pursuant to the Claimant’s request.

**Case No. AA 334:** The Claimant, an African company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with the Respondent, an international development bank. The Respondent subsequently paid the amount in dispute, and the Claimant withdrew its request.

**Case No. AA 335:** The Claimant, a Caribbean 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 Nos. AA 337 + AA 338:** The Claimant, a European company, requested that the Secretary-General act as appointing authority and appoint the sole arbitrator in two disputes with the Respondent, an African state entity. Having found the competence to act in AA 338 only, the Secretary-General proceeded to appoint a sole arbitrator in that matter.

**Case No. AA 339:** The Claimant, a European company, requested that the Secretary-General act as appointing authority and appoint the sole arbitrator in a dispute with the Respondent, an African state-owned company. The Secretary-General subsequently appointed a sole arbitrator pursuant to the Claimant’s request.

**Case No. AA 340:** The Claimant, an Asian company, requested that the Secretary-General act as appointing authority to appoint the second arbitrator in a dispute with the Respondent, an Asian state. The Respondent subsequently appointed a second arbitrator, and the Claimant withdrew its request.

**Case No. AA 341:** The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with the Respondent, another Asian company. The Secretary-General subsequently appointed an institution as appointing authority.

**Case No. AA 342:** The Claimants, an Australasian company and an Asian company, requested that the Secretary-General act as appointing authority and appoint the second arbitrator in a dispute with the Respondent, an Asian State. The Secretary-General subsequently appointed a second arbitrator.
Case No. AA 343: The Claimant, an Asian company, requested that the Secretary-General act as appointing authority and appoint the second arbitrator in a dispute with the Respondent, an international organization. The Respondent subsequently appointed a second arbitrator and the Claimant withdrew its request.

Case No. AA 344: The Claimant, a Middle Eastern state entity, 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 subsequently designated an institution as appointing authority.

Case No. AA 345: The Claimant, an individual from North America, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, an international tribunal. The Claimant did not furnish the requisite documentation or payments enabling the Secretary-General to take action pursuant to his request.

Case No. AA 346: The Claimant, a North American company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, a European company. The Secretary-General subsequently designated an institution as appointing authority.

Case Nos. AA 347 + AA 351: The Claimant, a Caribbean company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in two separate but related disputes with the Respondent, an Asian state-owned company. The Secretary-General subsequently designated an institution as appointing authority.

Case No. AA 348: The Claimant, a Caribbean company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, another European company. The Secretary-General subsequently designated an institution as appointing authority.

Case No. AA 349: 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 subsequently designated an institution as appointing authority.

Case No. AA 350: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, a European state. The Respondent subsequently appointed an arbitrator and the Claimant withdrew its request.

Case No. AA 352: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with the Respondent, another Asian company. The Secretary-General subsequently designated an institution as appointing authority.

Case No. AA 353: The Claimants, three European companies, requested that the Secretary-General provide a list of arbitrators with the requisite qualifications to act as presiding arbitrator in a dispute with the Respondent, a European company. The PCA subsequently provided a list of ten arbitrators to potentially be appointed as presiding arbitrator pursuant to the Claimants’ request.

Case No. AA 355: The Claimants, a North American company and its former shareholders, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, an Asian company. The Respondent subsequently appointed an arbitrator and the Claimants withdrew their request. The Parties then requested that the Secretary-General act as appointing authority to appoint the presiding arbitrator. The Secretary-General subsequently appointed a presiding arbitrator.

Case No. AA 356: The Claimant, 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 subsequently designated an individual as appointing authority.

Case No. AA 357: The Claimants, two European companies, 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 subsequently designated an institution as appointing authority.

Case No. AA 358: The Claimant, a North American company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, a South American state. The Respondent subsequently designated an arbitrator and the Claimant withdrew its request.

Case No. AA 359: In a dispute between the Claimant, a European company, and the Respondent, a South American state, the Claimant requested that the Secretary-General designate an appointing authority to
decide the Respondent’s challenge to the arbitrator appointed by the Claimant. The Secretary-General subsequently designated an individual as appointing authority.

**Case No. AA 360:** In a dispute between the Claimant, a European company, and the Respondent, an agency of an international organization, the Claimant requested that the Secretary-General designate an appointing authority to decide the Claimant’s challenge to the arbitrator appointed by the Respondent. The Parties subsequently agreed that the Secretary-General would act as appointing authority to decide on the challenge. Prior to the Secretary-General deciding upon the challenge, the Claimant withdrew its challenge.

**Case No. AA 361:** 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, another Asian company. The Secretary-General subsequently designated an institution as appointing authority.

**Case No. AA 362:** The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, another European company. The Secretary-General subsequently designated an institution as appointing authority.

**Case No. AA 363:** The Claimant, an Asian state-owned company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, an African state-owned company. The Respondent subsequently appointed an arbitrator and the Claimant withdrew its request.

**Environmental Dispute Resolution**

54. The PCA 2001 Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment and the 2002 Optional Rules for Conciliation of Disputes Relating to Natural Resources and/or the Environment (together known as “the Environmental Rules”) continue to be referred to as the procedural rules for resolving certain disputes, in a variety of instruments ranging from treaties such as the 2003 UNECE Civil Liability Protocol, to numerous public and private carbon emissions trading contracts in the context of the Kyoto Protocol.

55. In promoting the use of the Environmental Rules in the year under review, the PCA conferred with representatives of the Compact, a liability mechanism developed by members of the biotechnology industry to provide for redress in the event of damage to biodiversity caused by living genetically-modified organisms. An Assistant Legal Counsel attended a dialogue meeting convened by the co-chairs of the Liability Working Group under the Cartagena Protocol on Biosafety in Brussels, Belgium, on November 18 and 19, between EU member state representatives and the industry sponsors of the Compact.

56. In 2009, the PCA provided administrative support for two cases conducted under the Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment. These cases are the first to be administered by the PCA under these Rules.

**Mass Claims**

57. 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 (Publications)**


59. The PCA continues work under 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.

60. The PCA continues to work 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 Hosted by the PCA

61. On March 22 and 23, 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 April 3 to 9. Participating teams included Versailles Bar School, Cologne University, Elon University (U.S.A.), King’s College London, Institut d’Études Politiques de Paris “Sciences Po”, Leiden University, École de Formation des Barreaux de la Cour d’appel de Paris.

62. The PCA, with the Houston International Arbitration Club, Inc., and the University of Texas School of Law, co-hosted a conference on “Weighing the Facts: Information Exchange and Presentation of Evidence in International Commercial and Investment Arbitration” on May 14 to 15, at the Peace Palace. The conference focused on e-discovery and evidence, addressing current standards, evolving rules, enforcement mechanisms, use (and abuse) of expert evidence, technology tools, and methods and costs. The Deputy-Secretary General delivered a speech at this conference. This conference followed the successful symposium “Remedies in Commercial, Investment & Energy Arbitrations,” held in Houston, Texas in April 2008.

PCA Publications

63. 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 and published by Oxford University Press in 2009.

64. The fifth volume in the PCA Award Series, “The OSPAR Arbitration (Ireland–United Kingdom) Award of 2003” was published in 2009 by TMC Asser Press. The volume contains the official (English-language) version of the Award, as well as a commentary by Professor Daniel Bodansky on the contribution of the OSPAR Award to international law.

65. The sixth volume in the PCA Award Series, “The Barbados/Trinidad and Tobago Arbitration Award of 2006” was also published in 2009 by TMC Asser Press. The volume contains the official (English-language) version of the Award, as well as an introduction by Bernard Oxman commenting on the contribution of the Award to the law of maritime delimitation.

Increasing Awareness of the PCA

66. The PCA participated in several important international conferences and meetings during the year under review. The Secretary-General and other PCA staff members also addressed groups of judges, lawyers, journalists, students, and other visitors to the Peace Palace on the activities of the PCA.

Activities of the Secretary-General

67. On February 3, at the invitation of ISIL on the occasion of its 50th anniversary, the Secretary-General attended the Sixth International Conference on International Law in the Contemporary World, where he made a presentation on “The Role of the PCA in the Development of International Law and Dispute Resolution”. While in India, the Secretary-General was also received by the Minister for Law and Justice, Dr. H.R. Bhardwaj.

68. On February 5, the Secretary-General made an official visit to Bangladesh, where he was received by Dr. Hasan Mahmud, the State Minister for Foreign Affairs, Barrister Shafique Ahmed, the Minister of Law, Justice and Parliamentary Affairs, and Mr. S.M. Mahbubul Alam, the Assistant Secretary (UN) of the Ministry of Foreign Affairs. Among the matters discussed was the PCA Financial Assistance Fund and the prospect of accession to the 1907 Convention for the Pacific Settlement of International Disputes.

69. The Secretary-General visited Washington DC on April 13 and 14 and met with the Secretary-General of the Organization of American States, Mr. José Miguel Insulza, the Acting Legal Adviser of the U.S. State Department, Ms. Joan Donoghue and the nominated (now current) Legal Adviser to the U.S. State Department, Dr. Harold Koh. In addition, the Secretary-General was received by the Acting Secretary-General of the International Centre for Settlement of Investment Disputes (ICSID), Mr. Nassib G. Ziadé.

70. On April 22, the Secretary-General gave a brief presentation on the occasion of the visit by HM The King of Sweden to the Peace Palace.

71. On May 28 and 29, at the invitation of the International Federation of Commercial Arbitration Institutions (IFCAI), the Secretary-General attended a conference on “Contemporary Issues in International Arbitration” in Tunis, Tunisia.
The Secretary-General received a number of dignitaries and delegations at the Peace Palace. On July 1, the Secretary-General received a delegation from the Republic of Korea headed by their Deputy Minister for Legal Affairs at the Ministry of Justice, Mr. Dong Wook Chae. On September 28, the Secretary-General received the Minister of Justice and Law Reforms of the Republic of Sri Lanka, Hon. Milinda Moragoda. On November 20, the Secretary-General received the Secretary of Law for Pakistan, Mr. Riaz Kayani.

On October 22 and 23, at the invitation of the Energy Charter Treaty Secretariat, the Secretary-General and a legal counsel attended a conference on “Investment Protection, Transit and the Energy Charter Treaty” in Brussels. There the Secretary-General gave a presentation on the “Permanent Court of Arbitration under the Energy Charter Treaty.”

From December 16 to 19, the Secretary-General visited Paris where he met with officials at the French Foreign Ministry, including the Director of the United Nations and International Organizations and the Deputy Director of Legal Affairs. He also met with the Secretary-General of the International Chamber of Commerce (ICC) International Court of Arbitration and the President of the ICC International Court of Arbitration.

**Activities of Legal Counsel**

The Deputy Secretary-General (and Principal Legal Counsel) and a legal counsel attended as an Observer the Fiftieth session of UNCITRAL Working Group II on Arbitration and Conciliation held in New York from February 9 to 13, and the Fifty-first session of this Working Group held in Vienna from September 14 to 18. A legal counsel also attended as Observer the Forty-second session of the UNCITRAL Commission in Vienna on July 13-14.

For the promotion of the Financial Assistance Fund, a legal counsel met with the permanent representatives to the UN from Uganda, Rwanda, Yemen, DRC, and Afghanistan in New York in February 2009 and with the Ministry of Justice of Uganda in Kampala in December 2009. Both visits were conducted pursuant to the Netherlands’ special contribution to the PCA to promote the Financial Assistance Fund in thirteen countries.

A legal counsel was appointed to the International Law Association International Commercial Arbitration Committee.

Legal counsel gave lectures and presentations on arbitration-related topics at conferences throughout the year. On September 24, a legal counsel gave a presentation to the International Judicial Academy, composed of U.S. and Argentine judges as part of the annual Sir Richard May Seminar on International Law and International Courts. On October 2 and 3, a legal counsel gave a presentation analyzing the role of scientific evidence in international dispute settlement at the European Society of International Law (ESIL) and the American Society of International Law (ASIL) Joint Research Forum in Helsinki, Finland. From November 11 to 13, a legal counsel gave a presentation regarding the role of arbitral institutions in investor-state arbitration at a conference in Beirut, Lebanon on judicial capacity-building, co-sponsored by the “Conseil d’État” of Lebanon, the French Agency of Judicial Cooperation (Acojuris) and the European Commission. The Deputy Secretary-General attended the Annual Lecture at Freshfields Bruckhaus Deringer LLP in London on November 19, and gave a presentation to the firm’s International Arbitration Group on November 20.

On November 23, the Deputy Secretary-General delivered a speech at The British Institute of International and Comparative Law during the “Resolving Competing Claims – the recent Abyei Arbitration in Sudan” conference. A legal counsel delivered presentations and sat on a panel discussing arbitration and intellectual property at a Workshop on Arbitration and Mediation of Intellectual Property Disputes that took place from 23 November 2009 to 25 November 2009 at Guangdong Multinational Hall, Guangzhou, China. The workshop was jointly organized by the Guangdong Intellectual Property Office (GDIPDO), the United Nations Conference on Trade and Development (UNCTAD), and the City University of Hong-Kong, with the participation of Professor Eric Bergsten, the World Intellectual Property Organization Arbitration and Mediation Centre, the Asia office of the ICC International Court of Arbitration, and the PCA.

Legal counsel taught courses and gave lectures at universities and other educational institutions in the Netherlands, South Africa, Canada and the United Kingdom. The Deputy Secretary-General taught a course on international arbitration from March to May to masters students at Leiden University. On February 17 and December 7, a legal counsel presented examinable lectures on international investment arbitration to masters students of the Arbitragerecht course at Erasmus University in Rotterdam. On June 9, an assistant legal counsel gave a lecture on the PCA and the UNCITRAL Rules as part of the Penn State-McGill Summer Arbitration Programme in Montreal. The Deputy Secretary-General gave lectures to students of the Hague Academy of International Law on July 14 and on August 4. From September 21 to October 2, a legal counsel taught an intensive course on international arbitration to masters students at the University of Cape Town, South Africa. On November 5, 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 Dallas (a consortium of nine European universities). On November 18, an assistant legal counsel gave a lecture on the

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similarities and differences between commercial arbitration and public international arbitration as part of the McGill University Dispute Resolution Lecture Series. On November 26, the Deputy Secretary-General gave a lecture to masters students at Groningen University on International Commercial Dispute Settlement Law. On December 14, a legal counsel gave a lecture on investment arbitration to masters students from the University of Rotterdam.

80. Legal counsel attended a number of conferences and lectures. From October 4 to 9, the Deputy Secretary-General and a Legal Counsel attended the Annual Conference of the International Bar Association in Madrid. From April 2 to 9, the Deputy Secretary-General and an assistant legal counsel attended the Willem C. Vis International Commercial Arbitration Moot, the Joint Conference UNCITRAL/VIAC on 30 Years UNCITRAL Arbitration Rules and the Fifth Annual Leading Arbitrators’ Symposium on the Conduct of International Arbitration, all in Vienna. On May 6, an assistant legal counsel attended a lecture titled “Comment gérer efficacement un arbitrage international” given by Andrew de Lotbinière McDougall and, on October 15, a lecture on Canada’s accession to the ICSID Convention given by The Hon. Marc Lalonde, both in Montreal. A legal counsel attended the conference entitled “50 Years of Bilateral Investment Treaties: Taking Stock and a Look to the Future” from December 1 to 3 in Frankfurt. A legal counsel attended a conference held by the World Legal Forum and titled “Private International Regulation and Public Supervision” on December 7 and 8 at the Peace Palace. A legal counsel attended the OECD Global Forum on International Investment VIII entitled “Beyond the Crisis: International Investment for a Stronger, Cleaner, Fairer Global Economy” from December 7 to 8 in Paris.

III. STATE PARTIES TO THE CONVENTIONS OF 1899 AND 1907

81. Madagascar acceded to the 1907 Convention for the Pacific Settlement of International Disputes on October 7, 2009 and became the 110th member state of the PCA effective December 6, 2009. A list of state parties to the 1899 and 1907 Conventions, as of May 12, 2009, is set forth in annex 1 to this report.

IV. MEMBERS OF THE PERMANENT COURT OF ARBITRATION

82. According to Article 44 of the 1907 Convention (Article 23 of the 1899 Convention), 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 Arbitrator” for inscription as a Member of the Court. A list of all the persons so inscribed as of November 25, 2009, along with brief biographical notes, is set forth in annex 6 to this report.

83. Members of the Court are appointed for a term of six years. These appointments are renewable. The Secretary-General has invited all Members to indicate whether they wish to have any special fields of experience mentioned in the biographical notes. Information received in response to this request has also been included in annex 6. Member states are requested to bring to the immediate attention of the International Bureau any alteration in the status of persons selected as Members of the Court, so that the list may be amended.

84. In accordance with Article 4, paragraph 1, of the Statute of the International Court of Justice, the Members of the Permanent Court of Arbitration appointed by each state party constitute “national groups” which are entitled to nominate candidates for election, by the General Assembly and the Security Council of the United Nations, to the International Court of Justice. 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

85. The PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment were adopted on June 19, 2001, and the Optional Rules for Conciliation of Disputes Relating to Natural Resources and/or the Environment were adopted on April 16, 2002. The working group, drafting committee and member states agreed that, given the highly technical nature of most environmental disputes, tribunals and conciliation committees should be made up of highly skilled experts on the subject matter. At the Administrative Council meeting of June 19, 2001, member states agreed to nominate one environmental law expert and one environmental science expert to be appointed to the lists of persons referred to in Articles 8(3) and 27(5) of the Environmental Arbitration Rules. The Secretary-General may make these lists available to assist the parties, the tribunal, and/or the appointing authority, depending on the circumstances of the
case. A list of members of the specialized panels as of January 5, 2010, is set forth in annex 7 to this report, and includes nominations put forth by the Secretary-General.

VI. ADMINISTRATIVE MATTERS

Administrative Council

86. According to Article 49 of the 1907 Convention (Article 28 of the 1899 Convention), the Administrative Council is “composed of the Diplomatic Representatives of the Contracting Powers accredited to The Hague, and of the Netherlands Minister of Foreign Affairs, who will act as President...”.

87. At its 175th meeting on May 12, the Administrative Council, which is charged with the direction and control of the International Bureau, adopted the Budget Performance Report and Audited Financial Accounts 2008.

88. At its 180th meeting on October 27, the Administrative Council adopted a proposal of the Secretary-General for the establishment of an Advisory Group of Legal Experts to advise on the desirability of, and subsequently to propose, Optional Rules for Arbitration of Disputes Relating to Outer Space. Following the 180th meeting, the Administrative Council approved the budget for the International Bureau for 2010.

89. 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” pursuant to Article XI of the Rules of Procedure of the Administrative Council. In 2009, the representative of Kenya succeeded the representative of Italy, who served as a member of the committee in 2008. Thus, as of January 1, the Committee was composed of the representatives of Japan, Jordan, and Kenya. During the year under review, the Committee met on March 12 and September 24, prior to the regular meetings of the Administrative Council on May 12 and October 27, respectively.

90. At its 174th meeting on 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 or budgetary nature before they are considered by the Administrative Council at its regular session(s). The Budget Committee met on September 29 and March 17.

International Bureau Staff

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

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretary General</td>
<td>Mr. Christiaan Kröner</td>
</tr>
<tr>
<td>Deputy Secretary-General</td>
<td>Mr. Brooks W. Daly</td>
</tr>
<tr>
<td>Principal Legal Counsel</td>
<td>Mr. Maurizio Brunetti</td>
</tr>
<tr>
<td>General (Special) Counsel</td>
<td>Ms. Belinda Macmahon</td>
</tr>
<tr>
<td>Legal Counsel/Chief Editor</td>
<td>Ms. Sarah Grimmer</td>
</tr>
<tr>
<td>Legal Counsel</td>
<td>Mr. Paul-Jean Le Cannu</td>
</tr>
<tr>
<td>Legal Counsel</td>
<td>Ms. Judith Levine</td>
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Legal Secretary: Ms. Helen Pin (until January 9)
Legal Secretary: Ms. Gaëlle Chevalier
Legal Secretary: Ms. Willemijn van Banning (from January 15)
Legal Secretary: Ms. Cristina Sotoca Álvarez (from July 1)
Legal Secretary: Ms. Pamela Berkeley (from June 2 to August 31)
Legal Secretary: Ms. Helcha Prins (from September 14)

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Assistant Managing Editor: Ms. Alice Siegel
Sub-Editor: Ms. Mary Kendrick (until November 15)
Sub-Editor: Ms. Helen Pin (from November 9)

Fellowship and Internship Programs

92. In 2009 the PCA’s assistant legal counsel fellowship program expanded to include six participants, from two participants in 2008. 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 2009/2010 were:

- Heather Clark (Canada/New Zealand): J.D., Osgoode Hall Law School; M.Sc. (Physics), University of Auckland; B.Sc. (Engineering Physics), Queen’s University.
- Daniel Drabkin (Canada/United States): B.C.L./LL.B., McGill University; Diplôme d’Université en Intégration Européenne, Université Jean Moulin-Lyon 3; B.A. with great distinction, McGill University.
- Alykhan Kurji (Canada): J.D., University of Toronto; M.Biotech., University of Pennsylvania; B.S. Hons. (Bioengineering), University of California, Berkeley.
- Jara Mínguez Almeida (Spain): Licenciada en Derecho, University Carlos III.
- Garth Schofield (United States): J.D., Yale Law School; M.A.L.D. (Law and Diplomacy) Cand., The Fletcher School of Law and Diplomacy, Tufts University; B.A. Highest Hon., Williams College.

93. 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 2009:

- Thomas Levi (Australia): B.Com. first class honours (Management), LL.B. first class honours, University of New South Wales (Sydney).
- Paulo Figueiredo Perassi (Brazil): Master 2 (Recherche en Droit public économique), LL.M. Droit français et droit européen, Université Paris 1 Panthéon-Sorbonne; Licence en Droit, Pontifical Catholic University of São Paulo.
- Kiran Sanghera (United Kingdom): LL.B. Hons, first class honours, Graduate Diploma in Law with distinction, The College of Law (Birmingham); B.A. Hons. (Hispanic and French Studies), Queen Mary, University of London,
- Barrie Sander (United Kingdom): LL.M. cum laude (Public International Law), Leiden University; LL.M. (European and International Law), Utrecht University; B.A.(e) Hons. (Classics and Law), Jesus College, University of Cambridge.
- Joe (Qiao) Liu (China): LL.M. (International Legal Studies), New York University School of Law; LL.M., London School of Economics; LL.B., Wuhan University School of Law (China).
- Rumiana Yotova (Bulgaria): LL.M. Adv. cum laude (Public International Law), Leiden University; Diploma cum laude, The Hague Academy of International Law; LL.M. with excellence, Sofia University; Diploma (English Law, European Law), University of Cambridge.

Budget and Finance

94. The Combined Financial Report (containing the Audited Financial Accounts 2009 and the Budget Performance Report 2009), was duly examined by the Financial Committee on March 16, 2010, considered by the Budget Committee on March 23, 2010, and approved by the Administrative Council on April 27, 2010. It is available to member states in a supplement to this report.

95. Article 41 of the 1907 Convention (Article 20 of the 1899 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 (Article 29 of the 1899 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.

96. The contributions of each Contracting Power (member state), payable to the PCA by April 1 every year, are set out in the Scale of Assessments, approved by the Administrative Council at its meeting of May 23, 2005. This scale is available to member states in a supplement to this report.
MEMBER STATES

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

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

For summaries of the arbitral awards in many of these cases, see P. Hamilton, et al., _The Permanent Court of Arbitration: International Arbitration and Dispute Resolution – Summaries of Awards, Settlement Agreements and Reports_ (Kluwer Law 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>Russia – Turkey</td>
<td>Russian Claim for Indemnities damages claimed by Russia for delay in payment of compensation owed to Russians injured in the war of 1877–1878</td>
<td>22 - 07 - 1910/ 04 - 08 - 1910</td>
<td>11 - 11 - 1912*</td>
<td>Lardy Bon de Taube Mandestam H.A. Bey A.R. Bey</td>
</tr>
<tr>
<td>France – Italy</td>
<td>French Postal Vessel “Manouba”</td>
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<td>06 - 05 - 1913*</td>
<td>Hammarskjöld Fusinato Krieger Renault Bon de Taube</td>
</tr>
<tr>
<td>France – Italy</td>
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</tr>
<tr>
<td>France – Italy</td>
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<td>settled by agreement of parties</td>
<td>Hammarskjöld Fusinato Krieger Renault Bon de Taube</td>
</tr>
<tr>
<td>The Netherlands – Portugal</td>
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</tr>
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<td>France – Portugal</td>
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<tr>
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</tr>
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<td>Great Britain – France</td>
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<tr>
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<tr>
<td>French Mandate – Egypt</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

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5. In this case the summary procedure provided for in Chapter IV of the Convention of October 18, 1907 was applied.
6. Pursuant to the Arbitration Agreement the award was rendered in writing.
<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date Initiated</th>
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<td>25. Turriff Construction (Sudan) Limited - Sudan</td>
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<tr>
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<tr>
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</table>

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<tr>
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<td>Reisman 1  van den Berg 1  Frowein 1  Krafft 1  Lagarde 1</td>
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<td>Proceedings pursuant to the OSPAR Convention</td>
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<tr>
<td>European government - European corporation</td>
<td>Investment treaty dispute</td>
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<td>Higgins 1  Schrans 1  Simma 1  Soons 1  Tomka</td>
</tr>
<tr>
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<td>Higgins 1  Schrans 1  Simma 1  Soons 1  Tomka</td>
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<tr>
<td>Barbados - Trinidad and Tobago</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>16 - 02 - 2004</td>
<td>11 - 04 - 2006</td>
<td>Schwebel 1  Brownle 1  Orrego Vicuña 1  Lowe 1  Watts</td>
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<tr>
<td>Guyana - Suriname</td>
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<td>Nelson 1  Hossain 1  Franck 1  Shearer 1  Smit 1</td>
</tr>
</tbody>
</table>

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<th>Arbitrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>48. Malaysia - Singapore</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
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<tr>
<td>49. The Channel Tunnel Group Limited 1. France-Mache S.A. - 2. France</td>
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<tr>
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<td>Proceedings conducted under Chapter Eleven of the North American Free Trade Agreement (NAFTA)</td>
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<td>Fernández-Armesto1, Castel1, Lévy1</td>
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<tr>
<td>52. Romak S.A. - The Republic of Uzbekistan</td>
<td>Proceedings pursuant to the Agreement between the Swiss Confederation and the Republic of Uzbekistan on the Promotion and the Reciprocal Protection of Investments</td>
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<td>Mantilla-Serrano1, Rubins1, Molfessi1</td>
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<tr>
<td>53. The Government of Sudan - The Sudan People’s Liberation Movement/Army</td>
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<td>Dupuy1, Al-Khasawneh, Hafner, Reisman1, Schwobel</td>
</tr>
<tr>
<td>54. Centerra Gold Inc. &amp; Kumtor Gold Co. - Kyrgyz Republic</td>
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<tr>
<td>55. TCW Group &amp; Dominican Energy Holdings - Dominican Republic</td>
<td>Proceedings conducted under the Central America-DR-USA Free Trade Agreement (CAFTA-DR)</td>
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<td>Böckstiegel1, Fernández-Armesto1, Kantor1</td>
</tr>
</tbody>
</table>

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<th>Parties</th>
<th>Proceedings</th>
<th>Date</th>
<th>Case Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>57.</td>
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<td>17-12-2008</td>
<td>-</td>
</tr>
</tbody>
</table>

*Berman*¹

*Tomka Brower*¹

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INTERNATIONAL COMMISSIONS OF INQUIRY


<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of Inquiry Agreement</th>
<th>Date of Report</th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Fournier Doubassoff Beaumont</td>
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<tr>
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<td>Davis</td>
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<tr>
<td>2. France – Italy</td>
<td>Capture of the “Tavignano” and cannon shots fired at the “Canouna” and the “Galois”</td>
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<td>Segrave</td>
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<td>Somborn Genoese Zerbi</td>
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<tr>
<td>3. Germany – Spain</td>
<td>The Steamship “Tiger” Sinking of the steamer “Tiger”</td>
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<td>Garde</td>
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<td>Montagut y Miro Horn</td>
</tr>
<tr>
<td>4. Germany – The Netherlands</td>
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<td>Surie Ravn Unger Gayer</td>
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<tr>
<td>5. Great Britain – Denmark</td>
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<td>de Visscher</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Gros Moolenburgh</td>
</tr>
</tbody>
</table>

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

For summaries of the Conciliation Commission Reports in 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. 283-293.

<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of Request</th>
<th>Date of report</th>
<th>Commissioners</th>
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<tbody>
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</tr>
<tr>
<td>2. France – Switzerland</td>
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<td>van Asbeck de Zulueta Corbin Panchaud McNair</td>
</tr>
</tbody>
</table>

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

TERMS OF REFERENCE AND GUIDELINES

Establishment of a Financial Assistance Fund

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

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

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

Contributions to the Fund

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

Request for Financial Assistance from the Fund

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

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

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

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

Board of Trustees

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

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

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

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

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

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

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

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

Reporting

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

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

BOARD OF TRUSTEES

The Financial Assistance Fund Board of Trustees currently consists of:

Mr. Hans Corell (former Legal Advisor to the United Nations);
Judge 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-Kosheri (arbitrator and former Judge ad hoc of the International Court of Justice);
Mr. Christopher Pinto (Secretary-General of the Iran-United States Claims Tribunal); and
Judge Bernardo Sepúlveda-Amor (Judge of the International Court of Justice).
### Annex 5c

**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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</thead>
<tbody>
<tr>
<td><strong>Least Developed Countries</strong></td>
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<td><strong>Lower Middle Income Countries and Territories</strong></td>
<td><strong>Upper Middle Income Countries and Territories</strong></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 and 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. This does not imply any legal position of the OECD regarding Kosovo’s status.
### Members of the Permanent Court of Arbitration

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

<table>
<thead>
<tr>
<th>Country</th>
<th>Nomination Date</th>
<th>Latest Renewal Date</th>
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Members de la CPA - Annexe 6

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Annex 6 - PCA Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Ms. PÄIVI KAUKORANTA</td>
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</tr>
<tr>
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<td>Ancien juge de la Cour internationale de Justice, Ancien Directeur des Affaires juridiques au ministère des Affaires étrangères</td>
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<tr>
<td>M. JEAN-PIERRE PUISSOCHET</td>
<td>Conseiller d'État, Juge à la Cour de justice des Communautés européennes</td>
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<tr>
<td>M. PROSPER WEIL</td>
<td>Professeur émérite à l'Université de droit, d'économie et de sciences sociales</td>
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<tr>
<td>M. MARC PERRIN DE BRICHAMBAUT</td>
<td>Secrétaire général, Organisation pour la sécurité et la coopération en Europe</td>
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<tr>
<td>Germany, Prof. Dr. DORIS KONIG</td>
<td>Professor of Public Law, General Administrative Law, European and International Law</td>
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<td>Germany, Prof. Dr. STEFAN OETER</td>
<td>Professor of German and Comparative Public Law and Public International Law</td>
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<tr>
<td>Germany, Prof. em. Dr. EIBE RIEDEL</td>
<td>Professor of German and Comparative Public Law, European and International Law</td>
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Members de la CPA - Annexe 6

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<th>Nomination/renewal</th>
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| 02 - 10 - 2009  
| 24 - 03 - 1980  
| 06 - 07 - 1990  
| 04 - 02 - 1998  
| 21 - 05 - 2008  
| 21 - 05 - 2008  

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Annex 6 - PCA Members

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### Members of the CPA - Annexe 6

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<th>Country</th>
<th>Name</th>
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<tbody>
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<tr>
<td>Uganda</td>
<td>Peter C.R. Kabatse</td>
<td>Mr. Peter C.R. Kabatse, LL.B., Hon. (MUK), DLP, LDC, Advocate (Uganda) and Attorney and Notary (Lesotho), Member of the International Law Commission (Geneva), former Permanent Secretary and former Solicitor-General of the Ministry of Justice.</td>
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<td>Anna Magezi</td>
<td>Barrister, Judge of the High Court of Uganda, former President of the Industrial Court, former State Attorney, former Magistrate.</td>
<td>19 - 04 - 1995 05 - 05 - 2008</td>
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<tr>
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<td>V. Kysil</td>
<td>Professor of international law, Institute for International Relations of T. Shevchenko’s Kyiv National University.</td>
<td>25 - 04 - 2004</td>
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<td></td>
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<td>M. Selivon</td>
<td>Ambassador Extraordinary and Plenipotentiary to the Republic of Kazakhstan.</td>
<td>25 - 04 - 2004</td>
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<tr>
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<td>Sir Christopher Greenwood</td>
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<tr>
<td></td>
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June 3, 2010  |  3 juin 2010

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governmental delegations to many international conferences and negotiations, including meetings of the UNEP Governing Council, the UNCED Preparatory Committee, OECD experts on trade and environment, and the UN General Assembly. He previously served as Director of the International and European Department in the Austrian Federal Ministry for Environment, Youth and Family Affairs. Prof. Dr. Loibl has lectured at and participated in numerous international law conferences and has published extensively in the field of international environmental law. He is fluent in English and German and has reading knowledge of French and Spanish. In addition to completing the Hague Academy of International Law, Prof. Dr. Loibl received a Doctor of Law from the University of Vienna Law School and an LL.B. from the University of Cambridge.

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Submissions of the Secretary-General

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Uruguay

05 - 09 - 2001

Noms proposés par la Secrétariat général

04 - 12 - 2002

04 - 12 - 2002
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Professor ROBIN R. CHURCHILL.

Professor DAVID FREESTONE has been Deputy General Counsel (Advisory Services) at the World Bank, Washington since 2004. Previously, he was Chief Counsel for Environmentally and Socially Sustainable Development and International Law. Prior to joining the Bank in 1996, he held a personal chair in International Law at the University of Hull, England (and still retains the title of Professor), and has acted as an international legal consultant on environment and natural resources issues for a wide range of international organisations including the FAO, ILO, UNEP, UNDP and the World Bank and the Global Environment Facility as well as for the Govt of the UK. From 1986-8 he worked for the Commonwealth Secretariat as Adviser to the Ministry of Foreign Affairs of Antigua and Barbuda, and until 1991, he represented Antigua/Barbuda at the Caribbean Environment Program Meetings negotiating the Specially Protected Areas and Wildlife Protocol to the Cartagena Convention. Between 1992 and 1994 he was Chairman/Convenor in collaboration with Legal Office of IMO of three International Meetings of Legal Experts on Particularly Sensitive Sea Areas. He has been a delegate at a range of international meetings including the UN Framework Convention on Climate Change, Convention on Biological Diversity, Global Oceans Forum, Informal Meetings of Parties to the UN Fish Stocks Agreement, FAO Committee on Fisheries, the Governing Council of the Consultative Group of International Agriculture Research and the Global Environment Facility, Council and Assembly. He is the founding editor and now Editor in Chief of the International Journal of Marine and Coastal Law, and has written widely on international environmental and natural resource issues. His books include: The Law of the Sea: Progress and Prospects (ed., with R. Barnes and D. Ong, 2006); Legal Aspects of Implementing the Kyoto Protocol: making Kyoto work (ed., with C. Streek, 2005); Legislating for Sustainable Fisheries (with W. Edeson and E. Gudmundsdottir, 2001; French ed., 2004); International Law and Sustainable Development: (ed. with A. E. Boyle, 1999); The Burden of Proof in Natural Resources Legislation (FAO, 1998); The Precautionary Principle and International Law: (ed. with E. Hey, 1996) International Law and Global Climate Change (ed., with R. Churchill, 1991). Professor Freestone has degrees from the Universities of Hull (LLB) and London (LLM) and in 1999 he was awarded the degree of LL.D. by Hull for his contributions to the field of International law. Deputy General Counsel (Advisory Services), Legal Vice Presidency, The World Bank, 1818 H Street, N.W., Washington D.C., 20633, U.S.A.; tel: +1 202 458 1743/4; fax: +1 202 522 2615; e-mail: dfreestone@worldbank.org.

Judge TU'ILOMA NERONI SLADE, OS.

22 - 09 - 2006
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**Argentina**

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**Canada**

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Croatia

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Cyprus

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**Egypt**

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**Finland**

**Finlande**

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**Allemagne**

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Israel

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Kirghizistan

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Latvia

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Libyan Arab Jamahiriya

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Macedonia, FYR

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Mauritius

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Netherlands

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New Zealand

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Panama

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Peru
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Romania
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Slovak Republic
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Sri Lanka
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Sudan
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Sweden
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**Switzerland**

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**Thailand**

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**Turkey**

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**Ukraine**

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**United States of America**

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**Uruguay**

Mr. VICTOR CANTON.