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I. EXECUTIVE SUMMARY

1. 2010 was a monumental year for the Permanent Court of Arbitration (PCA). During the course of the year, the PCA administered a record number of sixty-four cases, and a final award was issued in the first case under the PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment. In addition, pursuant to the Host Country Agreement with the Republic of Mauritius, a PCA office was opened there.

2. The PCA’s sixty-four pending registry cases, twenty-four of which were submitted in 2010, included: two state-state arbitrations (including the dispute between Bangladesh and India arising under the United Nations Convention on the Law of the Sea (UNCLOS)); thirty-eight investor-state arbitrations under bilateral or multilateral investment treaties; twenty-one arbitrations under contracts or other agreements to which at least one party is a state, state-controlled entity, or intergovernmental organization; one case under a national investment law; and two cases under the PCA Optional Rules for Arbitration of Disputes relating to Natural Resources and/or the Environment.

3. The PCA received a record forty-two new requests relating to its appointing authority services under the 1976 and 2010 UNCITRAL Arbitration Rules and other ad hoc arbitration provisions. These included twenty-six requests that the Secretary-General designate an appointing authority for the appointment of arbitrators; ten requests that the Secretary-General act as appointing authority for the appointment of arbitrators; two requests that the Secretary-General act as appointing authority to decide a challenge to an arbitrator; two requests that the Secretary-General propose legal experts; one request that the Secretary-General designate an appointing authority to decide a challenge to an arbitrator; and one request that the Secretary-General replace an appointing authority.

4. With the accession of the Philippines to the 1907 Convention for the Pacific Settlement of International Disputes, the number of PCA member states increased to 111.

5. A voluntary contribution 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, was received from the Netherlands. A disbursement from the Financial Assistance Fund was made to an African state.

6. As part of the PCA’s efforts to encourage awareness of the Financial Assistance Fund, an assistant legal counsel met with officials from the Ministries of Justice and Foreign Affairs of Rwanda, in Kigali, and gave a lecture on the PCA and on international dispute resolution to lawyers from the Rwandan Ministry of Justice, as part of the Millennium Challenge Corporation Rwanda Threshold Program Justice Strengthening Project diploma-level course. A legal counsel also spoke at the joint UNCTAD/University of Miami “Peer Forum on the Settlement of Investment Disputes,” which brought together Latin American government legal advisers. All three visits were conducted pursuant to the Netherlands’ special contribution to the PCA to promote the Financial Assistance Fund.

7. In May, the PCA co-hosted a conference in Houston, Texas on “Arbitration and National Courts: Conflict and Cooperation,” with the Houston International Arbitration Club, Inc. and the University of Texas School of Law.

8. The PCA’s cooperation with the International Council for Commercial Arbitration (ICCA) continued with the publication of the Yearbook Commercial Arbitration (Volume XXXV) and five supplements to the International Handbook on Commercial Arbitration.

9. The seventh volume of the PCA Award Series, covering “The MOX Plant Case (Ireland-United Kingdom), Record of Proceedings 2001–2008,” was published by the PCA. A compilation volume entitled “Permanent Court of Arbitration Summaries of Awards 1999–2009,” summarizing thirty-one awards in arbitrations for which the PCA had provided registry services over the decade 1999–2009, was published by TMC Asser Press.

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

11. The PCA Secretary-General visited New York, where he attended a session of the United Nations Commission on International Trade Law (UNCITRAL) Working Group charged with the revision of the UNCITRAL Arbitration Rules, and where he also met with the UN Under-Secretary-General for Legal Affairs.
12. The Secretary-General made an official visit to the Philippines, where he was received by the Secretary of Justice and Solicitor General, the Acting Secretary of Foreign Affairs and Undersecretary for Policy (dispute settlement), the Head of the Department of Foreign Affairs’ Office of United Nations and Other International Organizations, and the Head of the Office of Legal Affairs.

13. During 2010, the PCA also entered into a number of new cooperation agreements. The Secretary-General visited Beijing and Washington DC, where he signed cooperation agreements between the PCA and the China International Economic and Trade Arbitration Commission (CIETAC), and with the Organization of American States (OAS), respectively. At the ICCA Conference 2010 in Rio de Janeiro, the Deputy Secretary-General presented a cooperation agreement signed by the PCA Secretary-General to the President of the Australian Centre for International Commercial Arbitration (ACICA) for signature. A legal counsel presented a cooperation agreement signed by the PCA Secretary-General to the Secretary-General of the Hong Kong International Arbitration Centre (HKIAC) for his signature, at an official signing ceremony scheduled as part of the HKIAC’s 25th anniversary conference in Hong Kong.

14. The Deputy-Secretary General attended, as an Observer, the Fifty-second and Fifty-third sessions of the UNCTRAL Working Group II on Arbitration and Conciliation.

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

II. THE WORK OF THE INTERNATIONAL BUREAU

A. SCOPE OF ACTIVITY

Arbitration

16. The PCA was established by the Convention for the Pacific Settlement of International Disputes, concluded at The Hague in 1899 to facilitate arbitration and other forms of dispute resolution. It was the product of the first Hague Peace Conference, which was convened by Tsar Nicholas II of Russia "with the object of seeking the most effective means of ensuring to all peoples the benefits of a real and 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.

17. Although the 1899 and 1907 Conventions contain basic rules of procedure, parties may, by agreement, adopt their own procedural framework, or elect to use the PCA’s own modern rules of procedure, which are based on the highly-regarded and widely-used arbitration rules of the United Nations Commission on International Trade Law (UNCITRAL). These 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).

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

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

International Commissions of Inquiry and Conciliation

20. The Conventions of 1899 and 1907 provide for the constitution of International Commissions of Inquiry to facilitate the settlement of certain types of disputes by elucidating the facts through impartial investigation. A list of cases submitted to International Commissions of Inquiry is set out in annex 3 to this report.
21. Since 1937, the International Bureau has been authorized to administer Conciliation Commissions. A list of cases submitted to Conciliation Commissions is set out in annex 4 to this report. The Permanent Court of Arbitration Optional Conciliation Rules, which follow closely the 1980 UNCITRAL Conciliation Rules, were adopted in 1996. In 2002, the Administrative Council adopted the Permanent Court of Arbitration Optional Rules for Conciliation of Disputes Relating to Natural Resources and/or the Environment, which complement the 2001 Permanent Court of Arbitration Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment.

**Provision of Services and Facilities**

22. 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 providing 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 other meeting rooms, 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.

23. The PCA can also provide facilities for hearings at various locations around the world pursuant to its host country agreements.

**Financial Assistance Fund**

24. 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 annexes 5a and b to this report.

25. Since the establishment of the Fund, contributions have been made by Costa Rica, Cyprus, France, Lebanon, the Netherlands, Norway, Saudi Arabia, South Africa, Switzerland, and the United Kingdom. In 2010, an additional contribution was made by the Netherlands. Since 1995, the Netherlands has contributed €567,500 to the Fund.

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**Movements in and out of the Financial Assistance Fund 1995 - 2010**

- [Voluntary contributions (incl. interest earned)]
- [Disbursements]
26. 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 2010, a disbursement was made to an African state. The Netherlands has also made a special contribution to the PCA for purposes of promoting the use of the Fund amongst certain developing countries.

**International Cooperation**

27. In 1968, the PCA entered into its first cooperation agreement with the International Centre for Settlement of Investment Disputes (ICSID), an agreement that provides, *inter alia*, 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. In 2010, the PCA entered into cooperation agreements with the China International Economic and Trade Arbitration Commission (CIETAC), the Hong Kong International Arbitration Centre (HKIAC), the Australian Centre for International Commercial Arbitration (ACICA), and the Organization of American States (OAS).

28. A 1989 cooperation agreement with ICCA provides that ICCA will furnish the PCA 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 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.

29. 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 paragraphs 49-50, below).


**Host Country Agreements**

31. 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 such an 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.

32. 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 (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.

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

- attracting arbitrations to the host country that would otherwise be conducted elsewhere;
- raising the international profile of the host country as an arbitral forum;
- increasing domestic and regional awareness of arbitration and other methods of dispute settlement offered by the PCA;
- promoting 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.
34. Since the establishment of the program, the PCA has concluded seven Host Country Agreements, with Argentina, Costa Rica, India, Lebanon, Mauritius, Singapore, and South Africa. The Mauritius Host Country Agreement, concluded on April 3, 2009, provides for the posting of a PCA legal counsel in Mauritius under the direct authority of the Secretary-General. This legal counsel assumed his position as the PCA representative and legal officer in the Republic of Mauritius in September 2010 and has assumed primary responsibility for the implementation of the Mauritius Host Country Agreement. In accordance with this Agreement, his duties include assisting the Secretary-General with the discharge of the latter’s various functions under the Mauritian International Arbitration Act 2008, and promoting Mauritius as a venue for the resolution of international disputes through arbitration. Pursuant to the terms of the Mauritius Host Country Agreement, all expenses incurred by the posting of this PCA legal counsel to Mauritius are covered by the Government of the Republic of Mauritius in the form of a special subsidy.

B. DEVELOPMENTS IN 2010

Registry and Related Activities

(a) Registry

35. In the course of 2010, the Permanent Court of Arbitration reached a new record of sixty-four registry cases. These cases included: two state-state arbitrations; thirty-eight investor-state arbitrations under bilateral or multilateral investment treaties; twenty-one arbitrations under contracts or other agreements to which at least one party is a state, state-controlled entity, or intergovernmental organization; one case under a national investment law; and two cases under the PCA Optional Rules for Arbitration of Disputes relating to Natural Resources and/or 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.

36. The PCA was requested to act as registry in twenty-four new cases in 2010, including one state-state case, thirteen cases brought pursuant to bilateral investment treaties, and ten cases brought pursuant to contractual claims.

37. 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. Johan Abr. Frowein, Professor Dr. Mathias Krafft, Professor Paul Lagarde, and Professor Dr. 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.

38. In 2010, the International Bureau provided 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 were Professor James Crawford SC (Chairman), Maître L. Yves Fortier CC, QC, H.E. Judge Gilbert Guillaume, The Rt. Hon. Lord Millett, and Professor Jan Paulsson. A partial award was rendered on January 30, 2007. The case terminated during the course of 2010.

39. The International Bureau provided administrative support in an arbitration brought by Chemtura Corporation (formerly Crompton Corporation) against the Government of Canada, which was conducted under the UNCITRAL Arbitration Rules, pursuant to Chapter Eleven of NAFTA. The arbitral tribunal consisted of Professor Gabrielle Kaufmann-Kohler (Presiding Arbitrator), The Honorable Charles N. Brower, and Professor James Crawford SC. A final award was rendered on August 2, 2010.

40. The International Bureau provided administrative support in an arbitration brought by Polis Fondi Immobiliare de Banche Popolare S.G.R.p.A. against the International Fund for Agricultural Development (IFAD), which was conducted under the UNCITRAL Arbitration Rules, pursuant to a lease agreement. The members of the arbitral tribunal were Professor August Reinisch (Presiding Arbitrator), Avv. Filippo Canu, and Professor Brigitte Stern. A final award was rendered on December 17, 2010.

41. The International Bureau continued to provide administrative support in an arbitration brought by Vito G. Gallo against the Government of Canada, which is being conducted under the UNCITRAL Arbitration Rules, pursuant to Chapter Eleven of NAFTA. The arbitral tribunal consists of Professor Juan Fernández-Armesto (Presiding Arbitrator), Professor Jean-Gabriel Castel OC, QC, and Dr. Laurent Lévy.
42. The International Bureau continued to provide administrative support in an arbitration brought by HICEE B.V. against The Slovak Republic, which is being conducted under the UNCITRAL 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 KCME, QC (Presiding Arbitrator), The Honorable Judge Charles N. Brower, and H.E. Judge Peter Tomka.

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

44. The International Bureau provided administrative support in an arbitration brought by European American Investment Bank AG against The Slovak Republic, which is being conducted under the UNCITRAL Arbitration Rules, pursuant to the Agreement Between the Republic of Austria and the Czech and Slovak Federal Republic Concerning the Promotion and Protection of Investments. The arbitral tribunal consists of Sir Christopher Greenwood (Presiding Arbitrator), DDR. Alexander Petsche, and Professor Brigitte Stern.

45. The International Bureau provided administrative support in an arbitration brought by the People’s Republic of Bangladesh against the Republic of India, pursuant to Article 287 and Annex VII, Article 1 of the United Nations Convention on the Law of the Sea (UNCLOS). The members of the arbitral tribunal are Professor Dr. Rüdiger Wolfrum (President), Judge Thomas A. Mensah, Dr. Pemmaraju Sreenivasa Rao, Professor Ivan Shearer, and Professor Tullio Treves.


(b) Iran–United States Claims Tribunal

47. 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) Guest Tribunals

48. 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 ad hoc rules. In 2010, the following guest tribunals made use of the PCA’s facilities:

- an ICSID hearing was held on April 9;
- an ICSID hearing was held from April 12 to 14;
- an ICSID hearing was held from May 31 to June 13;
- a NAI arbitral tribunal held a hearing from June 21 to July 2;
- an ICC hearing was held from July 12 to 13;
- an ICSID hearing was held from July 21 to 23;
- an ICC hearing was held on November 1; and
- an ICSID hearing was held from November 2 to 4.

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

49. 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 the Secretary-General, upon the request of a party, to designate an “appointing authority” for the purpose of appointing the members of an arbitral tribunal and ruling on challenges to arbitrators. Parties may also designate the Secretary-General as appointing authority under the UNCITRAL Rules or other instruments.
RESOLUTION 31/98
ADOPTED BY THE UN GENERAL ASSEMBLY ON 15 DECEMBER 1976


The General Assembly,
Recognizing the value of arbitration as a method of settling disputes arising in the context of international commercial relations,
Being convinced that the establishment of rules for ad hoc arbitration that are acceptable in countries with different legal, social and economic systems would significantly contribute to the development of harmonious international economic relations,
Bearing in mind that the Arbitration Rules of the United Nations Commission on International Trade Law have been prepared after extensive consultation with arbitral institutions and centres of international commercial arbitration,
Noting that the Arbitration Rules were adopted by the United Nations Commission on International Trade Law at its ninth session after due deliberation,
1. Recommends the use of the Arbitration Rules of the United Nations Commission on International Trade Law in the settlement of disputes arising in the context of international commercial relations, particularly by reference to the Arbitration Rules in commercial contracts;
2. Requests the Secretary-General to arrange for the widest possible distribution of the Arbitration Rules.

UNCITRAL ARBITRATION RULES 1976
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) [...]}

Article 12
1. If the other party does not agree to the challenge and the challenged arbitrator does not withdraw, the decision on the challenge will be made:
   (a) When the initial appointment was made by an appointing authority, by that authority;
   (b) When the initial appointment was not made by an appointing authority, but an appointing authority has been previously designated, by that authority;
   (c) In all other cases, by the appointing authority to be designated in accordance with the procedure for designating an appointing authority as provided for in article 6.
2. If the appointing authority sustains the challenge, a substitute arbitrator shall be appointed or chosen pursuant to the procedure applicable to the appointment or choice of an arbitrator as provided in articles 6 to 9 except that, when this procedure would call for the designation of an appointing authority, the appointment of the arbitrator shall be made by the appointing authority which decided on the challenge.

Articles 6 and 8 through 13 of the 2010 UNCITRAL Arbitration Rules, reproduced below, entrust the Secretary-General of the PCA with maintaining the integrity of the international arbitral process by authorizing the Secretary-General, upon the request of a party, to designate an appointing authority. Under the 2010 Rules, an appointing authority may be called upon to appoint arbitrators, appoint a sole arbitrator under certain circumstances including that there is no agreement on the number of arbitrators, decide challenges to arbitrators, apply a fee schedule to an arbitration, comment on deposit amounts, determine whether a party may be deprived of its right to appoint a substitute arbitrator and authorize a truncated tribunal to proceed, and review a tribunal’s fees and expenses. The 2010 Rules explicitly provide that a party may propose that the PCA Secretary-General act as appointing authority. In addition, the 2010 Rules establish a new role for the PCA Secretary-General in reviewing a tribunal’s fees and expenses (Article 41).

UNCITRAL ARBITRATION RULES 2010
SECTION I. INTRODUCTORY RULES

DESIGNATING AND APPOINTING AUTHORITIES

Article 6
1. Unless the parties have already agreed on the choice of an appointing authority, a party may at any time propose the name or names of one or more institutions or persons, including the Secretary-General of the Permanent Court of Arbitration at The Hague (hereinafter called the “PCA”), one of whom would serve as appointing authority.
2. If all parties have not agreed on the choice of an appointing authority within 30 days after a proposal made in accordance with paragraph 1 has been received by all other parties, any party may request the Secretary-General of the PCA to designate the appointing authority.

[...]
4. Except as referred to in article 41, paragraph 4, if the appointing authority refuses to act, or if it fails to appoint an arbitrator within 30 days after it receives a party’s request to do so, fails to act within any other period provided by these Rules, or fails to decide on a challenge to an arbitrator within a reasonable time after receiving a party’s request to do so, any party may request the Secretary-General of the PCA to designate a substitute appointing authority.

5. In exercising their functions under these Rules, the appointing authority and the Secretary-General of the PCA may require from any party and the arbitrators the information they deem necessary and they shall give the parties and, where appropriate, the arbitrators, an opportunity to present their views in any manner they consider appropriate. All such communications to and from the appointing authority and the Secretary-General of the PCA shall also be provided by the sender to all other parties.

6. When the appointing authority is requested to appoint an arbitrator pursuant to articles 8, 9, 10 or 14, the party making the request shall send to the appointing authority copies of the notice of arbitration and, if it exists, any response to the notice of arbitration.

7. 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 the advisability of appointing an arbitrator of a nationality other than the nationalities of the parties.

SECTION II. COMPOSITION OF THE ARBITRAL TRIBUNAL

APPOINTMENT OF ARBITRATORS (Articles 8 to 10)

Article 8

1. If the parties have agreed that a sole arbitrator is to be appointed and if within 30 days after receipt by all other parties of a proposal for the appointment of a sole arbitrator the parties have not reached agreement thereon, a sole arbitrator shall, at the request of a party, be appointed by the appointing authority.

2. The appointing authority shall appoint the sole arbitrator as promptly as possible. In making the appointment, the appointing authority shall use the following list-procedure, unless the 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) The appointing authority shall communicate to each of the parties an identical list containing at least three names.

(b) Within 15 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 it objects and numbered the remaining names on the list in the order of its 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.

Article 9

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 arbitral tribunal.

2. If within 30 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 it has appointed, the first party may request the appointing authority to appoint the second arbitrator.

3. If within 30 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 the appointing authority in the same way as a sole arbitrator would be appointed under article 8.

Article 10

1. For the purposes of article 9, paragraph 1, where three arbitrators are to be appointed and there are multiple parties as claimant or as respondent, unless the parties have agreed to another method of appointment of arbitrators, the multiple parties jointly, whether as claimant or as respondent, shall appoint an arbitrator.

2. If the parties have agreed that the arbitral tribunal is to be composed of a number of arbitrators other than one or three, the arbitrators shall be appointed according to the method agreed upon by the parties.

3. In the event of any failure to constitute the arbitral tribunal under these Rules, the
appointing authority shall, at the request of any party, constitute the arbitral tribunal and, in doing so, may revoke any appointment already made and appoint or reappoint each of the arbitrators and designate one of them as the presiding arbitrator.

DISCLOSURES BY AND CHALLENGE OF ARBITRATORS (Articles 11 to 13)

Article 11
1. When a person is approached in connection with his or her possible appointment as an arbitrator, he or she shall disclose any circumstances likely to give rise to justifiable doubts as to his or her impartiality or independence. An arbitrator, from the time of his or her appointment and throughout the arbitral proceedings, shall without delay disclose any such circumstances to the parties and the other arbitrators unless they have already been informed by him or her of these circumstances.

Article 12
1. Any arbitrator may be challenged if circumstances exist that give rise to justifiable doubts as to the arbitrator’s impartiality or independence.
2. A party may challenge the arbitrator appointed by it only for reasons of which it becomes aware after the appointment has been made.
3. In the event that an arbitrator fails to act or in the event of the de jure or de facto impossibility of his or her performing his or her functions, the procedure in respect of the challenge of an arbitrator as provided in article 13 shall apply.

Article 13
1. A party that intends to challenge an arbitrator shall send notice of its challenge within 15 days after it has been notified of the appointment of the challenged arbitrator, or within 15 days after the circumstances mentioned in articles 11 and 12 became known to that party.
2. The notice of challenge shall be communicated to all other parties, to the arbitrator who is challenged and to the other arbitrators. The notice of challenge shall state the reasons for the challenge.
3. When an arbitrator has been challenged by a party, all parties may agree to the challenge. The arbitrator may also, after the challenge, withdraw from his or her office. In neither case does this imply acceptance of the validity of the grounds for the challenge.
4. If, within 15 days from the date of the notice of the challenge, all parties do not agree to the challenge or the challenged arbitrator does not withdraw, the party making the challenge may elect to pursue it. In that case, within 30 days from the date of the notice of challenge, it shall seek a decision on the challenge by the appointing authority.

SECTION IV. THE AWARD
FEES AND EXPENSES OF ARBITRATORS

Article 41
[...]
4. (a) When informing the parties of the arbitrators’ fees and expenses that have been fixed pursuant to article 40, paragraphs 2 (a) and (b), the arbitral tribunal shall also explain the manner in which the corresponding amounts have been calculated;
(b) Within 15 days of receiving the arbitral tribunal’s determination of fees and expenses, any party may refer for review such determination to the appointing authority. If no appointing authority has been agreed upon or designated, or if the appointing authority fails to act within the time specified in these Rules, then the review shall be made by the Secretary-General of the PCA;
(c) If the appointing authority or the Secretary-General of the PCA finds that the arbitral tribunal’s determination is inconsistent with the arbitral tribunal’s proposal (and any adjustment thereto) under paragraph 3 or is otherwise manifestly excessive, it shall, within 45 days of receiving such referral, make any adjustments to the arbitral tribunal’s determination that are necessary to satisfy the criteria in paragraph 1. Any such adjustments shall be binding upon the arbitral tribunal;
(d) Any such adjustments shall either be included by the arbitral tribunal in its award or, if the award has already been issued, be implemented in a correction to the award, to which the procedure of article 38, paragraph 3, shall apply.
[...]

51. Requests relating to appointing authority services require careful review of the dispute settlement provisions of the underlying contracts and/or treaties, in order to establish the prima facie existence of an arbitration
agreement. Only then is any action taken regarding the request, such as searching for a suitable appointing authority or arbitrator.

52. During 2010, the PCA received a record forty-two new requests relating to its appointing authority services under the 1976 and 2010 UNCITRAL Arbitration Rules and other ad hoc arbitration provisions. These included twenty-six requests that the Secretary-General designate an appointing authority for the appointment of arbitrators; ten requests that the Secretary-General act as appointing authority for the appointment of arbitrators; two requests that the Secretary-General act as appointing authority to decide a challenge to an arbitrator; two requests that the Secretary-General propose legal experts; one request that the Secretary-General designate an appointing authority to decide a challenge to an arbitrator; and one request that the Secretary-General replace an appointing authority.

**Overview of Appointing Authority Activity in 2010**

**Case No. AA 364**: The Claimant, an African company, 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 365**: The Claimants, an Asian company and a European company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with the Respondent, an Asian company. The Secretary-General did not act in the matter, because, following communications with the International Bureau regarding the applicability of the UNCITRAL Rules, the Claimants decided not to pursue their request.

**Case No. AA 366**: 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, a Central American state. The Secretary-General designated an individual as appointing authority.

**Case No. AA 367**: 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 Secretary-General designated an individual as appointing authority.

**Case No. AA 368**: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondent, an African state entity. The Secretary-General designated an institution as appointing authority.

**Case No. AA 369**: At the request of an international organization, the Secretary-General proposed three legal experts for potential selection as members of an independent evaluation team.

**Case No. AA 370**: The Claimant, an African company, requested that the Secretary-General act as appointing authority and appoint the sole arbitrator in a dispute with the Respondent, a European company. The Parties subsequently jointly appointed the sole arbitrator, and the Claimant withdrew its request.

**Case No. AA 371**: The Claimant, a European company, requested that the Secretary-General act as appointing authority and appoint the second arbitrator in a dispute with the Respondent, a European state entity. The Secretary-General appointed the second arbitrator pursuant to the Claimant’s request.

**Case No. AA 372**: The Claimant, an African company, requested that the Secretary-General act as appointing authority and appoint the second arbitrator in a dispute with the Respondent, an African state. The Respondent subsequently appointed the second arbitrator, and the Claimant withdrew its request.

**Case Nos. AA 373, AA 374, & AA 375**: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in three disputes with the Respondent, another European company, arising out of three related contracts. The Secretary-General designated an institution as appointing authority in all three disputes.

**Case Nos. AA 376 & AA 377**: The Claimant, an individual with European nationality, 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 agreements. The Secretary-General designated an institution as appointing authority in both disputes.

**Case No. AA 378**: The Claimants, an Australasian company and a European company, requested that the Secretary-General act as appointing authority and appoint the second arbitrator in a dispute with the Respondents, an Asian state and an Asian state entity. The Respondents subsequently jointly appointed the second arbitrator, and the Claimants withdrew their request.
Case No. AA 378: Pursuant to the Claimants’ further request in the same case, the Secretary-General appointed the presiding arbitrator.

Case No. AA 379: In a dispute between the Claimant, a European company, and the Respondent, a European state, the Claimant requested that the Secretary-General act as appointing authority to decide the Claimant’s challenge to the arbitrator appointed by the Respondent. The Secretary-General rejected the challenge.

Case No. AA 379: Pursuant to the Claimant’s further request in the same case, the Secretary-General appointed the presiding arbitrator.

Case No. AA 380: The Claimants, two North American companies, requested that the Secretary-General act as appointing authority and appoint the presiding arbitrator in a dispute with the Respondent, a South American state. The Secretary-General appointed the presiding arbitrator pursuant to the Claimants’ request.

Case No. AA 381: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator in a dispute with the Respondent, another Asian company. The Secretary-General designated an institution as appointing authority.

Case No. AA 382: 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 designated an institution as appointing authority.

Case No. AA 383: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator in a dispute with the Respondent, another European company. The Secretary-General designated an institution as appointing authority.

Case No. AA 384: 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 international organization. Each Party subsequently appointed an arbitrator, and the Claimant withdrew its request.

Case No. AA 385: In a dispute between the Claimants, a European company and an Asian company, and the Respondent, a Caribbean company controlled by a consortium of state-owned entities, the Claimants requested that the Secretary-General designate an appointing authority to decide the Respondent’s challenge to the arbitrator appointed by the Claimants. The Secretary-General designated an individual as appointing authority.

Case No. AA 386: The Claimant, a European state, requested that the Secretary-General propose a legal expert in a dispute with another European state. The Secretary-General failed to establish to his satisfaction his competence to act and therefore declined the request.

Case No. AA 387: 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, a Central American state. The Secretary-General designated an individual as appointing authority.

Case No. AA 388: The Claimant, a European company, requested pursuant to the Parties’ agreement that the Secretary-General act as appointing authority and appoint the sole arbitrator in a dispute with the Respondent, another European company. The Secretary-General appointed the sole arbitrator pursuant to the Claimant’s request.

Case No. AA 389: 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, a North American company. The Parties subsequently settled their dispute.

Case No. AA 390: The Claimant, a European company, requested that the Secretary-General act as appointing authority and appoint the presiding arbitrator in a dispute with the Respondent, an Asian public entity. The Parties subsequently agreed on the presiding arbitrator.

Case No. AA 391: 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 Asian state entity. The Secretary-General designated an individual as appointing authority.

Case No. AA 392: The Claimant, a Middle Eastern company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with the Respondent, a North American company. The Secretary-General designated an institution as appointing authority.
Case No. AA 393: The Claimant, a Middle Eastern company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a dispute with the Respondent, a North American company. The Secretary-General designated an institution as appointing authority.

Case No. AA 394: 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 designated an institution as appointing authority.

Case No. AA 395: The Claimant, an Asian company, requested that the Secretary-General act as appointing authority and appoint the sole arbitrator in a dispute with the Respondent, a European company. The Claimant did not pursue its request.

Case No. AA 396: 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 Parties subsequently settled their dispute.

Case No. AA 397: 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 European state entity. The Secretary-General designated an individual as appointing authority.

Case No. AA 398: 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, a Central American state. The Secretary-General designated an individual as appointing authority.

Case No. AA 399: In a dispute between the Claimant, an African company, and the Respondent, another African company, the Claimant requested that the Secretary-General act as appointing authority and decide its challenge to all three arbitrators. The Secretary-General subsequently designated an institution as appointing authority.

Case No. AA 400: The Claimant, an African company, 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 failed to establish to his satisfaction his competence to act and therefore declined the request.

Case No. AA 401: The Claimant, an African company, 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 failed to establish to his satisfaction his competence to act and therefore declined the request.

Case No. AA 402: 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 Asian state-owned entity. The Secretary-General designated an individual as appointing authority.

Case No. AA 403: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator in a dispute with the Respondents, an African state and two African state-owned entities. The Secretary-General designated an individual as appointing authority.

Case No. AA 404: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority pursuant to Article 6(2) of the UNCITRAL Arbitration Rules 2010 in a dispute with the Respondent, an African company. The Secretary-General designated an institution as appointing authority.

Case No. AA 406: The Claimants, a European company and two South American companies, requested that the Secretary-General replace the previously agreed appointing authority in a dispute with the Respondent, a South American state, on the basis of its failure to appoint the second arbitrator within the time limits of the UNCITRAL Arbitration Rules 1976. The Secretary-General designated an individual as the replacement appointing authority.

Environmental Dispute Resolution

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 PCA 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 United Nations Economic Commission for Europe (UNECE) Civil Liability Protocol, to numerous public and private carbon emissions trading contracts in the context of the Kyoto Protocol.
In particular, the PCA was approached by the Gold Standard Foundation, an independent non-profit organization involved in certification of carbon credits within the international compliance and voluntary carbon markets. The Foundation intends to offer arbitration as an appeals mechanism in the event of a dispute between project applicants and the Foundation regarding certification decisions. To that end, the Foundation has developed its own arbitration rules, which are based on, and closely follow, the PCA Environmental Arbitration Rules.

In addition, the PCA was informed that its Environmental Arbitration Rules and its Optional Rules for Fact-finding Commissions of Inquiry have been included in the dispute resolution provisions of the “The Compact: A Contractual Mechanism for Response in the Event of Damage to Biological Diversity Caused by the Release of a Living Modified Organism,” a liability mechanism developed by members of the biotechnology industry.

In 2010, the PCA continued to provide administrative support for the first two cases conducted under the PCA Environmental Arbitration Rules. One of these cases resulted in a final award dated November 30, 2010.

Mass Claims

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”).

Disputes Relating to Outer Space

In 2010, the PCA supported the ongoing work of an Advisory Group charged with the task of analyzing international arbitrations relating to outer space activities. Under the direction of its Chairman, Judge Fausto Pocar of the International Criminal Tribunal for the Former Yugoslavia, the Advisory Group examined the substantive and procedural dimensions of disputes relating to outer space. The Advisory Group further began to investigate the potential role and content of a set of specialized arbitration rules for arbitrations relating to outer space activities.

Steering Committee to Improve the Settlement of Disputes Arising out of International Loan Agreements

In 2010, at the invitation of the Netherlands Minister of Development and Cooperation, the PCA became a member of a Steering Committee examining the settlement of disputes arising out of international loan agreements. The Steering Committee began preparations to convene an Advisory Group of legal, economic, and financial experts to consider the adequacy of current arrangements for the settlement of disputes involving sovereign debts and the possible utility of facilitated recourse to arbitration.

Cooperation Agreements (Publications)


The PCA’s previous agreement with TMC Asser Press for the publication of a PCA Award Series has been replaced by an arrangement through which the PCA publishes the Award Series independently. The Series features recent arbitral awards rendered under the auspices of the PCA, accompanied by commentary from pre-eminent international legal scholars.

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

On March 22 and 23, the PCA again hosted pre-moot practice rounds at the Peace Palace to prepare students for the annual Willem C. Vis International Commercial Arbitration Moot, held in Vienna from March 26 to April 1. Participating teams included Cologne University, Graduate Institute of International and Development Studies (Switzerland), King’s College London, Paris XI University, São Paulo University, Universidad Católica Portuguesa, University of Amsterdam, University Carlos III Madrid, University of New
South Wales, and Utrecht University.

64. The PCA, with the Houston International Arbitration Club, Inc. and the University of Texas School of Law, co-hosted a conference on “Arbitration and National Courts: Conflict and Cooperation,” on May 13 and 14 in Houston, Texas. The program brought together an internationally-renowned faculty in a conference focused on the role of arbitrators and the courts, and featured a speech delivered by the PCA Deputy-Secretary General. The conference followed the successful symposium, “Weighing the Facts: Information Exchange and Presentation of Evidence in International Commercial and Investment Arbitration,” held at the Peace Palace in May 2009.

PCA Publications

65. A compilation volume entitled “Permanent Court of Arbitration Summaries of Awards 1999-2009,” comprising summaries of thirty-one awards issued by arbitral tribunals and commissions for which the PCA provided registry services over the decade 1999-2009, was edited by the PCA’s International Bureau and published by TMC Asser Press and the PCA in 2010.

66. The seventh volume in the PCA Award Series, “The MOX Plant Case (Ireland–United Kingdom). Record of Proceedings 2001-2008,” was published in 2010 by the PCA. This volume contains records from proceedings administered by the PCA under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS), as well as records from related proceedings conducted before the International Tribunal for the Law of the Sea (ITLOS) and the Court of Justice of the European Communities. The publication includes an introduction by Professor Nico Schrijver on the contribution of the MOX Plant case to international law.

Increasing Awareness of the PCA

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

(a) Activities of the Secretary-General

68. In January and February, the Secretary-General attended a session of the United Nations Commission on International Trade Law (UNCITRAL) Working Group charged with the revision of the UNCITRAL Rules. While in New York, he met with Ms. Patricia O’Brien, UN Under-Secretary-General for Legal Affairs, regarding UN-PCA relations.

69. In March, the Secretary-General made an official visit to the Philippines, where he was received by the Secretary of Justice and Solicitor General. While there, he also attended a meeting with Undersecretary Ms. Erlinda F. Basilio, Acting Secretary of Foreign Affairs and Undersecretary for Policy (dispute settlement); Assistant Secretary Leslie Gatan, Head of the Department of Foreign Affairs Office of United Nations and Other International Organizations; and Assistant Secretary J. Eduardo Malaya III, Head of the Office of Legal Affairs. Among the matters of mutual interest discussed was the prospect of the Philippines’ accession to the PCA.

70. The Secretary-General also visited Hong Kong in March. While there, he met with Professor Guigou Wang, Dean of the Hong Kong City University, in order to discuss cooperation between the two institutions.

71. In May, the Secretary-General participated in the International Court of the Environment Foundation’s (ICEF) Global Environmental Conference, held in Rome. While there, he made a presentation on “The Work of the Permanent Court of Arbitration in the Field of Environmental Dispute Avoidance and Resolution.”

72. Also in May, the Secretary-General and a legal counsel met with the Tribunal and with the parties in the Bangladesh-India dispute, in Heidelberg, Germany.

73. In September, the Secretary-General visited Hong Kong and China. In Hong Kong, at the invitation of the Hong Kong City University, he delivered the City University Eminent Speakers Lecture, addressing “The Role of Arbitration in a Globalizing World: a Vision of the Future.” While in Beijing, he met with Mr. Liu Zhenmin, Assistant Minister of Foreign Affairs. In addition, the Secretary General and Mr. Yu Jianlong, Vice President and Secretary-General of the China International Economic and Trade Arbitration Commission (CIETAC), signed the CIETAC-PCA Cooperation Agreement.

74. In November, the Secretary-General visited Washington DC, where he signed a Cooperation Agreement between the PCA and the Organization of American States (OAS).
The Secretary-General received a number of dignitaries and delegations at the Peace Palace throughout the year. In March, he received a delegation from France. Among those in attendance were Mme Clémence Bouquemont, Chef adjoint de la Mission Interministérielle des Fonctionnaires Internationaux, Ministère des Affaires Etrangères, and M. Eric Maitrepeire, Chef du Service des Affaires Européennes et Internationales (SAEI), Ministère de la Justice. In April, he received Mr. Narinder Singh, Joint Secretary (Legal and Treaty), Ministry of External Affairs, India. Later in April, the Secretary-General met with H.H. Prince Turki bin Mohammed bin Saud Alkabeer, Deputy Minister of the Ministry of Foreign Affairs of Saudi Arabia. In September, he received representatives from the Ministry of Foreign Affairs of Thailand, along with a team of university academics. He also met with a delegation from the Republic of Mauritius, which included Mr. Satyajit Boollel, Senior Counsel, Director of Public Prosecutions, and Mr. Rosario Domingue, Chief Executive Officer of the Law Reform Commission. Later in September, he held meetings with Mr. Ruselu Martha, General Counsel of the International Fund for Agricultural Development (IFAD), and with Mr. Jeffrey D. Kovic, Assistant Legal Advisor at the US State Department. In November, the Secretary General attended a lunch held in the Peace Palace on the occasion of the visit of the Deputy Prime Minister of the United Kingdom, Mr. Nick Clegg. Later in November, he received a delegation from Iran. Among those in attendance were H.E. Mr. Mohammad Mehdi Akhondzadeh, Deputy Foreign Minister in Legal and International Affairs, and H.E. Mr. Gharib Ahadi, Ambassador of Iran in the Netherlands. In December, the Secretary-General met with Mr. Ousmane Diakité, President of the Court of Justice for the West African Economic and Monetary Union, and Malian judge. Later in December, the Secretary-General met with Mr. Johan Billiet, President of the Association of International Arbitration (AIA).

On a regular basis, the Secretary-General met with ambassadors and legal staff of member states; presidents and other representatives of international organizations, including the International Court of Justice, the International Criminal Court, the Organisation for the Prohibition of Chemical Weapons (OPCW), and the Iran-US Claims Tribunal; members of the PCA’s Panel of Arbitrators (“Members of the Court”); and arbitrators and judges from around the world.

(b) Activities of Legal Counsel

The Deputy Secretary-General attended, as an Observer, the Fifty-second session of the UNCITRAL Working Group II on Arbitration and Conciliation, held in New York from February 1 to 5, and the Fifty-third session of this Working Group in Vienna from October 4 to 8. From June 21 to 25, he attended, as an Observer, the UNCITRAL Commission Session in New York.

For the promotion of the Financial Assistance Fund, an assistant legal counsel met with officials from the Ministries of Justice and Foreign Affairs of Rwanda, in Kigali in August. On August 14, the same assistant legal counsel gave a lecture on the PCA and on international dispute resolution to lawyers of the Rwandan Ministry of Justice, as part of the Millennium Challenge Corporation Rwanda Threshold Program Justice Strengthening Project diploma-level course. From October 10–12, a legal counsel spoke at the joint UNCTAD/University of Miami “Peer Forum on the Settlement of Investment Disputes,” which brought together Latin American government legal advisers. All three visits were conducted pursuant to the Netherlands’ special contribution to the PCA to promote the Financial Assistance Fund in thirteen countries.

On May 24 at the ICCA Conference 2010 in Rio de Janeiro, the Deputy Secretary-General presented a cooperation agreement signed by the PCA Secretary-General to the President of the Australian Centre for International Commercial Arbitration (ACICA) for signature.

On August 16, a legal counsel participated as a committee member for the International Law Association International Arbitration Committee report on confidentiality in international commercial arbitration.

On November 19, at an official signing ceremony scheduled as part of the Hong Kong International Arbitration Centre’s (HKIAC) 25th anniversary conference, a legal counsel presented a cooperation agreement signed by the PCA Secretary-General to the Secretary-General of the HKIAC for his signature.

A legal counsel was appointed as a founding office-holder of a group for young arbitration practitioners, Young ICCA.

Legal counsel gave lectures and presentations on arbitration-related topics at conferences and in other venues throughout the year. The Deputy Secretary-General delivered a speech at the Singapore International Arbitration Forum, held on January 21 and 22. A legal counsel presented a paper on “Navigating the Parallel Universe of Investor-State disputes under the UNCITRAL Rules” in Sydney, Australia, at the Sydney University Conference, “Investment Treaty Arbitration: Evolution and Revolution in Substance and Procedure,” held on February 19 and 20. On March 19, a legal counsel gave a paper on “Ad Hoc Versus Administered Arbitration (and the Spectrum of Options in Between),” for the Chartered Institute of Arbitrators’ International Dispute Resolution conference in Cambridge, United Kingdom. On March 26, a
legal counsel gave a lecture for the Office of the Solicitor-General of the Philippines on “International Dispute Settlement and the Role of the PCA.” On April 14, a legal counsel attended the Commonwealth Secretariat’s meeting of Registrars of Final/Appellate, Regional and International Courts, in Ottawa, hosted by the Supreme Court of Canada, where she presented a paper on “The View from Arbitration: the PCA’s Experience with Finance, Witnesses and Unrepresented Parties.” The Deputy Secretary-General spoke during the conference “Arbitration and National Courts: Conflict and Cooperation,” co-sponsored by the PCA, on May 13 and 14, in Houston, Texas. From May 27–29, an assistant legal counsel attended the Joint University of Buenos Aires-Cornell University Colloquium on International Commercial Arbitration, held in Buenos Aires, where he spoke on institutional best practices in international arbitration. On June 4, a legal counsel gave a presentation at the conference “The UNCITRAL Model Law on International Commercial Arbitration: 25 Years,” in Brussels, on “Court Review of Arbitral Awards for Excès de Pouvoir.” Two legal counsel attended the Society of International Economic Law 2010 Conference, held from July 8 to 10 in Barcelona, where they served on a panel regarding “Contemporary Jurisdictional Problems in Investor-State Arbitration.” One legal counsel addressed “Treating Corruption as a Jurisdictional Issue in Investor-State Arbitration: Promise and Limits,” and the other addressed “Risks of Competing Jurisdiction: Investor-State Arbitration and State-to-State Proceedings.” On August 18, the Deputy Secretary-General chaired a panel on the Abeyi arbitration during the International Law Association Conference in The Hague. A legal counsel attended the 2010 Annual Conference of the International Bar Association, held from October 3 to 8 in Vancouver, British Columbia, and gave a presentation on “Mediation in Investor-State Disputes.” On October 15, a legal counsel spoke about the PCA’s work to a group of US state courts judges from the International Academy of Trial Judges, in The Hague. A legal counsel spoke on investment treaty arbitration and on drafting and negotiating dispute settlement clauses at the International Congress of the Club Español de Arbitraje, held in Lima from November 3–7. A legal counsel spoke about the PCA’s role as an institution, while serving as a panelist at the HKIAC’s 25th anniversary conference, held from November 18–19 in Hong Kong. The Deputy Secretary-General chaired a panel during the Mauritius International Arbitration Conference, held on December 13 and 14 in Mauritius and co-sponsored by the PCA. On December 15, a legal counsel served on a panel at a roundtable event in Mauritius jointly organized by Young ICCA, the International Chamber of Commerce Young Arbitrators Forum, and the London Court of International Arbitration’s Young International Arbitration Group. The panel was entitled, “Trials and Tribulations in the Arbitral Procedure,” and the legal counsel spoke about institutional versus ad hoc arbitration and about the PCA’s role under the Mauritian International Arbitration Act 2008.

84. Legal counsel taught courses and gave lectures at universities and other educational institutions in France, Germany, the Netherlands, South Africa, and the United Kingdom. The Deputy Secretary-General taught a course on international arbitration from January to March for students enrolled in an LL.M. program at Leiden University. On May 7, a legal counsel delivered a lecture for LL.M. students at the University of Amsterdam on the topic of procedural aspects of investment treaty arbitration. On May 8, a legal counsel delivered a lecture for LL.M. students at Amsterdam University entitled “Fragmentation of International Law: Risks of Competing Jurisdiction in the Area of Investor-State Arbitration and State-to-State Proceedings.” On May 20, a legal counsel gave a lecture for LL.M. students at Utrecht University on the dramatis personae of international commercial arbitration. On May 27, a legal counsel gave a lecture for law students at Georg-August-Universität Göttingen on international law in practice. On June 16, an assistant legal counsel gave a presentation to the Association Henry Dunant on the work of the PCA. The Deputy Secretary-General made presentations to students at the Hague Academy of International Law on July 14 and on August 12. From September 13 to 24, a legal counsel taught an intensive course on international arbitration to LL.M. students at the University of Cape Town, South Africa. On September 29, a legal counsel gave a presentation about the PCA and international dispute resolution to a group of federal and state judges from the USA and Argentina, as part of the International Judicial Academy’s annual Sir Richard May Seminar in The Hague. On November 16, a legal counsel gave an extended lecture for Serbian judges, in Belgrade, on judicial assistance to and supervision of international arbitration, as part of a judicial training program organized by the TMC Asser Institute. On November 24, as part of another training program organized by the TMC Asser Institute, two legal counsel gave lectures to visiting judges from Kazakhstan on the PCA and its role in investment arbitration, and on the role of the PCA Secretary-General under the revised 2010 UNCITRAL Arbitration Rules. On November 26, a legal counsel gave an extended examinable lecture to LL.M. students at the University of Essex on International Commercial Arbitration, as part of the European Business Law Masters of Law Program of FALLAS, a consortium of nine European universities. On December 2, the Deputy Secretary-General gave a lecture to LL.M. students at Groningen University on international commercial dispute settlement law. On December 10, a legal counsel gave a lecture on investment arbitration to LL.M. students at the University of Rotterdam. On December 17, a legal counsel gave a lecture to LL.M. students in the arbitration and international business program at the Université de Versailles, on the topic of arbitration at the PCA. From September to December, two legal counsel co-taught the course on international arbitration for LL.B. students at the Hague University.

85. Legal counsel attended a number of conferences, lectures, and moot competitions. On March 4 and 5, a legal counsel attended the 13th Annual International Bar Association International Arbitration Day, in London, on the topic of “The Agreement to Arbitrate: What Did You Really Bargain For? When Arbitration Practice Departs
from the Arbitration Agreement.” On March 11 and 12, a legal counsel attended the Roundtable on “External and Internal Hazards to Investment Treaty Arbitrations,” in Frankfurt. From March 24 to 27, the Deputy Secretary-General attended the Annual Meeting of the American Society of International Law (ASIL) in Washington DC. From March 27 to April 1, a legal counsel and three assistant legal counsel acted as arbitrators for the Willem C. Vis International Commercial Arbitration Moot, and attended the Joint UNCTAD/VIAC Conference on the Revision of the UNCITRAL Arbitration Rules, the International Chamber of Commerce Young Arbitrators Forum and Young Austrian Arbitration Practitioners Conference on “Young Approaches to Arbitration,” the International Center for Dispute Resolution Young International Group seminar on Iura Novit Curia, and the Sixth Annual Leading Arbitrators’ Symposium on the Conduct of International Arbitration, all in Vienna. On May 13, an assistant legal counsel attended a conference on “Arbitrations Involving States or State Entities,” in London, co-sponsored by the International Chamber of Commerce Young Arbitrators Forum and Hogan Lovells. From May 23–26, the Deputy Secretary-General, four legal counsel, and one assistant legal counsel attended the ICCA Conference 2010 on Arbitration Advocacy in Changing Times, in Rio de Janeiro, Brazil. Two legal counsel and one assistant legal counsel attended the Young Arbitration Practitioners Conference, also in Rio de Janeiro. On June 14, three legal counsel attended the symposium “De goede arbiter,” organized in celebration of Professor Albert Jan van den Berg’s 30-year service as President to the Netherlands Arbitration Institute, on the occasion of his stepping down from that role. Two legal counsel and one assistant legal counsel attended the Moot Madrid Competition on International Arbitration and Trade Law, held from June 28 to July 1. On October 14, a legal counsel attended a conference in Paris on jurisdiction in investment treaty arbitration, organized by the International Arbitration Institute. On October 25, a legal counsel attended a roundtable on the settlement of financial market disputes, organized by the World Legal Forum Foundation in The Hague. An assistant legal counsel attended the Kuramo Conference in Lagos, Nigeria, from November 2–4. On November 3, a legal counsel attended the symposium “International Dispute Settlement: Room for Innovations,” at the Max-Planck-Institut in Heidelberg. On November 17, a legal counsel attended the Joint Colloquium on International Arbitration, in Paris, organized by the American Arbitration Association (AAA), the International Chamber of Commerce (ICC), and the International Centre for Settlement of Investment Disputes (ICSID). On December 3, a legal counsel participated in the colloquium in honor of Dame Rosalyn Higgins on temporal issues in international law, hosted by the TMC Asser Institute.

III. STATE PARTIES TO THE CONVENTIONS OF 1899 AND 1907

86. The Philippines acceded to the 1907 Convention for the Pacific Settlement of International Disputes on July 14, 2010 and became the 111th member state of the PCA effective September 12, 2010. A list of state parties to the 1899 and 1907 Conventions, as of June 15, 2011, is set forth in annex 1 to this report.

IV. MEMBERS OF THE PERMANENT COURT OF ARBITRATION

87. 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 June 15, 2011, along with brief biographical notes, is set forth in annex 6 to this report.

88. 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.

89. 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

90. 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 PCA 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. The lists of members of the specialized panels, as of June 15, 2011, are set forth in annexes 7 and 8 to this report, and include nominations put forth by the Secretary-General.

VI. ADMINISTRATIVE MATTERS

Administrative Council

91. 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 . . .”

92. At its 181st meeting on April 27, 2010, the Administrative Council, which is charged with the direction and control of the International Bureau, adopted the Budget Performance Report and Audited Financial Accounts 2009.

93. At its 182nd meeting on November 9, 2010, the Administrative Council adopted a proposal of the Secretary-General for the establishment of an open-ended, formal Working Group to establish financial rules and regulations for the PCA. In this same meeting, the Administrative Council approved the budget for the International Bureau for 2011.

94. 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 2010, the representative of Korea succeeded the representative of Japan, who served as a member of the committee in 2009. Thus, as of January 1, 2010, the Committee was composed of the representatives of Jordan, Kenya, and Korea. During the year under review, the Committee met on March 16 and October 7, prior to the regular meetings of the Administrative Council on April 27 and November 9, respectively.

95. 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 March 23 and October 12, 2010.

International Bureau Staff

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

Secretary General: Mr. Christiaan Kröner
Deputy Secretary-General: Mr. Brooks W. Daly
Principal Legal Counsel: Ms. Sarah Grimmer
Legal Counsel: Ms. Paul-Jean Le Cannu (until November 14)
Legal Counsel: Ms. Judith Levine
Legal Counsel: Mr. Aloysius Llamzon
Legal Counsel: Mr. Dirk Pulkowski
Legal Counsel: Mr. Martin Doe
Legal Counsel: Mr. Garth Schofield
(assistant Legal Counsel until September 29)
(assistant Legal Counsel until September 29)
Legal Counsel/ PCA Representative and Legal Officer in Mauritius: Mr. Matthias Kuscher (from July 1)
Assistant Legal Counsel: Mr. Akinjide Adesokan (until December 31)
Assistant Legal Counsel: Ms. Jara Mínguez Almeida
Assistant Legal Counsel: Ms. Heather Clark (until August 12)
Assistant Legal Counsel: Mr. Daniel Drabkin (until September 1)
Assistant Legal Counsel: Ms. Rita Lebib Feghali
Assistant Legal Counsel: Ms. Rebecca Hekman (from September 20)
Assistant Legal Counsel: Ms. Pilar Colomés Less (from September 1)
Assistant Legal Counsel: Mr. Alykhan Kurji (until September 21)
Assistant Legal Counsel: Ms. Yanying Li
Assistant Legal Counsel: Mr. Hugh Meighen (from September 27)
Assistant Legal Counsel: Ms. Sarah Melikian (from August 25)
Assistant Legal Counsel: Mr. William Panlilio (from April 26 to October 26)
Assistant Legal Counsel: Ms. Catherine Quinn (from September 20)
Assistant Legal Counsel: Ms. Anna Vinnik (from September 14)
Finance Officer: Mr. Riny van Eekelen
Chief Administrator: Mr. Theodore Mercredi
Legal Secretary: Ms. Evelien Pasman-ter Meulen
Legal Secretary: Ms. Helcha Prins
Legal Secretary: Ms. Vilmante Blink
Legal Secretary: Ms. Gaëlle Chevalier
Legal Secretary: Ms. Caroline Gill (from October 1)
Legal Secretary: Ms. Cristina Sotoca Álvarez (until October 1)
Legal Secretary: Ms. Willemijn van Banning

ICCA Publications
Managing Editor: Ms. Silvia Borelli
Executive Editor (ICCA):
Legal Counsel (PCA): Ms. Lise Bosman
Assistant Managing Editor: Ms. Alice Siegel
Sub-Editor: Ms. Helen Pin

Fellowship and Internship Programs

In 2010, seven participants were engaged under the PCA’s assistant legal counsel fellowship program. Participants in this program spend up to twelve months at the International Bureau working closely with legal staff and arbitral tribunals. The candidates accepted to the program during 2010 were:

- Rebecca Hekman (United States): J.D., University of California, Los Angeles; M.A.L.D. (Law and Diplomacy) Cand., The Fletcher School of Law and Diplomacy, Tufts University; B.A. with distinction (English Literature/Development Studies), University of California, Berkeley.
- Pilar Colomés Less (Spain): Licenciatura en derecho, Licenciatura en periodismo, Universidad Carlos III de Madrid.
- Sarah Melikian (United States): J.D., American University, Washington College of Law; A.B. (Art History/French), Georgetown University.
- William Panlilio (The Philippines): J.D. magna cum laude, Fordham University; Master of International Affairs, School of International and Public Affairs, Columbia University; B.A. (Philosophy), Loyola Schools, Ateneo de Manila University.
- Catherine Quinn (Canada): B.C.L./LL.B., McGill University; Diplôme d’études collégiales (Law and Society), Dean’s Honour List, Dawson College, Montreal.
- Anna Vinnik (United States): J.D., Yale Law School; B.A. (Russian Civilization), University of Chicago.

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 2010:

- Rumiana Yotova (Bulgaria): LL.M. Adv. cum laude (Public International Law), Leiden University; Diploma cum laude, Hague Academy of International Law; LL.M. with excellence, Sofia University; Diploma (English Law/European Union Law), University of Cambridge.
- Trina Ng (Australia): LL.B./B.Com. with high distinction, University of New South Wales.
- Vladyslav Lanovy (Ukraine): Ph.D. (International Law) Cand., Master in International Law, Graduate Institute of International and Development Studies, Geneva; B.A. with honours (Political Science/International Relations), New University, Lisbon; Diploma in Human Rights Law, Academy of European Law, Florence; Diploma in International and Comparative Human Rights Law, International Institute of Human Rights René Cassin, Strasbourg.
- Diana Tóth (Hungary/France): LL.M. (Commercial and Corporate Law), University of London; Master
Budget and Finance

99. The Combined Financial Report (containing the Audited Financial Accounts 2010 and the Budget Performance Report 2010), was duly examined by the Financial Committee on April 27, 2011, considered by the Budget Committee on April 28, 2011, and approved by the Administrative Council on May 26, 2011. It is available to member states in a supplement to this report.

100. 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.

101. 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 October 27, 2009. This scale is available to member states in a supplement to this report.
I. RÉSUMÉ

1. 2010 a été une année spectaculaire pour la Cour permanente d’arbitrage (CPA). Au cours de cette année, la CPA a enregistré le chiffre record de soixante-quatre affaires, et une sentence finale a été rendue dans la première affaire de la CPA conduite conformément au Règlement facultatif de la CPA pour l’arbitrage des différends relatifs aux ressources naturelles et/ou à l’environnement. En outre, conformément à la Convention d'établissement avec la République de Maurice, un bureau de la CPA y a été ouvert.

2. Parmi les soixante-quatre affaires de greffe pendantes devant la CPA, dont vingt-quatre ont été soumises en 2010, figuraient deux arbitrages entre États (y compris le différend entre le Bangladesh et l'Inde en application de la Convention des Nations Unies sur le droit de la mer (CNUDM)) ; trente-huit arbitrages entre investisseurs et États sur le fondement de traités bilatéraux ou multilatéraux d’investissement ; vingt-et-un arbitrages sur le fondement de contrats ou autres accords auxquels l’une au moins des parties est un État, une entité contrôlée par l’État ou une organisation intergouvernementale ; un arbitrage sur le fondement d’une législation nationale relative aux investissements ; et deux arbitrages conduits conformément au Règlement facultatif de la CPA pour l’arbitrage des différends relatifs aux ressources naturelles et/ou à l’environnement.

3. La CPA a reçu le chiffre record de quarante-deux nouvelles requêtes relatives à ses services d’autorité de nomination en application des Règlements d’arbitrage de la CNUDCI de 1976 et de 2010 et d’autres dispositions d’arbitrage ad hoc. Ces requêtes incluaient vingt-six demandes de désignation par le Secrétaire général d’une autorité de nomination pour nommer des arbitres ; dix demandes appelant le Secrétaire général à agir lui-même en tant qu’autorité de nomination des arbitres ; deux demandes appelant le Secrétaire général à agir en qualité d’autorité de nomination pour statuer sur une récusion d’arbitre ; deux demandes appelant le Secrétaire général à proposer des experts juridiques ; une demande appelant le Secrétaire général à désigner une autorité de nomination pour statuer sur une récusion d’arbitre ; et une demande appelant le Secrétaire général à remplacer une autorité de nomination.

4. Depuis l’adhésion des Philippines à la Convention de 1907 pour le règlement pacifique des conflits internationaux, le nombre des États membres de la CPA est passé à 111.

5. Une contribution financière volontaire au Fonds d’assistance financière de la CPA, un organe visant à aider les États en développement éligibles à supporter les frais inhérents à un arbitrage international ou aux autres moyens de règlement des différends proposés par la CPA, a été versée par les Pays-Bas. Ce fonds d’assistance financière a alloué une somme à un pays africain.


7. En mai, la CPA, en collaboration avec le Houston International Arbitration Club, Inc. et la faculté de droit de l’université du Texas, a coparrainé une conférence intitulée « Arbitration and National Courts : Conflict and Cooperation. » (« Arbitrage et juridictions nationales : conflit et coopération. »). Cette conférence s’est tenue à Houston, au Texas.

8. La coopération de la CPA avec le Conseil international pour l’arbitrage commercial (CIAC) s’est poursuivie avec la publication du Yearbook Commercial Arbitration (volume XXXV) et de cinq suppléments au International Handbook on Commercial Arbitration.


10. La CPA a poursuivi, en étroite coopération avec le Portail judiciaire de La Haye, la numérisation des sentences arbitrales historiques rendues sous ses auspices et a mis pour la première fois ses décisions à la disposition du public sous un format électronique se prêtant à la recherche par mots clés.

11. Le Secrétaire général de la CPA s’est rendu à New York, où il a assisté à une session du groupe de travail de la Commission des Nations Unies pour le droit commercial international (CNUDCI) chargé de réviser le Règlement d’arbitrage de la CNUDCI, et où il a également rencontré le Secrétaire générale adjoint aux affaires juridiques des Nations Unies.

12. Le Secrétaire général a effectué une visite officielle aux Philippines, où il a été reçu par le ministre de la Justice et Soliciteur général, le ministre des Affaires étrangères par intérim et secrétaire adjointe chargée des affaires politiques (règlement des différends), le chef du Bureau des Nations Unies et autres organisations internationales du ministère des Affaires étrangères, ainsi que le chef du Bureau des affaires juridiques.

13. Au cours de l’année 2010, la CPA a également conclu plusieurs nouveaux accords de coopération. Le Secrétaire général s’est rendu à Pékin et Washington DC, où il a signé des accords de coopération entre la CPA et la China International Economic and Trade Arbitration Commission (CIETAC), ainsi qu’avec l’Organisation des États américains (OEI), respectivement. À l’occasion de la Conférence du CIAC de 2010 organisée à Rio de Janeiro, le Secrétaire général adjoint a soumis à la signature du Président du Australian Centre for International Commercial Arbitration (ACICA) un accord de coopération signé par le Secrétaire général de la CPA. Un conseiller juridique a soumis à la signature du Secrétaire général du Hong Kong International Arbitration Centre (HKIAC) un accord de coopération signé par le Secrétaire général de la CPA, lors d’une cérémonie officielle de signature programmée dans le cadre de la conférence organisée à l’occasion du 25e anniversaire du HKIAC, à Hong-Kong.


15. Le Secrétaire général et d’autres membres du personnel du Bureau international ont fait un certain nombre de présentations, au Palais de la Paix et en d’autres endroits, destinées à des hauts fonctionnaires, des juges, des conseillers juridiques, des membres du corps diplomatique, des avocats, des étudiants en droit et d’autres groupes concernant des sujets relevant de la compétence de la CPA.

II. LE TRAVAIL DE LA CPA ET DE SON BUREAU INTERNATIONAL

A. CHAMP D’ACTIVITÉ

Arbitrage

16. La CPA a été établie par la Convention pour le règlement pacifique des conflits internationaux, conclue à La Haye en 1899, afin de faciliter l’arbitrage et d’autres formes de règlement des différends. Le principe de sa création avait été retenu lors de la première Conférence internationale de la Paix de la Haye organisée à l’initiative du tsar Nicolas II de Russie « dans le but de rechercher les moyens les plus efficaces pour assurer à tous les peuples les bienfaits d’une paix réelle et durable et, avant tout, pour mettre un terme au développement progressif des armements ». La Convention de 1899, laquelle sert d’acte constitutif à la CPA, a fait l’objet d’une révision à l’occasion de la second Conférence de la Paix de La Haye en 1907. Les conventions fondatrices de la CPA définissent des procédures pour l’arbitrage des différends entre États.


18. Conçu à l’origine pour le règlement des différends entre États, le mandat de la CPA fut élargi lorsque, en 1935, la Cour administra sa première affaire entre un État et une partie privée (Radio Corporation of America c. Chine) ; cette affaire ayant établi un précédent, la CPA a poursuivi son activité en proposant également ses services dans le règlement de différends impliquant diverses combinaisons d’États, d’entités étatiques, d’organisations internationales et de parties privées.


Commissions internationales d’enquête et de conciliation

20. Les Conventions de 1899 et de 1907 prévoient la constitution de commissions internationales d’enquête pour faciliter le règlement de certains types de différends en éclairant les faits dans le cadre d’une investigation impartiale. Une liste des affaires soumises à des commissions de ce type figure à l’annexe 3 au présent rapport. Le Règlement facultatif de la Cour permanente d’arbitrage sur les commissions d’enquête pour l’établissement des faits a été adopté en 1997.


Mise à disposition du personnel et des locaux

22. La CPA fournit des services de greffe complets et un soutien administratif à des tribunaux et commissions ; elle sert notamment de canal officiel de communication et veille à la conservation sécurisée de documents, tout en proposant des services complémentaires tels que la recherche, la gestion financière, le soutien logistique et technique pour les réunions et audiances, l’organisation des déplacements, la traduction et l’interprétation, ainsi que l’assistance générale en matière de secrétariat. Dans son siège installé au Palais de la Paix, la CPA dispose d’un prétoire spacieux et bien équipé, ainsi que de plusieurs salles de réunions qui sont non seulement utilisées dans le cadre de ses propres affaires, mais également mis à la disposition des tribunaux souhaitant tenir leurs audiances au Palais de la Paix. De plus, une suite d’arbitrage autonome a été construite spécialement à l’usage de la CPA dans le cadre de l’édification du nouveau bâtiment de l’Académie de La Haye annexé au Palais. Cette suite comprend une salle d’audience et plusieurs salles de réunion, ainsi qu’une salle de délibération pour les arbitres.

23. La CPA peut également fournir des locaux pour y tenir des audiances dans différents endroits du monde, conformément à ses conventions d’établissement.

Fonds d’assistance financière

24. Le Fonds d’assistance financière de la CPA a été créé par le Conseil administratif en octobre 1994 pour aider les pays en développement à supporter une partie des coûts inhérents à l’arbitrage international ou à d’autres moyens de résolution des différends proposés par la CPA. Ce fonds est alimenté par des contributions volontaires et les États éligibles sont ceux qui sont parties aux Conventions de 1899 ou de 1907 et qui : (1) ont conclu un accord visant à soumettre un ou plusieurs différends, actuels ou futurs, à un moyen de règlement quelconque administré par la CPA ; et (2) au moment de la demande d’assistance financière au Fonds sont répertoriés sur la liste des bénéficiaires de l’aide du Comité d’aide au développement (« liste CAD ») de l’Organisation de coopération et de développement économiques (OCDE), telle qu’elle figure à l’annexe 5c au présent rapport. Tout État éligible peut demander une assistance financière au Fonds en adressant une demande écrite au Secrétaire général de la CPA. Il appartient à un comité d’examen indépendant de statuer sur la demande. Les statuts et le règlement du Fonds, ainsi que la composition du Comité d’examen sont reproduits aux annexes 5a et b du présent rapport.

À ce jour, des aides financières ont été accordées à un État d’Asie centrale, un État d’Asie, un État d’Amérique centrale et cinq États d’Afrique. En 2010, une somme a été allouée à un État africain. Les Pays-Bas ont, eux aussi, versé une contribution spéciale à la CPA afin de promouvoir le recours au Fonds dans certains pays en voie de développement.

Coopération internationale


Un accord de coopération conclu en 1989 avec le CIAC prévoit que celui-ci fournira au Secrétariat général de la CPA, à sa demande, des informations concernant les institutions d’arbitrage, les experts, la procédure et diverses activités dans différentes parties du monde. En 1996, le Bureau international a conclu avec le CIAC un accord supplémentaire concernant la préparation des publications de ce Conseil. En 2007, la CPA et le CIAC ont signé un nouveau accord de coopération, lequel prévoit la poursuite de la coopération dans la production des publications du CIAC, ainsi que la communication d’informations à la CPA sur l’évolution de l’arbitrage international.

La CPA est membre de la Fédération internationale des institutions d’arbitrage commercial (International Federation of Commercial Arbitration Institutions ou IFCAI) dont les objectifs consistent à établir et à maintenir des relations permanentes entre les institutions d’arbitrage commercial, à faciliter l’échange et la diffusion d’informations relatives aux services offerts et aux arbitres et conciliateurs potentiels, à promouvoir et faciliter la publication d’études sur la conciliation et l’arbitrage, ainsi qu’à faire circuler des informations sur les législations, les règlements, les sentences arbitrales non confidentielles et les décisions judiciaires. De telles informations contribuent à faciliter l’exercice par le Secrétariat général de ses
compétences spéciales en matière de désignation d’autorités de nomination, conformément au Règlement d’arbitrage de la CNUDCI (voir plus bas les paragraphes 49-50).

30. En décembre 1997, la Conférence des États parties à l’Organisation pour l’interdiction des armes chimiques (OIAC), dont le siège se trouve à La Haye, a choisi le Bureau international pour servir de greffe dans le cadre des activités de règlement des différends de la Commission de confidentialité de l’OIAC. L’accord pertinent est entré en vigueur en 1999.

Conventions d’établissement

31. Pour rendre ses services de règlement des différends plus largement accessibles, la CPA a adopté une politique de conclusion de « conventions d’établissement » avec ses États membres. En concluant une telle convention, le pays hôte et la CPA établissent le cadre juridique qui régira les futures procédures administrées par la Cour sur le territoire du pays concerné.

32. Plus spécifiquement, la CPA et le pays hôte coopèrent afin de garantir aux arbitres, au personnel de la CPA et aux participants à la procédure (conseils, agents et témoins) la possibilité de s’acquitter de leurs fonctions dans des conditions analogues à celles octroyées à la CPA par le royaume des Pays-Bas dans le cadre de l’accord de siège. Il convient de signaler que chaque convention d’établissement prévoit la fourniture, par le pays hôte, des installations et des services requis dans les procédures administrées par la CPA (bureaux, salles de réunion, secrétariat, etc.) et énonce les privilèges et immunités accordés par ce pays aux arbitres et aux participants (par exemple des exemptions fiscales et l’immunité, dans certaines conditions, de poursuites judiciaires concernant les paroles ou les écrits des intéressés). La CPA et le pays hôte peuvent également établir un centre de la CPA sur le territoire du pays hôte. Ces arrangements concernent ainsi à la CPA une grande souplesse pour proposer aux parties, sur le territoire de l’État hôte, tous les avantages inhérents aux procédures administrées par la Cour mais se déroulant sur le territoire de l’État hôte, et ce à une échelle de plus en plus internationale.

33. Plus généralement, les avantages de la convention d’établissement pour le pays hôte, les États voisins et les parties au différend englobent :

- la capacité d’attirer dans le pays hôte des arbitrages qui, autrement, se seraient déroulés ailleurs ;
- le renforcement de l’image internationale du pays hôte en tant que forum d’arbitrage ;
- la sensibilisation, à l’échelle du pays hôte et de la région environnante, à l’arbitrage et aux autres méthodes de règlement des différends proposés par la CPA ;
- la promotion de l’utilisation des institutions arbitrales situées dans le pays hôte ;
- le renforcement de la coopération entre la CPA et des institutions arbitrales nationales ou régionales et la facilitation des échanges de savoir-faire ;
- l’accessibilité accrue des procédures de règlement des différends administrés par la CPA.


B. DÉVELOPPEMENTS EN 2010

Activités de greffe et autres

(a) Greffe

35. Pendant l’année 2010, la Cour permanente d’arbitrage a enregistré un nouveau record avec soixante-quatre affaires de greffe. Ces affaires incluent : deux arbitrages entre États ; trente-huit arbitrages entre investisseurs et États sur le fondement de traités bilatéraux ou multilatéraux d’investissement ; vingt-et-un arbitrages sur le fondement de contrats ou autres accords auxquels l’une au moins des parties est un État, une entité contrôlée par l’État ou une organisation intergouvernementale ; une procédure introduite en vertu

36. Les services de greffe de la CPA ont été sollicités dans vingt-quatre nouvelles affaires en 2010, y compris un arbitrage entre États, treize arbitrages sur le fondement de traités d’investissement bilatéraux et dix arbitrages concernant des demandes fondées sur un contrat.

37. Le Bureau international de la CPA continue à servir de greffe au tribunal arbitral de la Banque des règlements internationaux (tribunal de la BRI), établi en application de l’article XV de l’accord signé à La Haye le 20 janvier 1930. Le tribunal est composé du professeur W. Michael Reisman (président), du professeur docteur Jochen Abr. Frowein, du professeur docteur Mathias Krafft, du professeur Paul Lagarde et du professeur docteur Albert Jan van den Berg. Le 19 septembre 2003, le tribunal a rendu sa sentence finale dans le cadre d’un différend opposant la Banque à trois de ses anciens actionnaires privés. En 2006, les membres du tribunal de la BRI ont été reconduits dans leurs fonctions pour un mandat de cinq ans, conformément à la procédure prévue par l’Accord de La Haye de 1930. Aucun arbitrage n’est actuellement pendu devant le tribunal de la BRI.


41. Le Bureau international a continué à fournir un soutien administratif dans une procédure d’arbitrage introduite par Vito G. Gallo contre le Gouvernement du Canada. La procédure est conduite conformément au Règlement d’arbitrage de la CNUDCI, en application du chapitre onze de l’ALENA. Les membres du tribunal arbitral sont le professeur Juan Fernández-Armesto (arbitre-président), le professeur Jean-Gabriel Castel OC, QC et Dr Laurent Lévy.

42. Le Bureau international a continué à fournir un soutien administratif dans une procédure d’arbitrage — introduite par HICEE B.V. contre la République slovaque — conduite conformément au Règlement d’arbitrage de la CNUDCI, en application de l’Accord sur l’encouragement et la protection réciproques des investissements entre le royaume des Pays-Bas et la République tchèque et slovaque. Les membres du tribunal arbitral sont Sir Franklin Berman KCMG QC (arbitre-président), l’honorable juge Charles N. Brower et Son Excellence le juge Peter Tomka.

43. Le Bureau international a continué à fournir un soutien administratif dans une procédure d’arbitrage introduite par Bilonc of Delaware et al. contre le Gouvernement du Canada et conduite conformément au Règlement d’arbitrage de la CNUDCI, en application du chapitre onze de l’ALENA. Les membres du tribunal arbitral sont le juge Bruno Simma (arbitre-président), le professeur Donald McRae et le professeur Bryan Schwartz.

44. Le Bureau international a fourni un soutien administratif dans une procédure d’arbitrage introduite par European American Investment Bank AG contre la République slovaque. La procédure est conduite conformément au Règlement d’arbitrage de la CNUDCI, en application de l’accord entre la République d’Autriche et la République fédérale tchèque et slovaque sur l’encouragement et la protection des investissements. Les membres du tribunal arbitral sont Sir Christopher Greenwood (arbitre-président), Dr Alexander Petsche et le professeur Brigitte Stern.
45. Le Bureau international a fourni un soutien administratif dans une procédure d’arbitrage introduite par la République populaire du Bangladesh contre la République de l’Inde, en application de l’article 287 et de l’article 1er de l’annexe VII de la Convention des Nations Unies sur le droit de la mer (CNUDMI). Les membres du tribunal arbitral sont le professeur Rüdiger Wolfrum (président), le juge Thomas A. Mensah, M. Pemmaraju Sreenivasa Rao, le professeur Ivan Shearer et le professeur Tulio Treves.


(b) Tribunal des réclamations irano-américaines

47. La CPA a mis à la disposition du Tribunal des réclamations irano-américaines des bureaux et des services administratifs avant que le tribunal ne s’installe dans ses propres locaux en 1982. Elle continue d’assurer le secrétariat de l’autorité de nomination du tribunal laquelle, conformément au règlement de ce dernier, est désignée par le Secrétaire général de la CPA. L’autorité de nomination actuelle est l’ex-Président de la Cour suprême des Pays-Bas (« Hoge Raad »), M. le juge W. E. Haak.

(c) Tribunaux invités

48. En vertu de l’accord de coopération qu’elle a conclu avec le Centre international pour le règlement des différends relatifs aux investissements (CIRDI), la CPA met à disposition une partie de ses installations, sur demande, pour les arbitrages conduits sous les auspices de ce centre. La CPA met à disposition les mêmes installations, sur demande, aux tribunaux établis conformément aux règlements de certaines institutions d’arbitrage commercial international ou conformément à des règles ad hoc. En 2010, les tribunaux invités suivants ont eu recours à ces installations :
- une audience du CIRDI s’est tenue le 9 avril ;
- une audience du CIRDI s’est tenue du 12 au 14 avril ;
- une audience du CIRDI s’est tenue du 31 mai au 13 juin ;
- un tribunal arbitral de l’Institut d’arbitrage néerlandais (NAI) a tenu une audience du 21 juin au 2 juillet ;
- une audience de la Chambre de commerce internationale (CCI) s’est tenue du 12 au 13 juillet ;
- une audience du CIRDI s’est tenue du 21 au 23 juillet ;
- une audience de la Chambre de commerce internationale (CCI) s’est tenue le 1er novembre ; et
- une audience du CIRDI s’est tenue du 2 au 4 novembre.

Désignation d’autorités de nomination et d’arbitres par le Secrétaire général

49. Les articles 6, 7 et 12 du Règlement d’arbitrage de la CNUDCI de 1976, reproduits ci-dessous, confient au Secrétaire général de la CPA la tâche d’assurer l’intégrité de la procédure d’arbitrage international. Ce règlement confère en effet au Secrétaire général le rôle de désignation, à la demande d’une partie, d’une « autorité de nomination » chargée de nommer les membres d’un tribunal arbitral et de statuer sur les récusions d’arbitres. Les parties peuvent également désigner le Secrétaire général lui-même en tant qu’autorité de nomination, conformément au Règlement d’arbitrage de la CNUDCI ou à d’autres instruments.

RÉSOLUTION 31/98
ADOPTÉE PAR L’ASSEMBLÉE GÉNÉRALE LE 15 DÉCEMBRE 1976

31/98. Règlement d’arbitrage de la Commission des Nations Unies pour le droit commercial international

L’Assemblée générale,
Reconnaissant l’utilité de l’arbitrage en tant que méthode de règlement des litiges nés des relations commerciales internationales,
Convaincue que l’établissement d’un règlement d’arbitrage ad hoc qui soit acceptable dans des pays ayant des systèmes juridiques, sociaux et économiques différents contribuerait sensiblement au développement de relations économiques internationales harmonieuses,
Consciente que le Règlement d’arbitrage de la Commission des Nations Unies pour le droit commercial international a été élaboré à l’issue de consultations approfondies avec les institutions d’arbitrage et les centres d’arbitrage commercial international,
Notant que le Règlement d’arbitrage a été adopté par la Commission des Nations Unies pour le droit commercial international à sa neuvième session, à l’issue de délibérations approfondies,

1. **Recommande** l’application du Règlement d’arbitrage de la Commission des Nations Unies pour le droit commercial international pour le règlement des litiges nés des relations commerciales internationales, particulièrement par le renvoi au Règlement d’arbitrage dans les contrats commerciaux ;

2. **Prie** le Secrétaire général d’assurer la plus large diffusion possible au Règlement d’arbitrage. [...]  

**REGLEMENT D’ARBITRAGE DE LA CNUDCI 1976**  
**SECTION II. COMPOSITION DU TRIBUNAL ARBITRAL**

**NOMINATION DES ARBITRES (ART. 6 À 8)**

**Article 6**

1. S’il doit être nommé un arbitre unique, chaque partie peut proposer à l’autre :
   
   (a) Le nom d’une ou de plusieurs personnes susceptibles d’exercer les fonctions d’arbitre unique ; et

   (b) Si aucune autorité de nomination n’a été choisie par les parties d’un commun accord, le nom d’une ou plusieurs institutions ou personnes susceptibles d’exercer les fonctions d’autorité de nomination.

2. Si, dans les trente jours de la réception par une partie d’une proposition faite conformément au paragraphe 1, les parties ne se sont pas entendues sur le choix d’un arbitre unique, celui-ci est nommé par l’autorité de nomination choisie par les parties d’un commun accord. Si aucune autorité de nomination n’a été choisie par les parties d’un commun accord ou si l’autorité de nomination choisie par elles refuse d’agir ou ne nomme pas l’arbitre dans les soixante jours de la réception de la demande d’une partie en ce sens, chaque partie peut demander au **Secrétaire général de la Cour permanente d’arbitrage** de La Haye de désigner une autorité de nomination.

3. L’autorité de nomination, à la requête d’une partie, nomme l’arbitre unique aussi rapidement que possible. Elle procède à cette nomination en utilisant le système des listes conformément à la procédure suivante, à moins que les deux parties ne s’entendent pour écarté cette procédure ou que l’autorité de nomination ne décide, dans l’exercice de son pouvoir d’appréciation, que l’utilisation du système des listes conformément à cette procédure ne convient pas dans le cas considéré :
   
   (a) La demande de l’une des parties, l’autorité de nomination communique aux deux parties une liste identique comprenant au moins trois noms ;

   (b) Dans les quinze jours de la réception de cette liste, chaque partie peut la renvoyer à l’autorité de nomination après avoir rayé le nom ou les noms auxquels elle fait objection et numéroté les noms restants dans l’ordre de ses préférences ;

   (c) À l’expiration du délai susmentionné, l’autorité de nomination nomme l’arbitre unique parmi les personnes dont le nom figure sur les listes qui lui ont été renvoyées et en suivant l’ordre de préférence indiqué par les parties ;

   (d) Si, pour une raison quelconque, la nomination ne peut se faire conformément à cette procédure, la nomination de l’arbitre unique est laissée à l’appréciation de l’autorité de nomination.

4. L’autorité procède à la nomination en ayant égard à des considérations propres à garantir la nomination d’un arbitre indépendant et impartial et en tenant également compte du fait qu’il peut être souhaitable de nommer un arbitre d’une nationalité différente de celle des parties.

**Article 7**


2. Si, dans les trente jours de la réception de la notification du nom de l’arbitre désigné par une partie, l’autre partie ne lui a pas notifié le nom de l’arbitre de son choix :
   
   (a) La première partie peut demander à l’autorité de nomination antérieurement désignée par les parties de nommer le deuxième arbitre ; ou

   (b) Si aucune autorité de nomination n’a été antérieurement désignée par les parties ou si l’autorité de nomination désignée antérieurement refuse d’agir ou ne nomme pas l’arbitre dans les trente jours de la réception de la demande d’une partie en ce sens, la première partie peut demander au **Secrétaire général de la Cour permanente d’arbitrage** de La Haye de désigner l’autorité de nomination. La première partie peut alors demander à l’autorité de nomination ainsi désignée de
nommer le deuxième arbirte. Dans l’un et l’autre cas, la nomination de l’arbirte est laissée à l’appréciation de l’autorité de nomination.

3. Si, dans les trente jours de la nomination du deuxième arbirte, les deux arbitres ne sont pas entendus sur le choix de l’arbirte-président, ce dernier est nommé par une autorité de nomination, conformément à la procédure prévue à l’article 6 pour la nomination de l’arbirte unique.

[...]

RÉCUSATION D’ARBITRES (ART. 9 À 12) [...]

Article 12
1. Si la récusation n’est pas acceptée par l’autre partie et que l’arbirte récusé ne se déporte pas, la décision relative à la récusation est prise :
   (a) si la nomination initiale a été faite par une autorité de nomination — par ladite autorité ;
   (b) si la nomination initiale n’a pas été faite par une autorité de nomination mais qu’une telle autorité a été désignée antérieurement — par ladite autorité ;
   (c) dans tous les autres cas, par l’autorité de nomination qui doit être désignée conformément à la procédure de désignation d’une autorité de nomination prévue à l’article 6.

2. Si l’autorité de nomination admet la récusation, un remplaçant est nommé ou choisi selon la procédure applicable à la nomination ou au choix des arbitres qui est prévue aux articles 6 à 9 ; toutefois, dans le cas où cette procédure implique la désignation d’une autorité de nomination, la nomination de l’arbirte est faite par l’autorité de nomination qui s’est prononcée sur la récusation (souligné par l’auteur).

50. Les articles 6 et 8 à 13 du Règlement d’arbitrage de la CNUDCI de 2010, reproduits ci-dessous, confient au Secrétaire général de la CPA la tâche d’assurer l’intégrité de la procédure d’arbitrage international. Ce règlement confère en effet au Secrétaire général le rôle de désignation, à la demande d’une partie, d’une autorité de nomination. En vertu du Règlement de 2010, une autorité de nomination peut être appelée à désigner des arbitres, à désigner un arbirte unique dans certaines circonstances, notamment lorsqu’il n’existe pas d’accord sur le nombre d’arbitres, à statuer sur des récusions d’arbitres, à appliquer un barème d’honoraires à un arbitrage, à commenter le montant des sommes consignées, à déterminer si une partie peut être privée de son droit de nommer un arbirte remplaçant et à autoriser un tribunal incomplet de procéder, et à examiner les honoraires et les dépenses d’un tribunal. Le Règlement de 2010 prévoit explicitement qu’une partie puisse proposer que le Secrétaire général de la CPA agisse lui-même en tant qu’autorité de nomination. En outre le Règlement de 2010 attribue un rôle nouveau au le Secrétaire général de la CPA en lui conférant l’examen des honoraires et des dépenses d’un tribunal (article 41).

RÈGLEMENT D’ARBITRAGE DE LA CNUDCI 2010
SECTION I. DISPOSITIONS PRÉLIMINAIRES

AUTORITÉS DE DÉSIGNATION ET DE NOMINATION

Article 6
1. À moins que les parties n’aient déjà choisi une autorité de nomination d’un commun accord, l’une d’elles peut à tout moment proposer le nom d’une ou de plusieurs institutions ou personnes, y compris le Secrétaire général de la Cour permanente d’arbitrage de La Haye (ci-après la « CPA »), susceptibles d’exercer les fonctions d’autorité de nomination.

2. Si, dans les 30 jours après que la proposition d’une partie visée au paragraphe 1 a été reçue par toutes les autres parties, aucune autorité de nomination n’a été choisie d’un commun accord entre toutes les parties, l’une d’elles peut demander au Secrétaire général de la CPA de désigner cette autorité.

[...]

4. Sous réserve de l’article 41, paragraphe 4, si l’autorité de nomination refuse d’agir, ou si elle ne nomme pas d’arbirte dans les 30 jours après avoir reçu de l’une des parties une demande en ce sens, n’agit pas dans tout autre délai prévu par le présent Règlement ou ne se prononce pas sur la récusation d’un arbirte dans un délai raisonnable après avoir reçu de l’une des parties une demande en ce sens, une partie peut demander au Secrétaire général de la CPA de désigner une autorité de nomination pour la remplacer.

5. Lorsqu’ils s’acquittent de leurs fonctions en vertu du présent Règlement, l’autorité de nomination et le Secrétaire général de la CPA peuvent demander à toute partie et aux arbitres les renseignements qu’ils jugent nécessaires et donnent aux parties et, s’il
y a lieu, aux arbitres la possibilité d’exposer leurs vues de la manière qu’ils jugent appropriée. Toutes les communications à cette fin qui émanent de l’autorité de nomination et du Secrétaire général de la CPA ou qui leur sont destinées sont également adressées, par leur expéditeur, à toutes les autres parties.

6. Lorsqu’une partie demande à l’autorité de nomination de nommer un arbitre conformément à l’article 8, 9, 10 ou 14, elle lui envoie copie de la notification d’arbitrage et, si celle-ci existe, de la réponse à cette notification.

7. L’autorité de nomination a égard aux considérations propres à garantir la nomination d’un arbitre indépendant et impartial et tient compte du fait qu’il peut être souhaitable de nommer un arbitre d’une nationalité différente de celle des parties.

SECTION II. COMPOSITION DU TRIBUNAL ARBITRAL

NOMINATION DES ARBITRES (ARTICLES 8 À 10)

Article 8

1. Si les parties sont convenues qu’il doit être nommé un arbitre unique et si dans les 30 jours de la réception par toutes les autres parties d’une proposition tendant à nommer un arbitre unique les parties ne se sont pas entendues à ce sujet, un arbitre unique est nommé par l’autorité de nomination à la demande de l’une d’entre elles.

2. L’autorité de nomination nomme l’arbitre unique aussi rapidement que possible. Elle procède à cette nomination en utilisant le système des listes conformément à la procédure suivante, à moins que les parties ne s’entendent pour écarter cette procédure ou que l’autorité de nomination ne décide, dans l’exercice de son pouvoir d’appréciation, que l’utilisation du système des listes conformément à cette procédure ne convient pas dans le cas considéré :

   a. L’autorité de nomination communique à chacune des parties une liste identique comprenant au moins trois noms ;

   b. Dans les 15 jours de la réception de cette liste, chaque partie peut la renvoyer à l’autorité de nomination après avoir rayé le nom ou les noms auxquels elle fait objection et numéroté les noms restants dans l’ordre de ses préférences ;

   c. À l’expiration du délai susmentionné, l’autorité de nomination nomme l’arbitre unique parmi les personnes dont le nom figure sur les listes qui lui ont été renvoyées et en suivant l’ordre de préférence indiqué par les parties ;

   d. Si, pour une raison quelconque, la nomination ne peut se faire conformément à cette procédure, la nomination de l’arbitre unique est laissée à l’appréciation de l’autorité de nomination.

Article 9


2. Si, dans les 30 jours de la réception de la notification du nom de l’arbitre désigné par une partie, l’autre partie ne lui a pas notifié le nom de l’arbitre qu’elle a désigné, la première partie peut demander à l’autorité de nomination de nommer le deuxième arbitre.

3. Si, dans les 30 jours de la nomination du deuxième arbitre, les deux arbitres ne se sont pas entendus sur le choix de l’arbitre-président, ce dernier est nommé par l’autorité de nomination conformément à la procédure prévue à l’article 8 pour la nomination de l’arbitre unique.

Article 10

1. Aux fins de l’article 9, paragraphe 1, lorsqu’il doit être nommé trois arbitres et qu’il y a pluralité de demandeurs ou de défendeurs, à moins que les parties ne soient convenues d’une autre méthode de nomination des arbitres, les demandeurs conjointement et les défendeurs conjointement nomment un arbitre.

2. Si les parties sont convenues que le tribunal arbitral sera composé d’un nombre d’arbitres autre qu’un ou trois, les arbitres sont nommés selon la méthode dont elles conviennent.

3. À défaut de constitution du tribunal arbitral conformément au présent Règlement, l’autorité de nomination constitue, à la demande d’une partie, le tribunal arbitral et, ce faisant, peut révoquer tout arbitre déjà nommé et nommer ou renommer chacun des arbitres et désigner l’un d’eux arbitre-président.

DÉCLARATIONS DES ARBITRES ET RÉCUSATION D’ARBITRES (ART. 11 À 13)

Article 11

1. Lorsqu’une personne est pressentie pour être nommée en qualité d’arbitre, elle signale toutes circonstances de nature à soulever des doutes légitimes sur son impartialité ou
sur son indépendance. À partir de sa nomination et durant toute la procédure arbitrale, un arbitre signale sans tarder lesdites circonstances aux parties et aux autres arbitres, s’il ne l’a déjà fait.

**Article 12**

1. Tout arbitre peut être récusé s’il existe des circonstances de nature à soulever des doutes légitimes sur son impartialité ou son indépendance.
2. Une partie ne peut récuser l’arbitre qu’elle a nommé que pour une cause dont elle a eu connaissance après cette nomination.
3. En cas de carence d’un arbitre ou d’impossibilité de droit ou de fait d’un arbitre de remplir sa mission, la procédure de récusion prévue à l’article 13 s’applique.

**Article 13**

1. Une partie qui souhaite récuser un arbitre notifie sa décision dans les 15 jours suivant la date à laquelle elle a eu connaissance des circonstances visées aux articles 11 et 12.
2. La notification de la récusion est communiquée à toutes les autres parties, à l’arbitre récusé et aux autres arbitres. Elle expose les motifs de la récusion.
3. Lorsqu’un arbitre a été récusé par une partie, toutes les parties peuvent accepter la récusion. L’arbitre récusé peut également se déporter. Cette acceptation ou ce déport n’impliquent pas la reconnaissance des motifs de la récusion.
4. Si, dans les 15 jours à compter de la date de la notification de la récusion, toutes les parties n’acceptent pas la récusion ou l’arbitre récusé ne se déporte pas, la partie récusante peut décider de poursuivre la récusion. En ce cas, dans les 30 jours à compter de la date de ladite notification, elle prie l’autorité de nomination de prendre une décision sur la récusion.

**SECTION IV. LA SENTENCE**

**HONORAIRES ET DÉPENSES DES ARBITRES**

**Article 41**

[...] 

4. (a) Lorsqu’il informe les parties des honoraires et des dépenses des arbitres qui ont été fixés en application de l’article 40, paragraphe 2 a) et b), le tribunal arbitral explicite également la manière dont les montants correspondants ont été calculés ;

(b) Dans les 15 jours de la réception de la note d’honoraires et de dépenses du tribunal arbitral, toute partie peut en demander l’examen à l’autorité de nomination. Si aucune autorité de nomination n’a été choisie d’un commun accord ni désignée, ou si l’autorité de nomination n’agit pas dans le délai prévu par le présent Règlement, le Secrétaire général de la CPA procède à cet examen ;

(c) Si l’autorité de nomination ou le Secrétaire général de la CPA estime que la note d’honoraires et de dépenses est non conforme à la proposition du tribunal arbitral (et à toute modification qui y a été apportée le cas échéant) visée au paragraphe 3 ou est manifestement excessive, l’autorité de nomination ou le Secrétaire général de la CPA y apporte, dans les 45 jours qui suivent la réception de la demande d’examen, les modifications nécessaires de sorte qu’elle satisfasse aux critères du paragraphe 1. Ces modifications s’imposent au tribunal arbitral ;

(d) Ces modifications sont soit incluses par le tribunal dans sa sentence soit, si la sentence a déjà été rendue, mises en œuvre par voie de rectification de la sentence, à laquelle s’applique la procédure prévue à l’article 38, paragraphe 3.

[...]

51. Les demandes relatives aux services d’autorité de nomination requièrent un examen minutieux des dispositions relatives au règlement des différends énoncées dans les contrats et/ou traités sous-jacents, afin d’établir s’il existe, à première vue, une convention d’arbitrage. Ce n’est qu’après cet examen que les mesures relatives à la demande sont prises, telle que la recherche d’une autorité de nomination ou d’un arbitre appropriés.

52. En 2010, la CPA a reçu un nombre record de quarante-deux nouvelles demandes visant ses services d’autorité de nomination en application du Règlement d’arbitrage de la CNUDCI de 1976 et de 2010 et d’autres dispositions d’arbitrage ad hoc. Parmi ces demandes, on en compte vingt-six appelant le Secrétaire général à désigner une autorité de nomination pour nommer des arbitres ; dix appelant l’intéressé à agir lui-même en tant qu’autorité de nomination pour désigner des arbitres ; deux appelant le Secrétaire général à agir lui-même en tant qu’autorité de nomination pour statuer sur la récusion d’un arbitre ; deux appelant le Secrétaire général à proposer des experts juridiques ; une demande appelant le Secrétaire général à désigner une autorité de nomination pour statuer sur la récusion d’un arbitre ; et une demande appelant le Secrétaire général à remplacer une autorité de nomination.
Aperçu de l’activité de l’autorité de nomination en 2010 :

**Affaire n° AA 364 :** Le demandeur, une société africaine, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, une organisation internationale. Le Secrétaire général a désigné une personne physique comme autorité de nomination.

**Affaire n° AA 365 :** Les demandeurs, une société asiatique et une société européenne, ont demandé au Secrétaire général de désigner une autorité de nomination pour nommer l’arbitre unique dans un différend avec le défendeur, une société asiatique. Le Secrétaire général n’a pris aucune mesure car, à la suite de communications avec le Bureau international sur l’applicabilité du Règlement de la CNUDCI, les demandeurs ont décidé de ne pas poursuivre leur demande.

**Affaire n° AA 366 :** Le demandeur, une société caribéenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, un État centraméricain. Le Secrétaire général a désigné une personne physique comme autorité de nomination.

**Affaire n° AA 367 :** Le demandeur, une société européenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, un État africain. Le Secrétaire général a désigné une personne physique comme autorité de nomination.

**Affaire n° AA 368 :** Le demandeur, une société asiatique, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, une entité étatique africaine. Le Secrétaire général a désigné une institution comme autorité de nomination.

**Affaire n° AA 369 :** À la demande d’une organisation internationale, le Secrétaire général a proposé trois experts juridiques susceptibles d’être désignés en tant que membres d’un équipe d’évaluation indépendante.

**Affaire n° AA 370 :** Le demandeur, une société africaine, a demandé au Secrétaire général d’agir en tant qu’autorité de nomination et de nommer l’arbitre unique dans un différend avec le défendeur, une société européenne. Les parties ayant par la suite nommé conjointement l’arbitre unique, le demandeur a retiré sa demande.

**Affaire n° AA 371 :** Le demandeur, une société européenne, a demandé au Secrétaire général d’agir en tant qu’autorité de nomination et de nommer le deuxième arbitre dans un différend avec le défendeur, une entité étatique européenne. Le Secrétaire général a nommé le deuxième arbitre, conformément à la demande du demandeur.

**Affaire n° AA 372 :** Le demandeur, une société africaine, a demandé au Secrétaire général d’agir en tant qu’autorité de nomination et de nommer le deuxième arbitre dans un différend avec le défendeur, un État africain. Le défendeur ayant par la suite nommé le deuxième arbitre, le demandeur a retiré sa demande.

**Affaires nos AA 373, AA 374 & AA 375 :** Le demandeur, une société européenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans trois différends avec le défendeur, une autre société européenne, concernant trois contrats connexes. Le Secrétaire général a désigné une institution comme autorité de nomination pour les trois différends.

**Affaires nos AA 376 & AA 377 :** Le demandeur, une personne physique de nationalité européenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans deux différends avec le défendeur, une société asiatique, nés de deux accords distincts. Le Secrétaire général a désigné une institution comme autorité de nomination pour les deux différends.

**Affaire n° AA 378 :** Les demandeurs, une société d’Australasie et une société européenne, ont demandé au Secrétaire général d’agir en tant qu’autorité de nomination et de nommer le deuxième arbitre dans un différend avec les défendeurs, un État asiatique et une entité étatique asiatique. Les défendeurs ayant par la suite désigné conjointement le deuxième arbitre, les demandeurs ont retiré leur demande.

**Affaire n° AA 378 :** Conformément à la demande supplémentaire des demandeurs dans la même affaire, le Secrétaire général a nommé l’arbitre-président.

**Affaire n° AA 379 :** Dans un différend opposant une société européenne (demandeur) à un État européen (défendeur), le demandeur a demandé au Secrétaire général d’agir en tant qu’autorité de nomination pour statuer sur la récusation par le demandeur de l’arbitre nommé par le défendeur. Le Secrétaire général a rejeté la récusation.
Affaire n° AA 379 : Conformément à la demande supplémentaire du demandeur dans la même affaire, le Secrétaire général a nommé l’arbitre-président.


Affaire n° AA 381 : Le demandeur, une société asiatique, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer l’arbitre-président dans un différend avec le défendeur, une autre société asiatique. Le Secrétaire général a désigné une institution comme autorité de nomination.

Affaire n° AA 382 : Le demandeur, une société asiatique, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, une autre société asiatique. Le Secrétaire général a désigné une institution comme autorité de nomination.

Affaire n° AA 383 : Le demandeur, une société européenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer l’arbitre-président dans un différend avec le défendeur, une autre société européenne. Le Secrétaire général a désigné une institution comme autorité de nomination.

Affaire n° AA 384 : Le demandeur, une société européenne, a demandé au Secrétaire général d’agir en tant qu’autorité de nomination et de nommer l’arbitre unique dans un différend avec le défendeur, une organisation internationale. Chaque partie ayant par la suite nommé un arbitre, le demandeur a retiré sa demande.

Affaire n° AA 385 : Dans un différend entre une société européenne et une société asiatique (demandeurs), et une société caribéenne contrôlée par un groupement d’entités publiques (défendeur), les demandeurs ont demandé au Secrétaire général de désigner une autorité de nomination pour statuer sur la récusation, par le défendeur, de l’arbitre nommé par les demandeurs. Le Secrétaire général a désigné une institution comme autorité de nomination.

Affaire n° AA 386 : Le demandeur, un État européen, a demandé au Secrétaire général de proposer un expert juridique dans un différend avec un autre État européen. N’étant pas pleinement convaincu de sa compétence à agir, le Secrétaire général a rejeté la demande.

Affaire n° AA 387 : Le demandeur, une société caribéenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, un État centraméricain. Le Secrétaire général a nommé une personne physique comme autorité de nomination.

Affaire n° AA 388 : Le demandeur, une société européenne, a demandé au Secrétaire général, en vertu de l’accord conclu entre les parties, d’agir en tant qu’autorité de nomination et de nommer l’arbitre unique dans un différend avec le défendeur, une autre société européenne. Le Secrétaire général a nommé l’arbitre unique, conformément à la demande du demandeur.

Affaire n° AA 389 : Le demandeur, une société africaine, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer l’arbitre unique dans un différend avec le défendeur, une société nord-américaine. Les parties ont par la suite réglé leur différend.

Affaire n° AA 390 : Le demandeur, une société européenne, a demandé au Secrétaire général d’agir en tant qu’autorité de nomination et de nommer l’arbitre-président dans un différend avec le défendeur, une entité publique asiatique. Les parties se sont par la suite entendues sur le choix de l’arbitre-président.

Affaire n° AA 391 : Le demandeur, une société européenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, une entité étatique asiatique. Le Secrétaire général a désigné une personne physique comme autorité de nomination.

Affaire n° AA 392 : Le demandeur, une société du Moyen-Orient, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer l’arbitre unique dans un différend avec le défendeur, une société nord-américaine. Le Secrétaire général a désigné une institution comme autorité de nomination.

Affaire n° AA 393 : Le demandeur, une société du Moyen-Orient, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer l’arbitre unique dans un différend avec le défendeur, une société nord-américaine. Le Secrétaire général a désigné une institution comme autorité de nomination.

Affaire n° AA 394 : Le demandeur, une société asiatique, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer l’arbitre unique dans un différend avec le défendeur, une autre société.
asiatique. Le Secrétaire général a désigné une institution comme autorité de nomination.

**Affaire n° AA 395** : Le demandeur, une société asiatique, a demandé au Secrétaire général d’agir en tant qu’autorité de nomination et de nommer l’arbitre unique dans un différend avec le défendeur, une société européenne. Le demandeur n’a pas poursuivi sa demande.

**Affaire n° AA 396** : Le demandeur, une société asiatique, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, une autre société asiatique. Les parties ont par la suite réglé leur différend.

**Affaire n° AA 397** : Le demandeur, une société européenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer l’arbitre unique dans un différend avec le défendeur, une entité étatique européenne. Le Secrétaire général a désigné une personne physique comme autorité de nomination.

**Affaire n° AA 398** : Le demandeur, une société caribéenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, un État centraméricain. Le Secrétaire général a désigné une personne physique comme autorité de nomination.

**Affaire n° AA 399** : Dans un différend entre une société africaine (demandeur) et une autre société africaine (défendeur), le demandeur a demandé au Secrétaire général d’agir en tant qu’autorité de nomination et de statuer sur la récusation, par le demandeur, des trois arbitres. Le Secrétaire général a par la suite désigné une institution comme autorité de nomination.

**Affaire n° AA 396** : Le demandeur, une société asiatique, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, une autre société asiatique. Les parties ont par la suite réglé leur différend.

**Affaire n° AA 400** : Le demandeur, une société africaine, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans le cadre du différend l’opposant au défendeur, une organisation internationale. N’étant pas pleinement convaincu de sa compétence à agir, le Secrétaire général a rejeté la demande.

**Affaire n° AA 401** : Le demandeur, une société africaine, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans le cadre du différend l’opposant au défendeur, une organisation internationale. N’étant pas pleinement convaincu de sa compétence à agir, le Secrétaire général a rejeté la demande.

**Case No. AA 402** : Le demandeur, une société européenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec le défendeur, une entité publique asiatique. Le Secrétaire général a désigné une personne physique comme autorité de nomination.

**Affaire n° AA 403** : Le demandeur, une société européenne, a demandé au Secrétaire général de désigner une autorité de nomination pour nommer le deuxième arbitre dans un différend avec les défendeurs, un État africain et deux entités publiques africaines. Le Secrétaire général a désigné une personne physique comme autorité de nomination.

**Affaire n° AA 404** : Le demandeur, une société asiatique, a demandé au Secrétaire général de désigner une autorité de nomination en application de l’article 6 (2) du Règlement d’arbitrage de la CNUDCI tel que révisé en 2010 dans un différend avec le défendeur, une société africaine. Le Secrétaire général a désigné une institution comme autorité de nomination.

**Affaire n° AA 406** : Les demandeurs, une société européenne et deux sociétés sud-américaines, ont demandé au Secrétaire général de remplacer l’autorité de nomination antérieurement convenue dans un différend avec le défendeur, un État sud-américain, l’autorité en question n’ayant pas désigné le deuxième arbitre dans les délais prévus par le Règlement d’arbitrage de la CNUDCI de 1976. Le Secrétaire général a désigné une personne physique comme autorité de nomination de remplacement.

**Règlement des différends environnementaux**

contrats publics et privés de rachat de quotas d’émissions de gaz à effets de serre conclus dans le cadre du Protocole de Kyoto.

54. Plus particulièrement, la CPA a fait l’objet de démarches de la part de la Gold Standard Foundation, une organisation indépendante à but non lucratif dont l’activité consiste à certifier les crédits de carbone échangés sur les marchés réglementés et volontaires internationaux. La Fondation entend proposer l’arbitrage comme mécanisme de recours en cas de litige né d’une décision relative à une demande de certification entre les porteurs d’un projet et la Fondation. Dans cette perspective, la Fondation s’est dotée de son propre règlement d’arbitrage, qui procède et s’inspire très largement du Règlement d’arbitrage environnemental de la CPA.


56. En 2010, la CPA a continué à fournir un soutien dans les deux premières affaires conduites conformément au Règlement d’arbitrage environnemental de la CPA. L’une de ces affaires a abouti à une sentence finale en date du 30 novembre 2010.

Réclamations en nombre

57. Le Bureau international continue de rassembler des informations concernant divers tribunaux et processus visant à statuer sur des réclamations en nombre, dans le but de créer une source d’informations facilement accessible et utile pour les personnes travaillant au sein de juridictions de ce type déjà en activité ou appelées à en mettre en place de nouvelles à l’avenir. Cette information est disponible sur le site Internet de la CPA (voir la page « Procédure de réclamations en nombre » sous la rubrique « Services »).

Différends relatifs à l’espace extra-atmosphérique

58. En 2010, la CPA a apporté son concours à la poursuite des travaux d’un groupe consultatif chargé d’analyser les procédures d’arbitrage international relatives aux activités extra-atmosphériques. Sous la conduite de son président, M. Fausto Pocar, juge au Tribunal pénal international pour l’ex-Yougoslavie, le groupe consultatif s’est penché sur les dimensions substantives et procédurales des différends relatifs à l’espace extra-atmosphérique. Le groupe consultatif a également entamé une réflexion sur le rôle et la teneur d’un éventuel corpus de règles spécifiques aux arbitrages des différends relatifs aux activités extra-atmosphériques.

Comité directeur chargé d’améliorer le règlement des différends relatifs à des accords de prêts internationaux

59. En 2010, à l’invitation du ministère néerlandais du Développement et de la Coopération, la CPA est devenue membre d’un comité directeur chargé d’améliorer le règlement des différends relatifs à des accords de prêts internationaux. Le Comité directeur a entamé des préparatifs en vue de constituer un groupe consultatif d’experts juridiques, économiques et financiers chargé d’évaluer la pertinence des mécanismes actuels de règlement des différends relatifs à la dette souveraine et l’opportunité de faciliter le recours à l’arbitrage.

Accords de coopération (publications)


61. Le précédent accord entre la CPA et TMC Asser Press pour la publication du Recueil des sentences de la CPA a été remplacé par un accord selon lequel la CPA publie le Recueil des sentences de manière indépendante. Ce recueil comprend les sentences arbitrales rendues récemment sous les auspices de la CPA, accompagnées de commentaires rédigés par d’éménants spécialistes du droit international.

62. La CPA continue à travailler en étroite coopération avec le Portail judiciaire de La Haye, soit un projet de The Hague Academic Coalition visant à numériser les sentences arbitrales historiques de la CPA et à rendre pour la première fois ces documents accessibles au format électronique.
Réunions, conférences et séminaires accueillis par la CPA


64. La CPA, en collaboration avec le Houston International Arbitration Club, Inc. et la faculté de droit de l’université du Texas, a coparrainé une conférence intitulée « Arbitration and National Courts: Conflict and Cooperation » (« arbitrage et juridictions nationales : conflit et coopération »), les 13 et 14 mai à Houston, au Texas. La conférence, qui réunissait des experts de renommée mondiale, a porté essentiellement sur le rôle des arbitres et des tribunaux. Le Secrétaire général adjoint a prononcé un discours lors de cette conférence, laquelle faisait suite à un colloque tenu au Palais de la Paix en mai 2009 et intitulé « Weighing the Facts: Information Exchange and Presentation of Evidence in International Commercial and Investment Arbitration » (« l’évaluation des faits : l’échange d’informations et la présentation des preuves dans les arbitrages internationaux en matière de commerce et d’investissement »), événement qui avait remporté un franc succès.

Publications de la CPA


Mieux faire connaître la CPA

67. La CPA a participé à plusieurs conférences et réunions internationales importantes pendant l’exercice examiné. Le Secrétaire général et d’autres membres du personnel du Bureau international ont fait un certain nombre de présentations destinées à des hauts fonctionnaires, des juges, des conseillers juridiques, des membres du corps diplomatique, des avocats, des étudiants en droit et d’autres groupes concernant des sujets relevant de la compétence de la CPA.

(a) Activités du Secrétaire général

68. En janvier et en février, le Secrétaire général a assisté à une session du groupe de travail de la Commission des Nations Unies pour le droit commercial international (CNUDCI) chargé de la révision du Règlement de la CNUDCI. Durant son séjour à New York, il a rencontré Mme Patricia O’Brien, Secrétaire générale adjointe aux affaires juridiques des Nations Unies, avec laquelle il s’est entretenu des relations entre les Nations Unies et la CPA.

69. En mars, le Secrétaire général a effectué une visite officielle aux Philippines, où il a été reçu par le ministre de la Justice et Soliciteur général. Lors de son déplacement, il a également rencontré Mme Erlinda F. Basilio, secrétaire d’État, ministre des Affaires étrangères par intérim et secrétaire adjointe chargée des affaires politiques (règlement des différends); Leslie Gatán, sous-secrétaire d’État, chef du Bureau des Nations Unies et autres organisations internationales du ministère des Affaires étrangères ; et J. Eduardo Malaya III, sous-secrétaire d’État, chef du Bureau des affaires juridiques. Parmi les questions d’intérêt commun évoquées lors de ces rencontres figurait l’adhésion des Philippines à la CPA.

70. Toujours en mars, le Secrétaire général s’est rendu à Hong-Kong. À cette occasion, il a rencontré le professeur Guigou Wang, Doyen de l’université de la ville de Hong-Kong, afin d’évoquer la coopération entre les deux institutions.
71. En mai, le Secrétaire général a participé à la Conférence mondiale pour l'environnement de la Fondation pour une cour internationale de l'environnement (ICEF), tenue à Rome. À cette occasion, il a présenté un exposé sur le thème « The Work of the Permanent Court of Arbitration in the Field of Environmental Dispute Avoidance and Resolution » (« L'action de la Cour permanente d'arbitrage dans le domaine de la prévention et du règlement des différends environnementaux »).

72. En mai également, le Secrétaire général et un conseiller juridique ont rencontré des représentants du Tribunal arbitral et des parties au différend opposant le Bangladesh et l'Inde, à Heidelberg (Allemagne).

73. En septembre, le Secrétaire général s'est rendu à Hong-Kong et en Chine. À Hong-Kong, à l'invitation de l'université de la ville de Hong-Kong, il a prononcé la City University Eminent Speakers Lecture, sur le thème « The Role of Arbitration in a Globalizing World: A Vision of the Future » (« Le rôle de l'arbitrage à l'ère de la mondialisation : une vision de l'avenir »). À Pékin, il a rencontré M. Liu Zhenmin, ministre adjoint des Affaires étrangères. En outre, le Secrétaire général et M. Yu Jianlong, Vice-président et Secrétaire général de la China International Economic and Trade Arbitration Commission (CIETAC), ont signé l'accord de coopération CIETAC-CPA.

74. En novembre, le Secrétaire général s'est rendu à Washington DC, où il a signé un accord de coopération entre la CPA et l'Organisation des États américains (OEA).


76. Le Secrétaire général a eu des rencontres régulières avec des ambassadeurs et des représentants des États membres chargés des questions juridiques ; des présidents et autres représentants d'organisations internationales parmi lesquelles la Cour internationale de justice, la Cour pénale internationale, l'Organisation pour l'interdiction des armes chimiques (OIAC) et le Tribunal des réclamations Iran/États-Unis ; des membres du groupe d'arbitres potentiels de la CPA (« Membres de la Cour ») et des arbitres et magistrats du monde entier.

(b) Activités des conseillers juridiques

77. Le Secrétaire général adjoint a assisté, en qualité d'observateur, à la cinquante-deuxième session du Groupe de travail II de la CNUCED sur l'arbitrage et la conciliation tenue à New York du 1er au 5 février, ainsi qu'à la cinquante-troisième session du même groupe de travail, à Vienne, du 4 au 8 octobre. Du 21 au 25 juin, il a également participé, en qualité d'observateur, à la session de la Commission de la CNUCED, à New York.

78. En vue de promouvoir le Fonds d'assistance financière, un conseiller juridique adjoint a rencontré des fonctionnaires des ministères rwandais de la Justice et des Affaires étrangères, à Kigali, en août. Le 14 août, le même conseiller juridique adjoint a fait une présentation devant des juristes du ministère rwandais de la Justice sur la CPA et le règlement des différends internationaux, dans le cadre de la formation diplomatique dispensée au titre du projet de renforcement de la justice du Programme d'éligibilité pour le Rwanda de la Millennium Challenge Corporation. Du 10 au 12 octobre, un conseiller juridique est intervenu dans le cadre du « Peer Forum on the Settlement of Investment Disputes » (« Forum d'experts sur le règlement des différends en matière d'investissements ») coorganisé par la CNUCED et l'Université de Miami, qui a permis de rassembler des conseillers juridiques de gouvernements d'Amérique latine. Ces trois déplacements faisaient
suite au versement à la CPA d’une contribution spéciale des Pays-Bas en vue de promouvoir le Fonds d’assistance financière dans treize pays.

79. Le 24 mai, à l’occasion de la Conférence du CIAC de 2010 à Rio de Janeiro, le Secrétaire général adjoint a soumis à la signature du Président du Australian Centre for International Commercial Arbitration (ACICA) un accord de coopération signé par le Secrétaire général de la CPA.

80. Le 16 août, un conseiller juridique a participé, en sa qualité de membre du Comité de l’arbitrage international de l’International Law Association, à la présentation du rapport du Comité sur la confidentialité dans l’arbitrage commercial international.

81. Le 19 novembre, lors d’une cérémonie officielle de signature programmée dans le cadre de la conférence organisée à l’occasion du 25e anniversaire du Hong Kong International Arbitration Centre (HKIAC), un conseiller juridique a soumis à la signature du Secrétaire général du HKIAC un accord de coopération signé par le Secrétaire général de la CPA.

82. Une conseillère juridique a été nommée en tant que titulaire en charge - fondatrice d’un groupe destiné à de jeunes praticiens évoluant dans le domaine de l’arbitrage, Young ICCA.

et 19 novembre, à Hong-Kong, pour marquer le 25ème anniversaire du HKIAC. Le Secrétaire général adjoint a présidé une table ronde au cours de la Conférence internationale de l’arbitrage de l’île Maurice, organisée les 13 et 14 décembre à Maurice, et coparrainée par la CPA. Le 15 décembre, un conseiller juridique a participé à un groupe de discussion réuni à Maurice dans le cadre d’une table ronde coorganisée par Young ICCA, le Forum des jeunes arbitres de la Chambre de commerce internationale et le Young International Arbitration Group de la London Court of International Arbitration. Le groupe de discussion avait pour thème « Trials and Tribulations in the Arbitral Procedure » (« Les péripéties de la procédure d’arbitrage »). Dans son intervention, le conseiller juridique a évoqué l’arbitrage institutionnel face à l’arbitrage ad hoc, et le rôle de la CPA au regard de la loi mauritienne de 2008 sur l’arbitrage international.


85. Les conseillers juridiques ont assisté à plusieurs conférences, présentations et concours de plaidoiries. Les 4 et 5 mars, un conseiller juridique a assisté à la 13ème journée internationale de l’arbitrage de l’International Bar Association, à Londres, consacrée au thème : « The Agreement to Arbitrate: What Did You Really Bargain For? When Arbitration Practice Departs from the Arbitration Agreement » (« La convention d’arbitrage : Qu’en attendez-vous vraiment ? Quand la pratique arbitrale s’écarte de la convention d’arbitrage »). Les 11 et 12 mars, un conseiller juridique a assisté à la table ronde intitulée « External and Internal Hazards to Investment Treaty Arbinations » (« Risques externes et internes dans l’arbitrage relatif aux traités d’investissement ») à Francfort. Du 24 au 27 mars, le Secrétaire général adjoint a assisté à la réunion annuelle de l’American Society of International Law (ASIL) à Washington DC. Du 27 mars au 1er avril, un conseiller juridique et trois conseillers juridiques adjoint ont fait fonction d’arbitres dans le concours annuel d’arbitrage commercial international Willem C. Vis, et ont assisté à la conférence conjointe CNUDCI/VIAC sur la révision du Règlement d’arbitrage de la CNUDCI, à la conférence du Forum des jeunes arbitres de la Chambre de commerce internationale et des Jeunes praticiens de l’arbitrage autrichiens, sur le thème « Young Approaches to Arbitration » (« Regards jeunes sur l’arbitrage »), au séminaire du Young International Group du Centre international pour le règlement des différends consacré au principe Iura Novit Curia, et au sixième colloque annuel des Leading Arbitrators sur la conduite des arbitrages internationaux, tous ces événements s’étant déroulés à Vienne. Le 13 mai, un conseiller juridique adjoint a assisté à la conférence « Arbitrations Involving States or State Entities » (« Arbitrages...

III. ÉTATS PARTIES AUX CONVENTIONS DE 1899 ET 1907

86. Les Philippines ont adhéré le 14 juillet 2010 à la Convention de 1907 pour le règlement pacifique des conflits internationaux, devenant ainsi le 111e membre de la CPA à compter du 12 septembre 2010. Une liste des États qui étaient parties aux Conventions de 1899 et 1907 le 15 juin 2011 figure à l’annexe 1 du présent rapport.

IV. MEMBRES DE LA COUR PERMANENTE D’ARBITRAGE

87. En vertu de l’article 44 de la Convention de 1907 (article 23 de la Convention de 1899), chaque État partie peut désigner quatre personnes d’une « compétence reconnue dans les questions de droit international, jouissant de la plus haute considération morale et disposées à accepter les fonctions d’arbitre ». Les personnes ainsi désignées sont inscrites sur la liste des membres de la Cour. Cette liste, telle qu’elle s’établissait le 15 juin 2011 figure à l’annexe 6 du présent rapport. Une biographie résumée des membres de la Cour figure également dans la même annexe.

88. Les membres de la Cour sont nommés pour six ans. Leur mandat peut être renouvelé. Le Secrétaire général a invité tous les membres à indiquer s’ils désirent que soient mentionnés, dans les notices biographiques, leurs domaines de spécialisation. Les informations reçues en réponse à cette invitation ont été insérées dans l’annexe 6. Les États membres sont invités à porter sans délai à l’attention du Bureau international toute modification concernant la liste des membres de la Cour, de façon à ce que ladite liste puisse être actualisée.

89. Conformément à l’article 4, paragraphe 1, du Statut de la Cour internationale de Justice, les membres de la Cour permanente d’arbitrage nommés par chaque État partie constituent des « groupes nationaux » autorisés à présenter des candidats à l’élection, par l’Assemblée générale et le Conseil de sécurité des Nations Unies, des juges de la Cour internationale de Justice. Les membres de la Cour permanente d’arbitrage peuvent également présenter des candidats pour le Prix Nobel de la Paix.

V. LISTES SPÉCIALISÉES

dont les noms figureront sur les listes des personnes telles que mentionnées aux articles 8(3) et 27(5) du Règlement d’arbitrage de la CPA relatif à l’environnement. Le Secrétaire général peut mettre ces listes à disposition dans le but d’assister les parties, le tribunal arbitral et/ou l’autorité de nomination, selon le cas. Les listes des membres des commissions spécialisées à compter du 15 juin 2011 incluant les noms des spécialistes proposés par le Secrétaire général, figurent aux annexes 7 et 8 du présent rapport.

VI. QUESTIONS ADMINISTRATIVES

Conseil administratif

91. En vertu de l’article 49 de la Convention de 1907 (article 28 de la Convention de 1899), le « Conseil administratif est composé des Représentants diplomatiques des Puissances contractantes accrédités à La Haye et du ministre des Affaires étrangères des Pays-Bas, qui remplit les fonctions de Président ».


93. Lors de sa 182e réunion tenue le 9 novembre 2010, le Conseil administratif a adopté une proposition du Secrétaire général visant la création d’un Groupe de travail formel à composition non limitée pour l’élaboration de Règles et règlements financiers de la CPA. Lors de cette même réunion, le Conseil administratif a approuvé le budget du Bureau international pour 2011.


Membres du Bureau international

96. Au cours de l’exercice examiné, le Bureau international était composé comme suit :

Secrétaire général :
M. Christiana Kröner
Secrétaire général adjoint/
Directeur juridique principal :
M. Brooks W. Daly
Conseillère juridique :
Mme Sarah Grimmer
Conseiller juridique :
M. Paul-Jean Le Cannu (jusqu’au 14 novembre)
Conseillère juridique :
Mme Judith Levine
Conseiller juridique :
M. Aloysius Llamzon
Conseillère juridique :
M. Dirk Pulkowski
Conseiller juridique :
M. Martin Doe (conseiller juridique adjoint jusqu’au 29 septembre)
Conseillère juridique :
M. Garth Schofield (conseiller juridique adjoint jusqu’au 29 septembre)
Conseillère juridique/Représentant de la CPA et
Conseiller juridique à Maurice :
M. Matthias Kuscher (depuis le 1er juillet)
Conseiller juridique adjoint :
M. Akinjide Adesokan (jusqu’au 31 décembre)
Conseillère juridique adjointe :
Mme Jara Miguez Almeida
Conseillère juridique adjointe :
Mme Heather Clark (jusqu’au 12 août)
Conseiller juridique adjoint :
M. Daniel Drabkin (jusqu’au 1er septembre)
Conseillère juridique adjointe :
Mme Rita Lefebre Feghali
Conseillère juridique adjointe :
Mme Rebecca Hekman (depuis le 20 septembre)
Conseillère juridique adjointe :
Mme Pilar Colomés Less (depuis le 1er septembre)
Conseiller juridique adjoint : M. Alykhan Kurji (jusqu’au 21 septembre)
Conseillère juridique adjointe : Mme Yanying Li
Conseiller juridique adjoint : M. Hugh Meighen (depuis le 27 septembre)
Conseillère juridique adjointe : Mme Sarah Melikian (depuis le 25 août)
Conseiller juridique adjoint : M. William Panlilio (du 26 avril au 26 octobre)
Conseillère juridique adjointe : Mme Catherine Quinn (depuis le 20 septembre)
Conseillère juridique adjointe : Mme Anna Vinnik (depuis le 14 septembre)
Responsable des finances : M. Riny van Eekelen
Chef d’administration : M. Théodore Mercredi
Secrétaire juridique : Mme Evelien ter Meulen
Secrétaire juridique : Mme Helcha Prins
Secrétaire juridique : Mme Vilmante Blink
Secrétaire juridique : Mme Gaëlle Chevalier
Secrétaire juridique : Mme Willemijn van Banning
Secrétaire juridique : Mme Cristina Sotoca Álvarez (jusqu’au 1er octobre)
Secrétaire juridique : Mme Caroline Gill (depuis le 1er octobre)

Publications du CIAC :
Directrice de rédaction : Mme Silvia Borelli
Rédactrice principale (CIAC)/Conseillère juridique (CPA) : Mme Lise Bosman
Assistante de la Directrice de rédaction : Mme Alice Siegel
Assistante de rédaction : Mme Helen Pin

Programmes de stages et de bourses

97. En 2010, sept participants ont été admis dans le cadre du programme de bourses de la CPA pour les conseillers juridiques adjoints. Les participants à ce programme passent jusqu’à douze mois au Bureau international où ils travaillent en étroite collaboration avec le personnel juridique et les tribunaux arbitraux. Les candidats admis à participer au programme en 2010 étaient :

- Rebecca Hekman (États-Unis) : J.D., University of California, Los Angeles ; M.A.L.D. (Droit et diplomatie) Cand., The Fletcher School of Law and Diplomacy, Tufts University ; B.A. de littérature anglaise et d’études de développement avec mention, University of California, Berkeley.
- Pilar Colomés less (Espagne) : Licenciatura en derecho, Licenciatura en periodismo, Universidad Carlos III de Madrid.
- Sarah Melikian (États-Unis) : J.D., American University, Washington College of Law ; A.B. (Histoire de l’art et français), Georgetown University.
- William Panlilio (Philippines) : J.D. magna cum laude, Fordham University ; Master en Affaires internationales, School of International and Public Affairs, Columbia University ; B.A. (Philosophie), Loyola Schools, Ateneo de Manila University.
- Catherine Quinn (Canada) : B.C.L./LL.B., Université McGill ; Diplôme d’études collégiales (droit et société), Dean’s Honour List, Dawson College, Montréal.
- Anna Vinnik (États-Unis) : J.D., Yale Law School ; B.A. de civilisation russe, University of Chicago.

98. Le programme de stages de la CPA offre aux étudiants et diplômés en droit la possibilité de participer aux travaux du Bureau international, généralement pendant une période de trois mois. Les personnes suivantes ont été stagiaires en 2010 :

- Rumiana Yotova (Bulgarie) : LL.M. Adv. cum laude (Droit international public), Universiteit Leiden ; Diplôme cum laude, Académie de droit international de La Haye ; LL.M. cum summa laude, université de Sofia ; Diplôme (droit anglais et droit de l’Union européenne), University of Cambridge.
- Trina Ng (Australie) : LL.B./B.Com. cum summa laude, University of New South Wales.
- Vladyislay Lanovoy (Ukraine) : Master en droit international, Institut de hautes études internationales et du développement, Genève ; B.A. de sciences politiques / relations internationales, avec mention, Université nouvelle (Lisbonne) ; Diplôme de droit relatif aux droits humains, Académie de droit européen (Florence) ; Diplôme de droit international et droit comparé des droits humains, Institut international des droits de l’homme René Cassin (Strasbourg).
- Diana Tóth (Hongrie/France) : LL.M. (Droit du commerce et des affaires), University of London ; Master 2 de droit du commerce international, Licence (Droit, Sciences politique et sociales) Université de Paris I (Panthéon-Sorbonne).

100. L’article 41 de la Convention de 1907 (Article 20 de la Convention de 1899) se lit comme suit : « Dans le but de faciliter le recours immédiat à l’arbitrage pour les différends internationaux qui n’ont pu être réglés par la voie diplomatique, les Puissances contractantes s’engagent à maintenir, telle qu’elle a été établie par la Première Conférence de la Paix, la Cour Permanente d’Arbitrage, accessible en tout temps ». De surcroît, aux termes de son article 50 de la Convention de 1907 (Article 29 de la Convention de 1899) : « Les frais du Bureau seront supportés par les Puissances contractantes dans la proportion établie pour le Bureau international de l’Union postale universelle ». Conformément au Règlement général de l’Union, adopté à Séoul en 1994 et entré en vigueur le 1er janvier 1996, les États parties sont divisés en onze classes, contribuant respectivement à hauteur de 50, 40, 30, 25, 20, 15, 10, 5, 3, 1 et 0,5 unités. Le montant des dépenses divisé par le total des unités attribuées aux États membres donne le chiffre de l’unité de répartition.

101. Les contributions respectives des différentes Puissances contractantes (États membres), telles qu’elles doivent être versées à la CPA avant le 1er avril de chaque année, sont indiquées dans le Tableau de répartition approuvé par le Conseil administratif au cours de sa réunion du 27 octobre 2009. Ce tableau est accessible aux États membres dans un supplément joint au présent rapport.
ANNEXES
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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ÉTATS MEMBRES

La liste comprend l’ensemble des puissances signataires et contractantes des Conventions de La Haye de 1899 et 1907. Les dates auxquelles les conventions ont pris effet vis-à-vis de l’État correspondant sont également indiquées. L’utilisation de caractères gras indique que le Bureau International a reçu une notification d’adhésion au cours de l’année à l’étude. L’ajout d’un astérisque signale qu’a été effectuée une déclaration de succession.

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Annex 2

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


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<td>Hammarshøjöd Sir Fry Fusinato Krieger Renault</td>
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1. The names of the presidents are typeset in bold.
2. Pursuant to article 47 of the 1907 Convention (article 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 1907 Convention was applied.
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AFFAIRES D’ARBITRAGE JUGÉES À LA CPA  
OU AVEC LA COOPÉRATION DE SON BUREAU INTERNATIONAL


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| 5. France – Allemagne | Affaire des déserteurs de Casablanca | 10/24 - 11 - 1908 | 22 - 05 - 1909 | Hammarskjöld  
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| 6. Norvège – Suède¹ | Frontière maritime Affaire des Grisbådana | 14 - 03 - 1908 | 23 - 10 - 1909 | Loeff ¹  
Beichmann Hammarskjöld |
de Savornin Lohman  
Gray Sir Fitzpatrick Drago |
Beernaert de Quesada |

¹. Les noms en caractères gras sont ceux des Présidents.
2. Conformément à l’article 47 de la Convention de 1907 (article 26 de la Convention de 1899).
3. N’est pas membre de la Cour permanente d’arbitrage.
4. La procédure relative à cette affaire a eu lieu exclusivement par écrit.
5. La procédure sommaire prévue au chapitre IV de la Convention de 1907 a été suivie dans cette affaire.
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<td>Pinto¹, Hossain¹, Shearer¹, Oxman¹, Watts¹</td>
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<td>Fernández-Armesto¹, Castel¹, Thomas¹</td>
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### Parties

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<td>Reinisch(^1) Canu(^1) Stern(^1)</td>
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### INTERNATIONAL COMMISSIONS OF INQUIRY


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<th>Case</th>
<th>Date of Inquiry Agreement</th>
<th>Date of Report</th>
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                         | The Dogger Bank Case | 25 - 11 - 1904  
                         | 26 - 02 - 1905  
                         | Spau
                         | Fournier  
                         | Doubassoff  
                         | Beaumont  
                         | Davis |
| France – Italy    | Capture of the “Tavignano” and cannon shots fired  
                         | at the “Canouna”  
                         | and the “Galois” | 20 - 05 - 1912  
                         | 23 - 07 - 1912 | Segrave
                         | Somborn  
                         | Genoese Zerbi |
| Germany – Spain  | The Steamship “Tiger”  
                         | Sinking of the steamer  
                         | “Tiger” | -  
                         | 08 - 11 - 1918 | Garde
                         | Montagut y Miro  
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| Germany – The Netherlands | Loss of the Dutch Steamer  
                          | “Tubantia” | 30 - 03 - 1921  
                          | 27 - 02 - 1922 | Hoffmann
                         | Surie  
                         | Ravn  
                         | Unger  
                         | Gayer |
| Great Britain – Denmark | “Red Crusader”  
                          | Incident | 15 - 11 - 1961  
                          | 23 - 03 - 1962 | de Visscher
                         | Gros  
                         | Moolenburgh |

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.
## COMMISSIONS INTERNATIONALES D’ENQUÊTE


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<td>Moolenburgh</td>
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</tbody>
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2. Conformément à la Convention d’enquête, ce rapport a été transmis par les Parties au Tribunal arbitral chargé de statuer sur ces affaires. Les Parties s’étant mises d’accord pour les régler directement, ledit rapport n’a pas été publié.
INTERNATIONAL CONCILIATION COMMISSIONS


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<tr>
<td>1. Denmark – Lithuania</td>
<td>Method of payment of the balance of the claim of Højgaard and Schultz against the Lithuanian Government</td>
<td>01 - 09 - 1937</td>
<td>30 - 09 - 1938</td>
<td>van Karnebeek</td>
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<td>Oldenburg</td>
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<td>Vte de Fontenay</td>
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<td>Römer’is</td>
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<td>Ozolins</td>
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<tr>
<td>2. France – Switzerland</td>
<td>Customs irregularities Costs of internment in Switzerland of the 2nd Polish division</td>
<td>20 - 08 - 1954</td>
<td>24 - 11 - 1955</td>
<td>van Asbeck</td>
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<td>de Zulueta</td>
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<td>Corbin</td>
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<td>Spiropoulos</td>
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<tr>
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<td>Monaco</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.
COMMISSIONS INTERNATIONALES DE CONCILIATION


<table>
<thead>
<tr>
<th>Parties</th>
<th>Affaire</th>
<th>Date de la présentation de la requête</th>
<th>Date du procès-verbal</th>
<th>Commissaires</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Danemark – Lithuanie</td>
<td>Mode de paiement du solde de la création de la société Hjgaard et Schultz sur le Gouvernement lithuanien</td>
<td>01 - 09 - 1937</td>
<td>30 - 09 - 1938</td>
<td>van Karnebeck Oldenburg Vte de Fontenay Römer is Ozolins</td>
</tr>
<tr>
<td>2. France – Suisse</td>
<td>Irrégularités douanières Frais d’internement en Suisse de la 2ème division polonaise</td>
<td>20 - 08 - 1954</td>
<td>24 - 11 - 1955</td>
<td>van Asbeck de Zulueta Corbin Panchaud McNair</td>
</tr>
</tbody>
</table>

1. Le 20 mai 1937 le Conseil administratif a autorisé le Bureau international à mettre désormais ses locaux et son organisation à la disposition des Commissions de conciliation.
2. Les noms en caractères gras sont ceux des Présidents.
Annex 5a

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
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 ON 2009 AND 2010 FLOWS*

<table>
<thead>
<tr>
<th>Least Developed Countries</th>
<th>Other Low Income Countries (per capita GNI $&lt;935 in 2007)</th>
<th>Lower Middle Income Countries and Territories (per capita GNI $935 - $3,705 in 2007)</th>
<th>Upper Middle Income Countries and Territories (per capita GNI $3,706 - $11,455 in 2007)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Malawi</td>
<td>Côte d’Ivoire</td>
<td>Angola</td>
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<tr>
<td>Angola</td>
<td>Maldives</td>
<td>Ghana</td>
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<td>Mali</td>
<td>Kenya</td>
<td>Armenia</td>
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<td>Benin</td>
<td>Mauritania</td>
<td>Korea, Dem.</td>
<td>Armenia</td>
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<tr>
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<td>Mozambique</td>
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<td>Azerbaijan</td>
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<td>Burkina Faso</td>
<td>Myanmar</td>
<td>Kyrgyz Rep.</td>
<td>Bolivia</td>
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<td>Burundi</td>
<td>Nepal</td>
<td>Nigeria</td>
<td>Bosnia and Herzegovina</td>
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<tr>
<td>Cambodia</td>
<td>Niger</td>
<td>Pakistan</td>
<td>Herzegovina</td>
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<td>Central African</td>
<td>Rwanda</td>
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<td>Cameroon</td>
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<td>Chad</td>
<td>Sao Tome and Gambia</td>
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<td>Cape Verde</td>
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<td>Comoros</td>
<td>Principe</td>
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<td>Djibouti</td>
<td>Solomon</td>
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<td>Dominican Republic</td>
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<td>Equatorial Islands</td>
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<td>El Salvador</td>
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<td>Eritrea</td>
<td>Sudan</td>
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<td>Ethiopia</td>
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<td>Former</td>
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<td>Jordan</td>
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<td>Kosovo*</td>
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</tbody>
</table>

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.
Annexe 5a

FONDS D’ASSISTANCE FINANCIÈRE
POUR LE RÈGLEMENT DES DIFFÉRENDs INTERNATIONAUX

ÉTABLISSEMENT D’UN FONDS D’ASSISTANCE FINANCIÈRE

1. Les Conventions de La Haye pour le Règlement pacifique des différends internationaux de 1899 et 1907 ont créé ce qui est aujourd’hui le plus ancien système global de règlement pacifique des différends internationaux. Elles ont établi la Cour permanente d’arbitrage et elles comportent des dispositions pour le règlement des différends internationaux par les États parties grâce à l’arbitrage ou à d’autres moyens pacifiques de leur choix.

2. Les États parties aux Conventions s’engagent à faire le maximum pour parvenir au règlement pacifique de leurs différends. Cependant, il peut arriver que, dans certains cas, les États soient dissuadés de recourir à l’arbitrage international ou aux autres moyens de règlement offerts par les Conventions parce qu’il leur est difficile, à ce moment là, de réunir les fonds nécessaires pour couvrir les frais qui en résulteraient. Ces frais peuvent comprendre les honoraires et les frais des membres du tribunal ou autre instance chargés de régler le différend; les dépenses liées à l’exécution de la sentence ou autre décision ou des recommandations émises par une telle instance; le coût des agents, conseils, experts et témoins; les dépenses opérationnelles ou administratives liées aux procédures écrites ou orales. La possibilité de disposer de fonds pour couvrir de tels frais pourrait faciliter le recours à l’arbitrage ou aux autres moyens de règlement, permettant ainsi d’atteindre le but et l’objet des Conventions et de promouvoir les relations amicales et la coopération entre les États.

3. C’est pourquoi, le secrétaire général de la Cour permanente d’arbitrage (le “secrétaire général”) a établi, avec l’accord du Conseil administratif, un Fonds d’assistance financière pour le règlement des différends internationaux (le “Fonds”). Le Fonds permet d’assister financièrement les États qualifiés (tels que définis ci-dessous) conformément aux modalités prévues ci-après afin de leur permettre de régler, en totalité ou en partie, les frais énumérés au paragraphe 2.

CONTRIBUTION AU FONDS

4. Le Fonds est alimenté par les contributions financières volontaires des États, des organisations intergouvernementales, des institutions nationales, des particuliers et des personnes morales.

DEMANDE D’ASSISTANCE FINANCIÈRE DU FONDS

5. Dans le cadre de ce document, le terme “État qualifié” signifie un État partie à la Convention de 1899 ou à celle de 1907, ou toute institution ou entreprise détenue et contrôlée par l’État, qui a signé un compromis visant à soumettre un ou plusieurs différends, existant ou futurs, au règlement, sous les auspices de la Cour permanente d’arbitrage, par l’un des moyens prévus par la Cour permanente d’arbitrage, et qui (l’État) au moment où la demande d’assistance financière du Fonds est faite, est inscrit sur la liste des bénéficiaires de l’aide du Comité d’aide au développement (“DAC List of Aid Recipients”) de l’Organisation pour la coopération et le développement économique (OCDE).

6. Tout État qualifié peut demander à bénéficier de l’assistance financière du Fonds en envoyant une demande écrite à cet égard au secrétaire général. La demande doit être accompagnée:
   i. d’une copie du compromis ci-dessus mentionné ainsi que, dans le cas d’un compromis visant les différends futurs, d’une brève description du différend particulier concerné ;
   ii. d’un état estimatif détaillé des dépenses pour lesquelles l’assistance est demandée ;
   iii. d’un engagement aux termes duquel l’État demandeur s’oblige à présenter un décompte final, détaillant les dépenses encourues sur les montants approuvés, attesté par un vérificateur aux comptes indépendant agréé par le Bureau international de la Cour permanente d’arbitrage.
Bureau d’exécution


Comité d’examen


10. Le comité examine les demandes d’assistance financière du Fonds et il détermine, le cas échéant, le montant de l’assistance financière accordée, la nature des dépenses qu’elle pourra couvrir ainsi que les modalités qu’il juge nécessaires.


12. Lorsqu’il examine une demande d’allocation, le comité considère notamment les besoins financiers du pays demandeur et les disponibilités du Fonds.

13. Les membres du comité ne sont pas rémunérés pour leurs activités au sein du comité et leurs frais ne sont pas remboursés. Dans des cas exceptionnels et en toute liberté, le secrétaire général peut fixer le montant du remboursement des frais de voyages et une indemnité desubsistance à verser à l’un des membres dans le cadre de ses activités au sein du comité.

14. Si la demande d’assistance financière du Fonds est acceptée, le montant accordé est versé à l’État demandeur, selon les modalités précisées par le comité dans sa décision.

15. Les décisions du comité concernant les demandes d’assistance financière du Fonds sont définitives et ne peuvent faire l’objet d’un recours ni d’une révision.

Présentation de rapports

16. Le secrétaire général présente au Conseil administratif, au moins une fois par an, un rapport détaillé des activités du Fonds et des transactions réalisées, mentionnant les contributions promises et reçues ainsi que les allocations et les déboursements effectués. Le rapport annuel de la CPA comporte un résumé des activités du Fonds.

Conseil administratif
11 décembre 1995
FONDS D’ASSISTANCE FINANCIÈRE
POUR LE RÈGLEMENT DES DIFFÉRENDs INTERNATIONAUX

COMITÉ D’EXAMEN

Le comité d’examen du Fonds d’assistance financière est actuellement composé des membres suivants :

- M. Hans Corell (ancien conseiller juridique des Nations Unies) ;
- Le juge Gilbert Guillaume (ancien Président de la Cour internationale de Justice) ;
- Le juge Howard M. Holtzmann (ancien juge du Tribunal des réclamations Iran/États-Unis) ;
- Le juge Kenneth Keith (juge à la Cour internationale de Justice) ;
- Le professeur Dr Ahmed Al-Kosheri (arbitre et ancien juge ad hoc à la Cour internationale de Justice) ;
- Monsieur Christophe Pinto (Secrétaire général du Tribunal des réclamations Iran/États-Unis) ;
- Le juge Bernardo Sepúlveda-Amor (juge à la Cour internationale de Justice).
## Fonds d’assistance financière pour le règlement des différends internationaux

**Liste des bénéficiaires de l’APD établie par le CAD**

**Effectif pour la notification des apports en 2009 et 2010***

<table>
<thead>
<tr>
<th>Pays les moins avancés</th>
<th>Pays à faible revenu (RNB par habitant &lt; 935 $ en 2007)</th>
<th>Pays à faible revenu à revenu intermédiaire tranche inférieure (RNB par habitant 935 $ - 3 705 $ en 2007)</th>
<th>Pays et territoires à revenu intermédiaire tranche supérieure (RNB par habitant 3 705 $ - 11 455 $ en 2007)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Maldives</td>
<td>Corée, Rép. dém. Nieuvelle</td>
<td>Afrique du Sud, Mayotte¹, Anguilla¹, Antigua et Barbuda¹, Monténégro, et Barbuda³, Montserrat¹</td>
</tr>
<tr>
<td>Angola</td>
<td>Mali</td>
<td>Côte d’Ivoire, Guinée</td>
<td>Argentine, Nauru, Barbade¹, Oman¹, Belgé, Panamá, Botswana, Serbie, Brésil, Seychelles</td>
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<tr>
<td>Bangladesh</td>
<td>Mauritanie</td>
<td>Kenya, Tadjikistan</td>
<td>Chili, Ste Lucie, Cook, Ste-Hélène¹, Îles-Costa Rica, St-Kitts, Croatie, et Nevis</td>
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<tr>
<td>Bénin</td>
<td>Mozambique</td>
<td>Bolivie, États fédérés</td>
<td>Cuba, St-Vincent, Argentine, et Grenadines, Fidji, Suriname, Gabon, Trinité-</td>
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<td>Bhoutan</td>
<td>Myanmar</td>
<td>Arménie, Marshall, Îles</td>
<td>grille, Grenade, et Tobago³, Jamaïque, Turquie, Kazakhstan, Uruguay, Liban, Venezuela</td>
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<td>Azerbaidjân, Micronésie, Boznie</td>
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<td>République démocratique et Principe</td>
<td>Sénégal</td>
<td>Égypte, Sri Lanka</td>
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<td>Djibouti</td>
<td>Sierra Leone</td>
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1. Territoire.
4. Cela n’implique aucune position juridique de la part de l’OCDE concernant le statut du Kosovo.

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### Members of the Permanent Court of Arbitration

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

<table>
<thead>
<tr>
<th>Date of appointment</th>
<th>Date of latest renewal</th>
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<td><strong>Argentina</strong></td>
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<tr>
<td><strong>June 15, 2011</strong></td>
<td><strong>15 juin 2011</strong></td>
</tr>
<tr>
<td>Her Excellency Ms. SUSANA MYRTA RUIZ CERUTTI, Lawyer and career diplomat; former Ambassador to Switzerland; Agent to the International Arbitral Tribunal dealing with a border dispute between Argentina and Chile; former member or head of delegations to several arbitral proceedings; former Legal Adviser; former Vice-Minister and Minister of Foreign Affairs; former Ambassador to Canada; since November 2000 Secretary of State for Foreign Relations. Avda. Libertador Gral. San Martín 4408, piso 13°, 1424 Buenos Aires, Argentina.</td>
<td></td>
</tr>
<tr>
<td>21 - 11 - 2007</td>
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<tr>
<td><strong>Dr. RAÚL EMILIO VINUESA</strong>, law degree from the University of Buenos Aires, The Fletcher School of Law and Diplomacy, Harvard Law School, University of Cambridge, University of Amsterdam; Professor of International Law at the Faculty of Law, University of Buenos Aires, and at the Argentine Foreign Service Institute; Arbitrator at MERCOSUR, ICSID, CAR, ICC, SIECA; Judge ad hoc at the International Court of Justice; Member of the Institut de Droit International. Arsenales 843 5° 18, Buenos Aires (C1061AAC), Argentina; tel./fax: +54 11 4394 4412.</td>
<td>25 - 07 - 1997</td>
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<tr>
<td><strong>Mr. ENRIQUE J.A. CANDIOTI</strong>, Member and former Chairman of the United Nations International Law Commission; former Secretary of State for Foreign Affairs and Legal Adviser of the Argentine Foreign Ministry; former Ambassador to the United States of America, Germany, Australia and New Zealand. Specializations: public international law, law of the sea, territorial and boundary matters, international arbitration. Avda. Coronel Díaz 2277 (10-A), C1425DQI Buenos Aires, Argentina.</td>
<td></td>
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<td>28 - 01 - 2005</td>
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<td><strong>His Excellency Mr. HORACIO A. BASABÉ</strong>, Director of the Argentine Institute for the Foreign Service; former professor of public international law (University of Buenos Aires); former legal adviser and former Under Secretary for Foreign Policy of the Argentine Foreign Ministry; former Ambassador to the Czech Republic; former agent in the Laguna del Desierto Arbitration. Beruti 335, Banfield, Argentina.</td>
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<tr>
<td><strong>Australia</strong></td>
<td><strong>Australie</strong></td>
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<td>23 - 10 - 1986</td>
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</tr>
<tr>
<td><strong>June 15, 2011</strong></td>
<td><strong>15 juin 2011</strong></td>
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<tr>
<td><strong>Professor IVAN A. SHEARER, A.M. RFD., Emeritus Professor of Law, University of Sydney; Adjunct Professor of Law at the University of South Australia; former Challis Professor of International Law; Judge ad hoc at the International Tribunal for the Law of the Sea; Member, former member of the UN Human Rights Committee (2001 - 2008); Vice President (2006 - 2008). Past President of the Australian Branch of the International Law Association. Specializations: law of the sea, law of armed conflict, national security law, extradition law, international human rights law. Faculty of Law, University of Sydney, Building F10, Sydney NSW 2006, Australia; fax: +6129351 0200.</strong></td>
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<td>22 - 04 - 2009</td>
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</tbody>
</table>
California at Los Angeles. Specializations: public international law, international human rights law, use of force, law of armed conflict, peacebuilding and post-conflict legal regimes. Australian National University, Acton, Australian Capital Territory 0200, Australia; email: hilary.charlesworth@anu.edu.au; fax: +61 26125 1507.

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M. THÉODORE C. LOKO.

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Dr. ALBERTO ZELADA CASTEDO.

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

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

Estonia

Dr. iur. JULIA LAFFRANQUE, LL.M.; Judge at European Court of Human Rights (since 2011); Justice of Supreme Court of the Republic of Estonia (2004-2010); Docent of European law, University of Tartu; President of the Estonian European Law Association; President of the Consultative Council of European Judges of Council of Europe (CCJE) (2008-2010); Ad hoc judge at the European Court of Human Rights (2006); Member of the board of Estonian Academic Law Society; Member of the board of Estonian Lawyers Union; Former Deputy Secretary General and Head of European Union law and foreign relations division of the Ministry of Justice of Estonia; Member of the board of the policy think tank “PRAXIS” (2000-2004). European Court of Human Rights, Council of Europe, F-67075 Strasbourg-Cedex, France; tel.: +33 3 90 214 217; e-mail: Julia.Laffranque@echr.coe.int.

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Mr. ANDRES HALLMÄGI, Attorney-at-Law, Member of Estonian Bar Association; Chairman on the Board of the Arbitration Court, Estonian Chamber of Trade Industry (1992-1996); served as the arbitrator appointed by the ICC International Court of Arbitration and party-appointed arbitrator in several international commercial arbitrations. Pohla & Hallmägi, C. R. Jakobsoni 14, 10128 Tallinn, Estonia; tel.: +372 600 9920, fax: +372 600 9921; e-mail: a.hallmagi@phlaw.ee.

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Finland

Mr. BENGST BROMS, Professor emeritus of International and Constitutional Law at the University of Helsinki; Member of the Iran–United States Claims Tribunal; former President

Membres de la CPA – Annexe 6

appointment/nomination renouvellement

El Salvador


El Salvador


El Salvador

15 - 01 - 1996

Estonia

23 - 11 - 2010

Estonie

23 - 11 - 2004 23 - 11 - 2010

Finland

01 - 04 - 1986 01 - 06 - 2007
of the International Law Association; Rautimiehenkatu 2 a, FI-00140 Helsinki, Finland or Iran-United States Claims Tribunal, Parkweg 13, NL-2585 JH, The Hague, The Netherlands; tel.: +31 70 352 0064; fax: +31 70 350 24 56.

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Germany
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Prof. Dr. STEFAN OETER, Professor of German and Comparative Public Law and Public International Law, Hamburg University; Managing Director of the Institute of International Affairs, University of Hamburg Law School; Chairman of the Independent Committee of Experts of the European Charter for Regional or Minority Languages (Council of Europe); Member of the Scientific Advisory Board of the Federal Ministry of Transport; President of the Historical Commission, International Society for Military Law and the Laws of War; former Senior Fellow, Max-Planck-Institute for International Law and Comparative Law, Heidelberg. Institut für Internationale Angelegenheiten, Fakultät für Rechtswissenschaft, Schlüterstrasse 28, D-20146 Hamburg, Germany; tel.: +49 40 42 838 4565/4601; fax: +49 40 42 838 4560; e-mail: steфан.oeter@uni-hamburg.de.

Annex 6 – PCA Members

<table>
<thead>
<tr>
<th>Appointment/nomination</th>
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<tbody>
<tr>
<td>Ms. TIINA ASTOLA</td>
<td>01 - 09 - 2007</td>
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<td>Ms. PÄIVI KAUKORANTA</td>
<td>02 - 10 - 2009</td>
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</table>
40 42 838 6262; e-mail: stefan.oeter@jura.uni-hamburg.de.

Prof. em. Dr. EIBE RIEDEL, Professor of German and Comparative Public Law, European and International Law; Director of Mannheim Institute for Inland Navigation Law; Director of Institute of Medical Law, Public Health and Bioethics; Swiss Chair of Human Rights, Graduate Institute of International and Development Studies, Geneva; Adjunct Professor, University of Adelaide; Visiting Professor University of Kingston, London; Member and former Vice- Chair of UN Committee on Economic, Social and Cultural Rights; Member of the Executive Committee of the International Association of Comparative Constitutional Law; Member of the Executive Committee, German Association of Comparative Law; Member of Advisory Committee of the German Foreign Office; Chairman of the Advisory Committee on Students Fees, Ministry of Science and Culture, Baden Württemberg; Member and Vice- President of the Board of the German Institute for Human Rights, Berlin; Member of the German UNESCO Commission, University of Mannheim, Faculty of Law and Economics, Schloss, D-68131 Mannheim, Germany; tel.: +49 621 181 1417/1418; or +49 6321 84819; e-mail: eiberiedel@web.de; riedel@uni-mannheim.de.

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Greece

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Prof. M. ARGYRIS FATOUIROS, JSD, Professeur émérite à l'Université nationale d'Athènes ; associé de l'Institut de droit international ; ancien Représentant permanent de la Grèce près de l'OCDE ; Directeur honoraire du Centre de droit économique international et européen (Thessaloniki). Iпитou 21, 10557 Athènes, Grèce ; fax : +30 1 325 23 52.

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

Guatemala

Dr. FRANCISCO VILLAGRÁN KRAMER.

Mr. GABRIEL ORELLANA ROJAS.
<table>
<thead>
<tr>
<th>Country</th>
<th>Person</th>
<th>Appointment Date</th>
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<tbody>
<tr>
<td>Guyana</td>
<td>Mr. BERNARD C. DE SANTOS, S.C., former Attorney-General and Minister of Legal Affairs of the Government of Guyana; Attorney-at-Law in private practice, De Santos &amp; Associates. Temple Chambers, 94, Regent &amp; King Streets, Lanyakton, Georgetown, Guyana; tel.: +592 2 6 22 56.</td>
<td>28-05-2004</td>
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<td></td>
<td>Mr. BERTIE G. RAMCHARAN, LL.M., Ph.D., Barrister-at-Law (Lincoln’s Inn); Professor of International Law; worked twenty-five years as a lawyer at the United Nations. 391 Ch. des Landes, 01170 Segny, France; tel.: +33 450 41 65 95; e-mail: <a href="mailto:Bramcharan@orange.fr">Bramcharan@orange.fr</a>.</td>
<td>28-05-2004</td>
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<td></td>
<td>Mr. BARTON U.A. SCOTLAND, Bachelor of Laws (LL.B.), University of London, Master of Laws (LL.M.) (London), Doctor of Philosophy in International Law (Ph.D.) (London); former Ambassador; former Head of the Department of International Economic Cooperation; Attorney-at-Law in Private Practice which includes civil and criminal litigation, legal advisory, natural resources and investment law, negotiations and international law. Nabaclis Village, East Coast Demerara, Guyana; fax: +592 2777779.</td>
<td>28-05-2004</td>
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<td></td>
<td>His Excellency Mr. MOHAMED SHAHABUDDEN, B.Sc. (Econ.), LL.B., LL.M., Ph.D., LL.D. (London), hon. LL.D. (U.W.I.), Q.C., S.C., Honorary Bencher of the Middle Temple; former Solicitor-General of Guyana; former Attorney-General; former Minister of Foreign Affairs; former Judge International Court of Justice; former Vice-President International Criminal Tribunal for the former Yugoslavia. P.O. Box 13888, 2501 EW The Hague, The Netherlands; tel.: +31 70 512 53 13; fax: +31 70 512 52 52.</td>
<td>28-05-2004</td>
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<tr>
<td>Haiti</td>
<td>M. GÉRARD DORCELY, ancien ministre des Affaires étrangères et des Cultes ; ancien ministre de l’Éducation nationale, de la Jeunesse et des Sports ; ancien Professeur de droit international privé à l’Université d’État d’Haiti. Département des Affaires étrangères, Port-au-Prince ou 150 Congress Street, Jersey City, NJ 07307, USA.</td>
<td>22-03-1976</td>
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<tr>
<td></td>
<td>Son Excellence M. JEAN FORTIN CHERY, ancien Directeur général du ministère des Affaires étrangères et des Cultes ; ancien Secrétaire d’État des Cultes ; Ambassadeur consultant au ministère des Affaires étrangères et des Cultes. 4242 Carver Place, Gloucester, Ontario K9J 1B5, Canada.</td>
<td>28-05-1993</td>
<td>28-05-1993</td>
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<td>M. DENIS RÉGIS, avocat ; ancien Directeur Général du ministère des Affaires étrangères et des Cultes ; Doyen de l’Institut National d’Administration, de Gestion et des Hautes Etudes Internationales (INAGHEI); Directeur du Centre d’Études Diplomatiques et Internationales (CEDI) ; membre de l’Association Internationale de Droit Pénal (France) ; membre de l’Association des Sciences de Justice Criminelle (U.S.A.) ; Professeur de droit international public, de droit international privé et de droit international pénal à l’Université d’État d’Haiti. P.O. Box 16064, Petion-Ville, W.I., Haiti ; tél. : 509 244 7636/257 9501 ; e-mail : <a href="mailto:cedi_haiti@yahoo.fr">cedi_haiti@yahoo.fr</a>.</td>
<td>28-05-1993</td>
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<tr>
<td>Honduras</td>
<td>Son Excellence M. CARLOS LOPEZ CONTRERAS, ancien Ambassadeur et ministre des Relations extérieures ; Avocat et Notaire ; Directeur de la Banque interaméricaine d’Intégration économique. Edif. Midence Soto, Tegucigalpa.</td>
<td>11-03-1980</td>
<td>03-05-2006</td>
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<td></td>
<td>Son Excellence M. POLICARPO CALLEJAS BONILLA, avocat et notaire ; ancien Ambassadeur et Vice-ministre des Relations extérieures ; membre de la Commission juridique interaméricaine ; Conseiller au ministère des Relations extérieures. Ministère des Relations extérieures, Tegucigalpa.</td>
<td>27-10-1986</td>
<td>03-05-2006</td>
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<tr>
<td></td>
<td>Mr. EDUARDO MARTELL has a degree in Law. He was Professor at the Catholic University</td>
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92
of Honduras and Advisor to the Ministry of Foreign Affairs. A career diplomat, currently he is the Ambassador of Honduras to Spain.

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

**Hungary**

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Dr. ISTVÁN HORVÁTH, Ambassador, Head of the Legal Department, Ministry of Foreign Affairs; former Permanent Representative of Hungary to the United Nations in Vienna. Ministry of Foreign Affairs of the Republic of Hungary. Bem rakpart 47, Budapest 1027, Hungary; fax: +36 1 458 10 91; e-mail: HorvathIstvan@kum.hu.

Prof. Dr JÁNOS BRUHACS, Professeur de droit international public à l’Université de Pécs et à l’Université Calviniste à Budapest. Spécialisations: droit des cours d’eau internationaux, droit des traités, responsabilité internationale à cause des dommages environnementaux transfrontières. 48-astér 1, 7622 Pécs, Hongrie; fax: +36 72 21 51 48.

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**India**

Honorable MILON K. BANERJI, Attorney General for India; B.Sc. (Gold Medalist) and L.L.B. from Allahabad University; LL.M. in International Law and Research Diploma in International law from Cambridge University; Barrister and Honorary Bencher of Lincoln’s Inn; started practice in the Allahabad High Court and shifted to the Calcutta High Court and then to the Supreme Court of India; Lecturer in Law in Calcutta University; was Additional Solicitor General of India from 1979-1986. Solicitor General of India from 1986-1989. Attorney General for India from 1992-1996 and again appointed Attorney General for India on the 5th of June, 2004; recipient of India’s second highest National Award the Padma Vibhushan. F-19, Maharani Bagh, New Delhi-110 065, India; tel.: +91 11 26834845 & 23383254; fax: +91 11 23782101 & 26324479.

Mr. M.H. KANIA, former Chief Justice of India; practiced as an advocate in the Bombay High Court till November 1969, when he was appointed as a Judge of that Court; former Acting Chief Justice and former Chief Justice of the Bombay High Court, former Judge of the Supreme Court of India and former Chief Justice of India; retired on November 18, 1992 and has been practicing as an arbitrator and doing advisory work since then; 68, “Samata”, General Jagannath Bhosle Marg, Nariman Point, Mumbai - 400021, India; tel.: +91 22 228 557 S7.

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Dr. SEYED JAMAL SEIFI, LL.B. (National University, Iran), LL.M., Ph.D. (The University of Hull, UK); Judge at the Iran–United States Claims Tribunal; Associate Professor of Law, Shahid Beheshti (National) University of Iran; Practicing member of Iranian Bar and Senior Attorney with the law firm of Dr. Jamal SEIFI & Associates, Tehran; Former Lecturer and former Visiting Professor of Law, The University of Hull, UK; acted as chairman, sole arbitrator, co-arbitrator, counsel and expert in international and domestic arbitration cases since early 1990s; Vice-President of the Arbitration Court of the Arbitration Center of the Iran Chamber (ACIC); Member of the Governing Board of the Foundation for Development of International Law in Asia (DILA); has written and published articles, papers and reports on international law and arbitration matters locally and internationally. tel.: +31 70 352 0064 & +98 21 88 30 14 58; fax: +31 70 350 24 56 & +98 21 88 312057; e-mail: sjseifi@dpimail.net.

Dr. ABBAS ALI KADKHODAEE, Professor of International Law, Faculty of Law and Political Sciences, Tehran University; Member of Iranian Guardian Council. Dr. Kadkhodaei has held various legal advisory positions in government in Iran since 1985 and has been a senior lecturer at Tehran University since 1997. Widely published in both English and Persian, he holds the following degrees: LL.B. Tehran University; LL.M., Private Law, Beheshty University; LL.M., International Business Law, Hull University; Ph.D., International & EU Law, Leeds University. Dr. Kadkhodaei can be contacted at the Faculty of Law and Political Sciences, Tehran University, Tehran, Iran; tel.: +98 216 646 4982, +98 216 695 0255; fax: +98 216 640 5610; e-mail: kadcouncil@yahoo.com; kadkhodae@hotmail.com.

Mr. ABBAS ALI RAHIMI ESFAHANI, Head of the Center for International Legal Affairs (CILA). Mr. Rahimi Esfahani is experienced in judging civil and criminal cases and has served as Parliamentary and Legal Advisor in the Presidency of Iran and as Director General of the General Directorate of Formulation and Purgation of Laws & Regulations. He is widely published and holds an LL.B. from Tehran University and an LL.M. in Public International Law from the University of Hull (UK). Mr. Rahimi Esfahani can be contacted
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**Iraq**  
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Dr. FUAD A. M. AL-ALWANI, Advisor, State Legal Advisory Council; Legislator; Member of the Administrative Committee, Cassation Court; Professional Researcher; Reader, Law College and Judicial Institute Baghdad; Member, Committee drafting International Commercial Arbitration in Iraq; Member, Committee of Accession to the WTO. c/o Embassy of Iraq, Johan De Wittlaan 16, 2517 JR The Hague, The Netherlands; e-mail: fuad13@yahoo.com.

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

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

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

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

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

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### Italy

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**Annex 6 - PCA Members**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Nationality</th>
<th>Date (nomination)</th>
<th>Date (renewal)</th>
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</thead>
<tbody>
<tr>
<td>Dr. JÁN VARŠO</td>
<td>Director of the Department of International Organisations</td>
<td>Slovak Republic</td>
<td>21 - 12 - 1994</td>
<td>22 - 12 - 2006</td>
</tr>
<tr>
<td>Prof. Dr. BORUT BOHTE</td>
<td>Emeritus Professor of International Law</td>
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<tr>
<td>Prof. Dr. MIRJAM ŠKRK</td>
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<td>19 - 09 - 2006</td>
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<tr>
<td>The Honorable PIUS NKONZO LANGA</td>
<td>Former Chief Justice of the Republic of South Africa</td>
<td>South Africa</td>
<td>21 - 01 - 2009</td>
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<tr>
<td>The Honorable LEX MPATI</td>
<td>President of the Supreme Court of Appeal</td>
<td>South Africa</td>
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<td>Professor NEVILLE JOHN BOTHA</td>
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<td>21 - 01 - 2009</td>
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International Law Journal of Southern Africa; Member of the Executive Committee, South African Branch of the International Law Association; Member of the Executive Council of the International Law Association; Chair of the International Law Association Committee on the Teaching of International Law; Member, Immigration Advisory Board, Advocate of the Supreme Court of South Africa. Department of Public, Constitutional and International Law, University of South Africa, Box 392, Pretoria, 0001, South Africa; tel.: +27 12 429 8398; fax: +27 12 429 8587.

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Membres de la CPA - Annexe 6

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<th>Nom</th>
<th>Nom</th>
<th>Anniversaire d'Appel / Renouvellement</th>
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<tr>
<td>M. VALENTIN ZELLWEGER</td>
<td>04 - 08 - 2010</td>
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<td>Prof. DANIEL THÜRER</td>
<td>12 - 05 - 2004</td>
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<td>Thailand</td>
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<td>07 - 04 - 2010</td>
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<td>His Excellency Mr. ARUN PANUPONG</td>
<td>26 - 05 - 1985</td>
<td>24 - 08 - 2005</td>
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<td>His Excellency Mr. SANSERN KRAICHITTI</td>
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<td>His Excellency Dr. PRAJIT ROJANAPHRUK</td>
<td>20 - 10 - 2003</td>
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<td>Turkey</td>
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<td>Professor HALUK BURCUOĞLU</td>
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<tr>
<th>Country</th>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Venezuela</td>
<td>Ms. MIRIAM GARCIA DE PEREZ</td>
<td>Chargé d’Affaires of the Bolivarian Republic of Venezuela in Austria;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Attorney at Law; Professor of Private and Public International Law.</td>
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<tr>
<td>Venezuela</td>
<td>Ms. MIRNA Y RUBI SPOSITO</td>
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<td>Ministry of Foreign Affairs; former Judge of the Venezuelan judicial</td>
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<td></td>
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<td>private legal practitioner; former Attorney-General of Zambia.</td>
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<tr>
<td>Zambia</td>
<td>Justice ERNEST LINESI SAKALA</td>
<td>Judge of the Supreme Court of Zambia.</td>
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<tr>
<td>Zambia</td>
<td>Justice S.K. MUNTHALI, L.L.B.</td>
<td>former Judge of the High Court of Zambia since 1998; former Advocate of</td>
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<td>the High Court of Zambia; former lecturer in commercial law, Evelyn</td>
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<td>Director for Legal Aid Directorate, Ministry of Justice, Legal and</td>
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<td>CY7751, Causeway, Harare, Zimbabwe; tel.: +263 4 7979 104.</td>
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<tr>
<td>Zimbabwe</td>
<td>Justice GODFREY GUWA CHIDYAI</td>
<td>Chief Justice of the Supreme Court of Zimbabwe; Chairman of the Law</td>
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<td>SIKU</td>
<td>Development Commission of Zimbabwe; former Attorney-General of Zimbabwe</td>
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<td>(1983-1987); former Leader of the Zimbabwean Delegation to the United</td>
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<td>Nations Law of the Sea Conference (1985-1987); former Chairman of the</td>
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<td>Commission of Inquiry into the War Victims Compensation Fund (1997);</td>
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<td>former Chairman of the Constitutional Commission of Zimbabwe (1999).</td>
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<td>Box CY870, Causeway, Harare, Zimbabwe; tel.: +263 4 798 634.</td>
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**Secretary-General**
## SPECIALIZED PANEL OF ARBITRATORS

**ESTABLISHED PURSUANT TO THE OPTIONAL RULES FOR ARBITRATION OF DISPUTES RELATING TO NATURAL RESOURCES AND/OR THE ENVIRONMENT**

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**COMMISSION D’ARBITRES SPÉCIALISTES**

ÉTABLIE EN APPLICATION DU RÈGLEMENT FACULTATIF POUR L’ARBITRAGE DES DIFFÉREndS RELATIFS AUX RESSOURCES NATURELLES ET/OU L’ENVIRONNEMENT

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<tr>
<td><strong>Argentina</strong></td>
<td><strong>Professor JULIO BARBOZA</strong></td>
<td>June 15, 2011</td>
<td>04 - 05 - 2010</td>
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<td><strong>Australia</strong></td>
<td><strong>Mr. HENRY BURMESTER QC</strong></td>
<td>27 - 08 - 2003</td>
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<td><strong>Austria</strong></td>
<td><strong>Professor Dr. GERHARD LOIBL</strong></td>
<td>27 - 11 - 2001</td>
<td>23 - 04 - 2008</td>
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**Argentina**

Professor JULIO BARBOZA is a Professor of International Law at the Buenos Aires National University and Belgrano University. He was formerly a Professor at the Argentine Foreign Service Institute, the Argentine Catholic University, the Salvador University, and the Catholic University of Cordoba. He was a visiting Professor at The Hague Academy of International Law twice, at Southern Methodist University in Texas, USA, as well as at the Inter-American Institute of International Law of the Organization of American States. Professor Barboza has been a Legal Advisor at the Argentine Ministry of Foreign Relations, and was a former Ambassador in Poland and Czechoslovakia. Mr. Barboza was a Member and former President of the UN Law Commission. As Special Rapporteur, he has submitted eleven reports on the topic of international liability for the injurious consequences of acts not prohibited by international law. He was also a Judge, First Vice-President and later President of the UN Administrative Tribunal. He holds an LL.B. from Buenos Aires National University School of Law, and a Master of Laws cum laude in Comparative Law from Southern Methodist University School of Law in Texas, USA. Tel.: +54 (11) 4776 2136; e-mails: barbozajulio@hotmail.com; barbozajulio02@gmail.com.

**Australia**

Mr. HENRY BURMESTER QC is currently Chief General Counsel with the Australian Government Solicitor. He is responsible for providing high level advice to the Government on the Constitution and other sensitive issues, as well as appearing as counsel for the Australian Government. Mr. Burmester has appeared as counsel in the International Court of Justice, the Law of the Sea Tribunal, and in Australian appellate and trial courts, including the High Court. Mr. Burmester has previously held the position of Acting Solicitor-General of the Commonwealth, and was formerly the head of the Office of International Law in the Attorney-General’s Department. He has been involved in international maritime boundary, marine pollution and other law of the sea and environmental negotiations, including those relating to the Antarctic Environment Protocol. Chief General Counsel, Australian Government Solicitor, 50 Blackall Street, Barton ACT 2600, Australia; tel.: +61 2 6253 7016; fax: +61 2 6253 7304; e-mail: henry.burmester@ags.gov.au.

**Austria**

Professor Dr. GERHARD LOIBL is a Professor of International Law at the University of Vienna, the University of London, and the Diplomatic Academy in Vienna, as well as Editor-in-Chief of the Austrian Review of International and European Law and Chairman of the ILA Water Resources Committee. Prof. Dr. Loibl has served in the Office of the Legal Advisor of the Austrian Federal Ministry for Foreign Affairs and as Registrar of the UNRWA Special Panel of Adjudicators in Vienna. He has been a member of Austrian task forces and
governmental delegations to many international conferences and negotiations, including meetings of the UNEP Governing Council, the UNCED Preparatory Committee, OECD experts on trade and environment, and the UN General Assembly. He previously served as Director of the International and European Department in the Austrian Federal Ministry for Environment, Youth and Family Affairs. Prof. Dr. Loibl has lectured at and participated in numerous international law conferences and has published extensively in the field of international environmental law. He is fluent in English and German and has reading knowledge of French and Spanish. In addition to completing the Hague Academy of International Law, Prof. Dr. Loibl received a Doctor of Law from the University of Vienna Law School and an LL.B. from the University of Cambridge.

Dr. WALTER GEHR is currently with the Austrian Federal Ministry of Foreign Affairs in the International Law Division and was posted in Ireland and Algeria. He was a member of the Permanent Mission of Austria to the United Nations and also participated in the UNOMSA mission. He was the Austrian representative in the Nuclear Law Committee of the OECD and Chairman of the Assembly of States of the International Development Law Institute. Dr. Gehr was the deputy head of the Austrian embassy in Ankara. He speaks German, French, and English fluently, has a good command of Spanish, and a passive understanding of Italian.

**Belarus**

Ms. MARINA YANUSH serves as the Deputy Chief of the Legal and Personnel Department of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. She also serves as assistant to the Faculty of Ecology of the Belarusian National Technical University in Minsk. She has contributed to the drafting of national acts of the Republic of Belarus, namely draft laws “On the Protection of Environment,” “About the Waste,” Law of the Republic of Belarus “On Flora,” and Code of the Administrative Offenses. She is currently competing to be granted the degree of the Candidate of Science in Law at the Institute of the State and Law of the National Academy of Sciences of the Republic of Belarus. Deputy Chief of the Legal and Personnel Department, Ministry of Natural Resources and Environment Protection 220048, Minsk, 10 Collectornaya St., Republic of Belarus; tel.: +375 17 220 27 67; e-mail: yanush-maryna@tut.by.

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**Belgium**

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

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**Annex 7 - Specialized Panel of Arbitrators**

Commission d’arbitres spécialistes - Annexe 7

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<table>
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**Belarus**

Ms. MARINA YANUSH serves as the Deputy Chief of the Legal and Personnel Department of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. She also serves as assistant to the Faculty of Ecology of the Belarusian National Technical University in Minsk. She has contributed to the drafting of national acts of the Republic of Belarus, namely draft laws “On the Protection of Environment,” “About the Waste,” Law of the Republic of Belarus “On Flora,” and Code of the Administrative Offenses. She is currently competing to be granted the degree of the Candidate of Science in Law at the Institute of the State and Law of the National Academy of Sciences of the Republic of Belarus. Deputy Chief of the Legal and Personnel Department, Ministry of Natural Resources and Environment Protection 220048, Minsk, 10 Collectornaya St., Republic of Belarus; tel.: +375 17 220 27 67; e-mail: yanush-maryna@tut.by.

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Professor Dr. FRANK MAES studied Diplomatic Sciences (Ghent University, 1984), Shipping Law (UFSIA, 1986), and obtained a Ph.D. in Law (Ghent University, 1996). He is Professor of Public International Law in the Faculty of Law at Ghent University since 1998 and has taught, inter alia, international environmental law, environmental legislation, diplomatic and consular law, and air and space law. He has been lecturer on international trade and international organizations in the UNCTAD training courses on "The Commercial Role of Ports and Port Marketing," and has been guest lecturer at several universities including the universities of Nairobi and Dar es Salaam. He is a member of the International Law Association's Committee on Water Resources Law. He was, inter alia, legal adviser in the Belgian delegation during the preparatory negotiations of the OSPAR Convention, legal expert in the Belgian delegation for the implementation of the Kyoto Protocol, and president of the EU legal experts in the negotiations on compliance at UNFCCC COP 6+ and COP 7. He is author of the explanatory memo for the Law on the Belgian exclusive economic zone in the North Sea, co-author of the Law on the protection of the marine environment under the jurisdiction of Belgium, and co-author of the decree on Integral Water Policy implementing the EC Framework Directive on water policy in Flanders. He is author of numerous books and articles on a wide range of international environmental law topics.


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

Bolivia

Dr. MÁRÍA PATRICIA DEL ROSARIO GARCÍA SALAUES currently serves as Environmental Legal Assessor at the Sustainable Development and Planning Ministry, as National Contact in the Sustainable Development and Environmental Law Unit of the American States Organization, and as National Contact and Regional Coordinator in the Federal Office of Disaster Attention for the United Nations. She has extensive experience and special expertise in natural disaster prevention and resolution of pollution-related conflicts in Bolivia and South America. Dr. García Salaues is involved in the International Atomic Energy Agency’s efforts to develop a legal framework for radiological protection, safety on radiation sources, and safe handling of radioactive wastes. She has previously advised the World Bank on developing environmental rules and guidelines for mining projects; provided legal advice to Bolivian mining companies; and conducted legal analysis on mining laws for MERCOSUR. She is fluent in Spanish and has reading knowledge of English, Portuguese, and French. Dr. García Salaues has a Master’s in Ecological Audits and Managerial Planning from the Instituto de Investigaciones Ecologicas in Spain, and a Diploma in Environmental Consulting from Fundacion Universitaria Iberoamericana. She is currently a candidate for a Doctor in Environmental Law from the Universidad de Alicante in Spain. c/José Toro No. 366, Alto Obrajeros Sector “A,” La Paz, Bolivia; tel.: +591 2 73 23 52, +591 2 73 12 93; fax: +591 2 22 23 97 or 35 09; e-mail: patriciagarciasa@yahoo.com.

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Bulgaria

Mr. GEORGE PENCHEV is presently Associate Professor in Environmental Law at the Faculty of Law, Plovdiv University “Paisii Hilendarski,” Bulgaria, as well as Senior Researcher in Environmental Law at the Institute of Legal Studies at the Bulgarian Academy of Science.
He is a former researcher in environmental law and lawyer at the Patent Agency, Sofia, Bulgaria. His main activities and responsibilities include lectures in environmental law, scientific projects in environmental law, and practical work in patent law. In 1990 he obtained a Ph.D., submitting a thesis on “Financial liability for the water pollution in Bulgaria.” He is the author of five books and over 130 articles and scientific reports, mainly in the field of environmental law, but also in the fields of patent law and public international law. Plovdiv University “Paisii Hilendarski,” Faculty of Law. 24 Tzar Asen str., Plovdiv 4000, Bulgaria; tel.: +359 3 226 1284, +359 2 944 4363, +359 898253; e-mail: georgepenchev@abv.bg.

Burkina Faso  
Mr. DOBO MARTIN ZONOU serves as a magistrate.

Cameroon  
H.E. MAURICE KAMTO, Junior Minister of Justice, has served as an expert consultant in a number of cases for his government and the United Nations, and was Legal Counsel in 1998 and 1999 at the International Criminal Court. He was also an academician in public international law, administrative law, constitutional law and environmental law, and has served as an advocate for the International Court of Justice. He is also avocat at the Paris Bar (France) and Member of the International Law Commission (ILC).

Canada  
Mr. MIKE HARCOURT served as the Premier of British Columbia from 1991-1996, and as Mayor of Vancouver, three terms from 1980-1986, and was elected four terms as Vancouver Alderman, 1972-1980. Mr. Harcourt is a Senior Associate with the Sustainable Development Research Institute at the University of British Columbia, as well as Senior Associate of the Liu Center for the Studies of Global Issues. He is involved in a number of private business activities, as well as speaking and advising internationally on sustainability solutions. In November 1996, he was appointed by the Prime Minister to the National Round Table on the Environment and the Economy, and serves on the Executive Committee along with being Chair of the Urban Sustainability Program. He is Director of the Asia Pacific Foundation, Vice-Chair of the International Center for Sustainable Cities, and the Honorary Chair at the Pacific Rim Council on Urban Development. He serves as Director at the Vancouver Airport and the Vancouver Port Authority. Mr. Harcourt has a B.A. and an LL.B. from the University of British Columbia. He has an Honorary Doctor of Laws from the Royal Roads University. 4707 Trafalgar Street, Vancouver B.C., V6L 2M8, Canada; tel.: +1 604 263 4132; fax: +1 604 264 0770; e-mail: mharcourt@shaw.ca.

Chile  
Professor JOSÉ AGUSTÍN RAMÍREZ is currently Professor of Environmental Law and Director of the Center for Environmental Law at Austral University in Chile. He also serves as Head of the Environmental Unit at the State Defence Council. Prof. Ramírez previously served as Legal Advisor to Senador don Gabriel Valdes, a position in which he provided counsel on various environmental projects and prepared reports for the Senate’s Environmental Commission. He has also conducted analyses of environmental legislation in Chile as a consultant to CONAMA (Comisión Nacional del Medio Ambiente). Prof. Ramírez has published extensively on the legal and economic implications of environmental pollution, and has been invited to teach environmental law courses and seminars as a visiting Professor at several universities in the United States, Spain, and South America. He is fluent in Spanish and English. Prof. Ramírez received a Licenciado in Law and Social Sciences from the Universidad de Chile and completed postgraduate studies in Economics at the Universidad Autonoma de Madrid. He is currently a candidate for a Doctorate in Law from the Universidad Complutense de Madrid and for a Doctorate in Environmental Law from the Universidad de Alicante. Head of Environmental Unit, State Defense Council, Francisco de Aguirre 4766, Vitacura, Santiago, Chile; tel.: +562 228 36 93; e-mail: cde2@ctinternet.cl.

People’s Republic of China  
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**Colombia**

Dr. HERNANDO SANCHEZ-SANCHEZ, is a lawyer and professor of environmental law at the University Colegio Mayor de Nuestra Señora del Rosario. He studied at the Sorbonne University in Paris, with a specialization in International Private Law. He has been, inter alia, an Arbiter of the Chamber of Commerce of Bogotá, a member of the Subcommittee International Arbitration of the International Chamber of Commerce of Paris, and a Juridical Consultant for various projects of the Colombian Ministry of Environment. He is an international mediator-conciliator for the Franco-Andean Service of International Mediation and Conciliation and a professor at the master and postgraduate levels at the University Colegio Mayor de Nuestra Señora del Rosario, teaching on both administrative law and environmental law. He has also taught postgraduate classes at the Universidad Libre de Colombia, the University of Medellín, and the University of Caldas. He has participated in various international conferences and his publications include works on environmental and international law. He is a member of the College of Environmental Lawyers, of the Institute of Environmental Law and of the Colombian Subcommittee of Arbitration CCL. He is fluent in Spanish, French, and English. Carrera 7a No. 83-81, Oficina 201, Bogotá; tel.: PBX +57 1 236 5505; fax: +57 1 634 8105; e-mail: hsanchez_sanchez@yahoo.com.

**Democratic Republic of the Congo**

Professor SAYEMAN BULA-BULA currently serves as Judge ad hoc for the International Court of Justice, as UNEP expert in special arbitration in the field of protection and preservation of the marine environment, and as Professor of International Law at Kinshasa University in the Congo. Prof. Bula-Bula has lectured and published on several environmental topics and has special expertise in the Law of the Sea. He is a member of the Law of the Sea Institute in Hawaii, the Rezue “droit de l’environnement” in Paris, and the African Society of International and Comparative Law in London. Prof. Bula-Bula received a “Graduat” in Law and a “Licence” in Law from the University of Kinshasa, as well as a Doctorate in International Law from the University of Louvain in Belgium. He is fluent in French and English. Maison G.18, Plateau des Résidents, Université de Kinshasa, Commune de Lema, Kinshasa; e-mail: sayeman_bula@yahoo.fr.

**Costa Rica**

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**Croatia**

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

**Cyprus**

Mr. MICHAEL RAFTOPoulos is Senior Counsel of the Republic, where he heads a group of legal experts reviewing national environmental legislation to ensure compliance with European Union requirements. He represents Cyprus on the Council of Europe’s Ad hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees, and Stateless Persons. He is also a Member of the Permanent Legal Service of the Republic. Mr. Raftopoulos has experience drafting environmental and other legislation; advising and handling civil, criminal, and administrative legal matters for the government; and studying and transposing EU environmental legislation. He is fluent in Greek and English. Mr. Raftopoulos holds a degree from the University of Salonic School of Law in Greece. Legal Service of the Republic, 1 Appelis Str., 1403 Nicosia, Cyprus; tel.: +357 2 889100; e-mail: roc-law@cytanet.com.cy.

**Czech Republic**  
**République tchèque**

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**Egypt**

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**Finland**

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

**Germany**

Professor Dr. RÜDIGER WOLFRUM is currently Director at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg and Professor for Comparative Public Law and International Law at the Law Faculty of the University of Heidelberg. He is also a judge at the International Tribunal for the Law of the Sea. From 2005 to 2008, he served as its President. Prof. Dr. Wolfrum has previously served as representative and legal advisor for the German delegation to several international environmental codification conferences, including the UN Law of the Sea and the Antarctic Treaty. He has recently been appointed President of an Arbitral Tribunal in the case of Bangladesh v. India on the delimitation in the Gulf of Bengal. He has taught law at the University of Mainz and the University of Kiel, where he was also Director of the Institute of International Law. After studying law at the Universities of Bonn and Tübingen, Prof. Dr. Wolfrum passed both the First and Second State-Examinations. Director Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Im Neuenheimer Feld 535, 69120, Heidelberg, Germany; tel.: +49 6221 482 255; fax: +49 6221 482 653.

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the Environment Directorate of the European Commission in Brussels before. In his present professional work he deals with, *inter alia*, horizontal and specific questions of international environmental law, general international law, the law of international organizations, and related European Community law, as well as European Union environmental policy. Compliance-related issues are one area of particular interest (negotiation of compliance mechanisms, actual implementation of multilateral environmental agreements, and membership in several compliance committees). He also participates in the negotiation and implementation of bilateral treaties and other instruments (e.g., agreements and memoranda of understanding on issues like CMD and JI under Kyoto Protocol). He obtained his First and Second Legal State Exam after legal training at the University of Göttingen Law School and the Berlin High Court in 1983 and 1986, respectively, and holds a Master’s degree from the Fletcher School of Law and Diplomacy (USA). Head of unit, European Union, International Law, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety. Alexanderstrasse 3, 10178 Berlin, Germany; Tel.: +49 30 285502320; fax: +49 30 285503338; e-mail: christian.lindemann@bmub.bund.de.

**Greece**

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**Guatemala**

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**Honduras**

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**Hungary**

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

**India**

Professor Dr. RAHMATULLAH KHAN is a retired Professor of International Law at the Jawahar Lal Nehru University. He was a Post-Doctoral Fellow at the Woods Hole Oceanographic Institute and a Visiting Scholar at Princeton, Yale and Columbia Universities.
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**Iran**

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**Ireland**

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**Italy**

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**Japan**

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Republic of Korea

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Latvia

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Macedonia, FYR

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Malta

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Mauritius

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**Mexico**

Ambassador Dr. ALBERTO SZÉKELY SANCHEZ is Advisor to the Mexican Minister of Foreign Affairs for Special International Legal Issues. He also currently heads Szekely International Legal Consulting, which advises on international and environmental law issues relating to the law of the sea, zoning and land use planning, sustainable coastal development, water law, forestry law, and human rights. During his distinguished diplomatic career in the Mexican Foreign Service, he has served as Alternate Representative of Mexico to the Organization of American States, as Legal Advisor to the Mexican Delegation to the 3rd UN Conference on the Law of the Sea, as Alternate Representative of Mexico to the UN in Geneva, as Legal Advisor to the Mexican Foreign Ministry, as Mexican Representative to the 6th Committee of the UN General Assembly, and as Member of the Permanent Court of Arbitration at the Hague. Ambassador Dr. Sanchez previously held positions as Coordinator of the Citizens Workshop for Legislative Proposals, Research Director of the International Transboundary Resources Center at the University of New Mexico Law School, and Professor of International Law at the Law School at the Universidad Nacional Autonoma de Mexico and at El Colegio de Mexico. Ambassador Dr. Sanchez has been a Visiting Professor at Arizona State University College of Law and at Johns Hopkins University’s School for Advanced International Studies (SAIS). He is the author of numerous books and articles on international law, the law of the sea, transboundary resources, national and international environmental law, and human rights. Ambassador Dr. Sanchez received a Licenciado en Derecho from the Law School at the Universidad Nacional Autonoma de Mexico, a Master’s degree from the Fletcher School of Law and Diplomacy in the United States, a Ph.D. in International Law from the University of London, and an Honorary Doctorate of Laws from the University of New Mexico in the United States. Advisor to the Minister of Foreign Affairs for Special International Legal Issues, International Legal Consulting, Calle Corregidora 18, Col. Tlacopec, San Angel, Del. Alvaro Obregón, 01040 México-City, México; tel.: +525 616 65 25; fax: +525 616 08 39; e-mail: aszekely@prodigy.net.mx.

**Netherlands**

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Romania

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Serbia

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

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Slovak Republic

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Slovenia

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South Africa

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Spain

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Sri Lanka

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Sudan

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**Sweden**
Justice ULF BJÅLLÅS is the Presiding Judge on the Environmental Court of Appeal in Stockholm, as well as Chairman of a governmental committee for revision of the Swedish Environmental Code. He formerly served on the National Licensing Board for Environmental Protection, both as head of a division and as General Director, before the Board was replaced by the environmental court system. Prior to that, Justice Bjällås headed a division in the Swedish Environmental Agency and worked as a clerk and assistant judge in district and appellate courts in Sweden. He has educated judges and published on the Swedish Environmental Code; assisted Latvia in the adoption of national environmental legislation; and presented the Swedish approach to environmental law and pollution prevention and control at numerous meetings around the world. Justice Bjällås is fluent in Swedish and English. He holds a Master of Laws from the University of Stockholm. Svea Hovrät, Miljööverdomstolen, P.O. Box 2290, 10317 Stockholm, Sweden.

**Switzerland**
**Suïsse**
Dr. FRANZ-XAVER PERREZ is Head of the Global Affairs Section of the Swiss Agency for the Environment, Forests and Landscape, where he is responsible for UNEP, CSD, chemicals conventions, UNFF, and other international environmental law matters. He formerly was Legal Advisor in the WTO Division of Switzerland’s State Secretariat for Economic Affairs. Prior to that, Dr. Perrez served as Legal Counsel in the Public International Law Directorate of the Federal Department of Foreign Affairs. He has published several articles on international environmental law issues, including the Cartagena Protocol on Biosafety, domestic biosafety regulation, and cooperative sovereignty. Dr. Perrez completed his law degree and attorney exam at Bern University of Law, participated in the Hague Academy of International Law, and received an LL.M. and a J.S.D. from New York University in the United States. Head of Global Affairs Section, Swiss Agency for the Environment, Forests and Landscape. 3003 Berne, Switzerland; tel.: +41 31 322 93 08; fax: +41 31 323 03 49; e-mail: franz.perrez@buwal.admin.ch.

**Thailand**
**Thailande**
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**Turkey**
**Turquie**
Professor FERIT HAKAN BAYKAL.

**Ukraine**
**Ukraine**
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**Annex 7 - Specialized Panel of Arbitrators**

**Commission d’arbitres spécialistes - Annexe 7**

*Appointment/nomination* | *Renouvellement*
Polluted as a Consequence of Chernobyl Accident.” As a member of the Constitutional Commission in the Parliament of Ukraine, he participated in drafting the Constitution of Ukraine in 1996. He initiated and presided at the Ukrainian Association of Political Scientists, as well as the Union of Lawyers of Ukraine. He also sits as an arbitrator at the Maritime Arbitral Commission at the Chamber of Trade and Industry of Ukraine. Rector of Kiev Institute of Law and Director of V. Koretski Institute of Law and State of the Academy of Sciences of Ukraine, Kiev, Ukraine; tel.: +380 44 278 8127; fax: +380 44 278 54 74; e-mail: jus@ukrpack.net.

United States of America

Professor Dr. STEPHEN McCAFFREY is a Distinguished Professor and Scholar at McGeorge School of Law at the University of the Pacific. He formerly was Counselor on International Law in the Office of the Legal Advisor at the United States Department of State. Prior to that, he was a Professor of Law at Southwestern University School of Law. Prof. McCaffrey is Special Legal Advisor to the Secretariat of the North American Commission for Environmental Cooperation under NAFTA; Legal and Institutional Consultant for UNDP’s Nile River Basin Cooperative Framework project; and Lead External Advisor on Water Law for the British Department for International Development and Adam Smith Institute project to assist the Palestinian Authority Negotiations Affairs Department. He continues to serve as Counsel to Slovakia in the ICI Case concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia) and as Rapporteur for the ILA’s Committee on Transnational Enforcement of Environmental Law. Prof. McCaffrey was Special Rapporteur for the UN International Law Commission’s draft articles on the Law of Non-Navigational Uses of International Watercourses. He has been a Visiting Professor at universities in Switzerland, as well as a consultant on many environmental projects for UNDP, the World Bank, UNEP, the IUCN, and other organizations. He has participated in numerous international environmental commissions and working groups, and is on the board of several international law journals. Prof. McCaffrey has published extensively in the field of international environmental law and has knowledge of German, French, and Spanish. He holds a Bachelor’s degree from the University of Colorado, a J.D. from the University of California at Berkeley (Boalt Hall), and a Doctorate from the University of Cologne in Germany. University of the Pacific, McGeorge School of Law; 3200 Fifth Avenue, Sacramento CA 95817, U.S.A.; tel.: +1 916 739 7179; fax: +1 916 739 7111; e-mail: smccaffrey@uop.edu.

Uruguay

Professor Dr. RICARDO GOROSITO is Vice-Minister and Deputy Minister in the Ministry of Housing, Zoning, and Environmental Affairs, as well as Professor of Environmental Law at the UCUDAL (Damaso Antonia Larrañaga Catholic University) and Professor of Political Science at the University of Maldonado. He has held several high level posts in Uruguay’s Ministry of Transportation and Public Works and served as National Zoning Director in the Ministry of Housing, Zoning, and Environmental Affairs. Prof. Gorosito previously was Litigation Attorney and General Counsel at several real estate agencies and banks in Uruguay, including Arteaga Hill Propiedades S.A., Rincon Propiedades Ltda, Arechavalea & Asociados, Univer, Casa Bancaria S.A., and Pemar Sudamericana S.A.. He has served as Chairman of the Intergovernmental Committee of the Paraguay-Panama Waterway and as General Rapporteur of Habitat II (Cities World Summit). He has also been a consultant and legal advisor for several public and private national and international projects, including the Colonia-Buenos Aires Bridge Project, the Port Restructuring, harmonization of land transportation legislation in Latin America, and the Colonia Master Plan. Prof. Gorosito is currently Chairman of the Executive Boards of PROBIDES and ECOPLATA, two programs addressing biodiversity and sustainable development in Uruguay. He has published and lectured extensively on environmental and transportation matters and is fluent in Spanish, English, French, and Portuguese. Prof. Gorosito holds a Doctorate in Law and Social Sciences from the University of the Republic. Convención 1382, 8th Floor, Suite 801, Montevideo, Uruguay; tel.: +598 2 902 18 46; fax: +598 2 902 52 77; e-mail: ninvargo@adinet.com.uy.

Submissions of the Secretary-General

Professor Dr. LAURENCE BOISSON DE CHAZOURNES is Professor of International Law and Director of the Department of Public International Law and International Organization at the University of Geneva. She is also Visiting Professor at the Graduate Institute of International
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Professor Dr. ELLEN HEY is Professor of Public International Law and Head of the Department of Public International Law at the Faculty of Law of the Erasmus University Rotterdam, the Netherlands. Previous to that, she held the Chair of International Natural Resources Law Studies (ICWS). She has worked as a Legal Advisor to the Netherlands Ministry of Transport, Public Works and Water Management and has been a consultant to various international organizations, national institutions and NGOs. She has published widely in the area of international natural resources and environmental law and participates in various international research and teaching projects. Prof. Hey received her education in the Netherlands, Venezuela and the United Kingdom; she holds law degrees from the University of Utrecht and a Master’s degree in Science from the University of Wales Institute of Science and Technology. Faculty of Law, Erasmus University Rotterdam, P.O. Box 1738, 3000 DR Rotterdam, The Netherlands; tél.: + 31 10 408 2677; fax: +31 10 408 9195; e-mail: hey@law.eur.nl.

Professor Dr. ALEXANDRE KISS is the current Director of Research Emeritus at the French National Center for Scientific Research, and a professor at the University Robert Schuman (Strasbourg), Santa Clara University (California), and Erasmus University (Rotterdam). Furthermore, he works as an environmental consultant for many international organizations, including UNEP, WMO, OECD, the Council of Europe and the IUCN. He has additionally served as an expert with the French Ministry for Environment and Counsel of the Hungarian Government in the Gabčíkovo-Nagymaros Case at the IJC. He is the current President of the European Council on Environmental Law, and the former Secretary-General and Vice-President of the International Institute of Human Rights. He has published extensively in multiple languages in the field of international environmental law. Director of Research Emeritus, French National Center for Scientific Research (CNRS), 29 rue du Conseil des Quinze, F 67000 Strasbourg, France; tel./fax: +33 (0)3 88 61 36 39; e-mail: achkiss@aol.com.

Dr. HERMANN E. OTT is Director of the Climate Policy Division of the Wuppertal Institute for Climate, Environment and Energy. He was trained as a professional lawyer in Munich, London (LSE), and Berlin. During a training scheme for lawyers he worked five months with the European Commission (Legal Service, Équipe Environnement, Transport et Culture). In 1991, he spent three months with the Ozone Secretariat (UNEP, Nairobi), where he assisted in the organization and management of the Third Meeting of the Parties to the Montreal Protocol. Partly based on these experiences, he earned his Ph.D. with a thesis entitled “The Environmental Regime in International Law,” the main focus of which is on institutional and procedural issues (institutions, law making procedures, and conflict resolution) related to the Montreal Protocol and the Basel Convention on Hazardous Wastes. After working for two years as an advocate in Berlin (mainly on environmental and criminal law cases), Dr. Ott joined the Climate Policy Division of the Wuppertal Institute as Senior Fellow in April 1994. His main tasks at the beginning included legal research into environmental law (including its trade related aspects) with an emphasis on the climate regime. In 1996 and 1997 he was part of the EU-funded project “Enhancing Policy-making Capacity under the Framework Convention on Climate Change” that, inter alia, set out to analyze and enhance instruments for the implementation of the climate treaties. In 1998 he co-authored a study partly financed...
by the EC Commission containing a legal and political analysis of the Kyoto Protocol to the
UN Framework Convention on Climate Change. This study was published under the title
“The Kyoto Protocol. International Climate Policy for the 21st Century” (with Sebastian
Oberthuener) in October 1999. A German translation was published in 2000, a Japanese
translation in 2001. Dr. Ott took over the Climate Policy Division as Acting Head in late 1998
and initiated a financial and scientific consolidation. From November 2000 until June 2001
he was seconded to Policy Planning of the German Foreign Ministry in order to improve the
institutional basis of environmental policy in the ministry. After his return to the Wuppertal
Institute in July 2001, he was promoted to director of the division. Aside from his
commitment to serving at the managerial level, his scientific work is devoted to all aspects
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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 1986-88 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/Convener 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,
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Judge TUILOMA NERONI SLADE, OS.
SPECIALIZED PANEL OF SCIENTIFIC EXPERTS

ESTABLISHED PURSUANT TO THE OPTIONAL RULES FOR ARBITRATION OF DISPUTES RELATING TO NATURAL RESOURCES AND/OR THE ENVIRONMENT

COMMISSION SPÉCIALISÉE D’EXPERTS SCIENTIFIQUES

ÉTABLIE EN APPLICATION DU RÈGLEMENT FACULTATIF POUR L’ARBITRAGE DES DIFFÉRENTS RELATIFS AUX RESSOURCES NATURELLES ET/OU L’ENVIRONNEMENT

June 15, 2011 15 juin 2011

Argentina Argentina
Dr. OSVALDO CANZIANI is an integral member of the Intergovernmental Panel on Climate Change (IPCC). Over the past ten years, he has served on several IPCC Working Groups and has edited and/or contributed to many IPCC reports, including the IPCC Technical Paper on Climate Change and Sustainable Development, the IPCC Technical Paper on Climate Change and Biodiversity, and the IPCC Third Assessment Report. Dr. Canziani currently advises both the private enterprise TECHINT and Argentina’s Ministry of Foreign Relations, International Commerce, and Worship on environmental issues. He is also a lecturer at several universities and other organizations. Dr. Canziani previously served as Advisor for projects sponsored by the Global Environment Facility, as Consultant on meteorology for World Bank projects and for IATASA, as Principal Researcher at the Biometeorological Research Center’s National Council of Science and Technology, and as Advisor to the Secretaries of Water Resources of Argentina’s Ministry of Public Works. He has had significant involvement with the United Nations, including as Advisor to Argentina’s delegation to UNCED meetings, as WMO Regional Director for Latin America and the Caribbean, as Regional Officer for Meteorology for the ICAO South American Regional Office, as UNDP Resident Representative in Paraguay, and as Head of the ICAO Technical Assistance Mission in Paraguay. Dr. Canziani has published extensively on climate change, sustainable development, and other environmental science issues. He is fluent in Spanish, English, French, Italian, and Portuguese. Dr. Canziani holds undergraduate degrees in Physics, as well as a Master of Science in Meteorology from the University of London and a Doctorate in Meteorology from the University of Buenos Aires. Fundación Ecológica Universal, Casilla de Correo 141, Sucursal 5, 1405 Buenos Aires, Argentina; tel./fax: +54 11 4373 0552; e-mail: ocanz@ciudad.com.ar.

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**Bolivia**

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

**Chile**

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People’s Republic of China

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Croatia

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Cyprus

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Egypt
Égypte
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Finland
Finlande
Professor PEKKA E. KAUPPI is Professor of Environmental Science and Policy in the Department of Limnology and Environmental Protection at the University of Helsinki. He previously worked as Senior Research Specialist for the Finnish Forest Research Institute, as Director of the Finnish Acidification Research Program, as Consultant for the Ministry of the Environment, and as Research Scientist for the Academy of Finland’s Committee for Environmental Research. Prof. Kauppi has published numerous papers on forestry science, including studies of the impact of climate change on forests. He has participated in many international scientific conferences, projects, and committees, and is fluent in Finnish, Swedish, English and German. Prof. Kauppi received a Bachelor’s degree in Silviculture, a Master’s degree and a Licentiate in Forest Research, and a Ph.D. in Forest Ecology from the University of Helsinki. University of Helsinki, Department of Limnology and Environmental Protection, P.O. Box 27, 00014 Helsinki, Finland; tel.: +358 9 19 15 83 00; fax: +358 9 19 15 84 62; e-mail: pekka.kauppi@helsinki.fi.

Germany
Allemagne
Professor Dr. ERNST-DETLF SCHULZE is currently Director of the Max Planck Institute for Biogeochemistry in Jena. He was previously Head of the Collaborative Research Center 137 of the Deutsche Forschungsgemeinschaft, working on Flux Control in Ecological Systems; the Bavarian Research Group on Forest Toxicology; and the Bayreuth Institute of Terrestrial Ecosystems Research. He has been a professor at several German universities, the University of Alberta in Canada, the University of Minnesota in the United States, and the Technical University of Zürich. Prof. Dr. Schulze has served on numerous boards and committees, including the Bavarian Board for Nature Conservation, the Federal Board on Acid Rain and Forest Decline, the National Committee on Global Change. EUROISILVA, the SCOPE/ICSU Biodiversity Program, and the IPCC Working Group I and II. His research has most recently focused on the impact of global change on forest ecosystems, including establishing long/term flux measurements in European Russia and central Siberia. He has lectured at numerous international meetings. Prof. Dr. Schulze has a Diploma from the University of Göttingen, a Master’s degree in Botany from the University of California, Los Angeles, and a Doctorate from the University of Würzburg. Director Max-Planck-Institute for Bio-Geochromy, P.O. Box 100164, 07701 Jena, Germany; e-mail: Detlef.Schulze@bgc-jena.mpg.de.

Greece
Grèce
Professor Dr. KIMON HADJIBIROS is presently Assistant Professor in the Department of Water Resources, Hydraulic and Maritime Engineering at the National Technical University of Athens. He previously worked as an environmental consultant for the Ministry of National...
Economy and the Ministry of Environment, Physical Planning, and Public Works, and as a researcher on data processing and ecosystem modeling for the National Institute of Agronomic Studies of France. Prof. Hadjibiros has participated in and managed numerous scientific projects, including developing a “Data Bank for the Natural Environment of Greece” and the “Environmental Database PILOTIS” in Greece. He has extensive experience conducting environmental impact assessments, environmental protection studies, and physical planning and sustainable development studies. Prof. Hadjibiros has served on several editorial boards and has published two books and numerous articles on ecology, environmental protection, and sustainable development. After graduating with a degree in Physics from the University of Athens, he received a Certificate in Applied Informatics from the University of Paris VI, a D.E.A. in Ecology from the University Francois Rabelais of Tours, and a Doctorate in Ecological Modeling from the University of Paris VII. Ass. Professor (Physics and Ecology), National Technical University of Athens, 5 Iron Polytechniou, 15780 Zografou, Athens, Greece; tel.: +30 10 77 22 896; fax: +30 10 77 22 899; e-mail: kimon@hydro.ntus.gr.

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

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

Israel
Professor Dr. URI MINGELGRIN is currently Principal Scientist at the Israeli Institute of Soils, Water and Environmental Sciences at the Volcani Center, Agricultural Research Organization; Professor in the Department of Soil Science at the Hebrew University in Jerusalem; and Consultant to Israel’s Ministry of the Environment. He previously served as Chief Scientist to Israel’s Ministry of the Environment; as Chairman of the Department of Soil Environmental and Physical Chemistry at the Israeli Institute of Soils, Water and Environmental Sciences at the Volcani Center, Agricultural Research Organization; and as Consultant to the Chemical Physics Department at the Weizmann Institute of Science. Prof. Mingelgrin has been a UN Consultant to the Institute for Technology of Nuclear and Other Mineral Raw Materials in Yugoslavia. He has published extensively and his current research interests include; among others: degradation of small organic molecules on clay surfaces; behavior of organic pollutants in soils and water systems; novel controlled release formulations for agrochemicals; and transport of heavy metals and organic monomers. Prof. Mingelgrin has served on several international scientific committees, including as Israeli Representative to the Managing Committee of the Environment and Climate Research and Development Program of the European Union. He has chaired several conference organizing committees, most recently that of the Symposium on the Mechanistic Aspects of the Retention of Hydrophobic Organic Compounds by Soils and Sediments. Prof. Mingelgrin received a Bachelor’s degree and a Master’s degree in Soil Chemistry from Cornell University, as well as a Ph.D. in Physical Chemistry from Harvard University. Israeli Institute of Soils, Water and Environmental Sciences, Volcani Center, Agricultural Research Organization, P.O. Box 6, Bet Dagan, Israel; tel.: +972 3 968 36 41; fax: +972 3 960 40 17; e-mail: uriming@agri.gov.il.

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

Japan
Professor Dr. MASATOSHI MORITA is a professor at Ehime University, Faculty of Agriculture, as well as a Visiting Research Scientist at the National Institute for
Environmental Studies. He has previously held the positions of Lecturer or Professor at several universities in Japan, and is a Project Advisor at the United Nations University. He is a scientist with extensive experience in environmental pollution issues, including chemicals and other hazardous matter. He holds a Bachelor’s degree in Chemistry, and a Master’s degree and Ph.D. in Synthetic Chemistry from the University of Tokyo. Head, Environmental Protection Course, Faculty of Agriculture, Ehime University, Tarumi 3-5-7, Matsuyama, Ehime, Japan; tel.: +81 089 946 9771; fax: +81 089 946 9980; e-mail: mmorita@agr.ehime-u.ac.jp.

**Republic of Korea**

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**Kyrgyzstan**

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

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

**Latvia**

Professor Dr. MARIS KĻAVIŅŠ, Head of Department of Environmental science, University of Latvia, Professor of Environmental Chemistry and Ecotoxicology, former Dean of Faculty of Geography and Earth Sciences, former Senior Researcher in the Institute of Biology, served as a researcher and headed laboratory in the Institute of Applied Biochemistry. Prof. Kļavinš has made publications extensively, including articles on aquatic humic substances, inland water pollution, organic matter in aquatic environments, fractionation of aquatic and soil humic substances, and well water in Latvia. He holds undergraduate and Doctorate degrees in Chemistry from the University of Latvia. Head, Department of Environmental Sciences, University of Latvia, Raina blvd. 19, LV 1568, Riga, Latvia; tel.: +371 67 33 17 66; fax: +371 67 22 50 39.

**Libyan Arab Jamahiriya**

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

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

**Macedonia, FYR**

Mr. KONSTANTIN SIDEROVSKI is Director of the Macedonian Agency for the Environment...
in the Ministry of Environment and Physical Planning. He was previously Assistant Professor at the Institute for Earthquake Engineering and Engineering Seismology at the University “St. Cyril and Methodius” in Skopje. Mr. Siderovski has been involved in management of several environmental projects, including: wastewater, water quality and solid waste management in Macedonia under the PHARE Program; post-conflict environmental assessment in Macedonia; protection of the Valdar River from chromium pollution; technical assistance for rehabilitation, redevelopment, and environmental assessment for the Kosovo refugee camps in Macedonia; and protection of the Radika River. He is fluent in English and holds a Master’s degree in Civil Engineering. Director of the Macedonian Agency for the Environment, Kej 13 Noemvri 18/16, Skopje.

Mauritius

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

Netherlands

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

New Zealand

Professor MICK CLOUT is Director of the Center for Biodiversity and Biosecurity at the University of Auckland, New Zealand. He is also the founding Chair of the Invasive Species Specialist Group of IUCN, the World Conservation Union. Prof. Clout is a vertebrate ecologist and has published widely on the ecology and conservation of native wildlife and the management of invasive alien species. Through his role as Chair of ISSG, he is involved in a wide range of international biosecurity initiatives to prevent, eradicate and manage invasive species. He previously worked for the NZ Department of Conservation and holds degrees from the University of Edinburgh and the University of Auckland. School of Biological Sciences, University of Auckland, PB 92019, Auckland, New Zealand. E-mail: m.clout@auckland.ac.nz.

Panama

Mr. GONZALO MENÉNDEZ G. is specialized in geo-chemistry, and is currently completing post-graduate studies, specializing in Environmental Management. He is currently the deputy general manager at the National Environmental Agency. Prior to that, he served as an environmental consultant for several organizations, including the World Health Organization. He also served as an environmental controller manager at the Inter-American Regional Agency, in order to check the environmental parameters of goods exported to Panama and prepared studies on the area. He also worked for the private sector as a geo-chemical and geophysics environmental prospector and environmental auditor. E-mail: menendezgonzalo@gmx.net.
Mr. RICARDO ROGELIO ANGUIZOLA MORALES is currently Administrator General for Panama’s Autoridad Nacional del Ambiente. He previously served as: Vice-President and General Manager at Grupo Melo; Founder of Ingeniería Avanzada S.A.; Technical Co-Director and Panamanian representative for the Program for Remote Sensing and Information Systems; Representative of the National Geographic Institute “Tommy Guardia” in the Commission BID-PANAMA; and Partner and Manager at Empresa L.M./Cartografia. He also held the positions of Chief of the Photogrammetry Department, Deputy Manager, and Director at the National Geographic Institute “Tommy Guardia.” Mr. Morales has extensive geology and photogrammetry experience. He has participated in several seminars and conferences in environmental management, including seminars in environmental impact assessment methodology and in environmental security in Central America and the Caribbean. Mr. Morales received a Licenciado in Civil Engineering from the Universidad de Panama, as well as a post graduate Diploma in Photogrammetry and a Master’s degree in Photogrammetric Sciences from the International Institute for Aerospace Survey and Earth Sciences.

Peru

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

Mr. JOSE RIVAS LLUNCOR is specialized in agriculture engineering and agriculture economy. He has undertaken his studies at the Universidad Nacional Agraria La Molina, Peru. He currently serves as the Director General for Soil & Water. E-mail: jdvas@lamolina.edu.pe.

Mr. CARLOS SALINAS MONTES is General Director for Forestry & Wildlife at the National Institute of Natural Resources. He obtained his Master of Arts/Economics degree from Boston University. He graduated from the Universidad Nacional Agraria La Molina, having specialized in management for Environmental Quality. He has also studied at the Universidad Nacional de Ingenieros in Lima, qualifying as Industrial Engineer in Systems; as well as at the Economics Institute of University of Boulder, Colorado, U.S.A. E-mail: esalinasmontes@hotmail.com, esalinas@dgas.gob.pe.

Mr. MANUEL CABRERA SANDOVAL is Director for Environmental Management at the National Institute of Natural Resources. He has been educated in Environmental Mapping at the West Chester University, USA and in Environmental Management at Universidad Federico Villaral in Lima, Peru. Mr. Sandoval has acquired his postgraduate degree in Environmental Management and Sustainable Development from Universidad Nacional Agraria La Molina, Peru; e-mail: dgm@fjas.gob.pe.

Romania

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

Slovak Republic

Professor Dr. IGOR MUCHA is a Senior Expert at Ground Water Consulting Ltd. and a former Professor of Hydrogeology at Comenius University in Bratislava. He has managed and advised on several ground water and hydrogeology projects in Europe and Asia, including the EU Project PHARE’s Danubian Lowland-Ground Water Model and a ground water survey project at River Langat in Kuala Lumpur. Prof. Mucha has been integrally involved in the ICJ Case concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia) and its subsequent implementation, serving as Technical and Ecological Expert and as Member of the Slovak...
government delegation. He previously taught at the Danish Technical University in Lyngby, advised Yemen’s Ministry of Agriculture on water resources and irrigation projects, and conducted ground water surveys as a Research Fellow in Yemen’s Ministry of Agriculture. Prof. Mucha has expertise in ground water surveys and hydraulics, modeling, and surface and ground water monitoring and ecology, and has published extensively in these fields. He holds a Diploma and Master’s, Dr.Sc. and Ph.D. degrees in Engineering, Geology, and Hydrogeology from Comenius University, Ground Water Consulting Ltd., Koliskova 1, 84095 Bratislava, Slovak Republic; tel.: +421 2 6531 52 67; fax: +421 2 6531 52 88; e-mail: imu@gwc.sk.

Sri Lanka

Professor Dr. SARATH WIMALABANDARA KOTAGAMA is a member of the National Academy of Science of Sri Lanka, the Sri Lanka Association for the Advancement of Science, and the Institute of Biology of Sri Lanka. He serves as the country representative to the Commission on National Parks and Protected Areas/World Conservation Union (IUCN). Prof. Kotagama has coordinated an Asian Wetland Survey through the support of the World Wide Fund for Nature and Asian Red Data Program, in the framework of BirdLife International. In the past, he has presided over the Pan Asian Ornithological Congress and has coordinated the Sri Lanka Environment Congress. Prof. Kotagama has extensively contributed to the March for Conservation at the University of Colombo, serving in the capacity of Scientific Advisor, Coordinator, Joint Coordinator, and General Secretary for over a decade. Prof. Kotagama has been a member of the Presidential Task Force on development of Wildlife Conservation, as well as the Ministerial Task Force on Development of Wildlife Sector. He also led the Central Environmental Authority of Sri Lanka, the State Environmental Council. He has widely participated in the work of the National Sea Turtle Survey Committee, the National Committee on Environment, the Land Use Policy Planning Committee, and the Steering Committee for the Conference on Environmental Education and Advisory Council on Zoological Survey of Sri Lanka. He currently teaches Biodiversity, Ecology, Ornithology, Wildlife Conservation and Management at the Open University of Sri Lanka. Furthermore, he coordinates the Master’s Program in Environmental Science and chairs the Department of Zoology. He was a former lecturer in ecology, zoology, and ornithology at the University of Colombo. He has been invited as a consultant to the Open University of India and contributed to the Master’s degree course at the University College in Wales. Prof. Kotagama is the author of numerous publications, textbooks, and reference books on ecology, conservation, and environmental education. He has contributed significantly to the work of Sri Lanka Association for the Advancement of Science through manifold presentations and reports. 444/9(13/13) Wewa Para, Akuregoda, Battaramulla, Sri Lanka; tel.: +075 88 21 27; fax: +075 337 644; e-mail: fgosl@slt.lk.

Sudan

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

Sweden

Justice ANNA-LENA ROSENGARDTEN is a Technical Judge on the Environmental Court of Appeal, currently on leave to serve as Chief Secretary of a governmental committee for revision of the Swedish Environmental Code. She previously worked as Technical Member and as Technical Secretary at the Swedish Licensing Board for Environmental Protection. Prior to that, Justice Rosengardten was Chief Staff Engineer at the Swedish Environmental Protection Agency and an Assistant in the Department of Chemical Engineering and Technology at the Royal University of Technology in Stockholm. She has been a Member of the former Environmental Supervision Board in Sweden, instructed environmental court judges on the Swedish Environmental Code, and taught environmental courses to university students.
students and others. Justice Rosengarten holds a Master’s degree in Chemical Engineering from the Royal University of Technology in Stockholm. Svea Hovrätt, Miljööverdomstolen, P.O. Box 2290, 10317 Stockholm.

**Switzerland**

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

**Thailand**

Dr. SURAPHOL SUDARA is an expert in Marine Ecology, Environmental Management and Integrated Coastal Management. He has completed a Ph.D. in Zoology (University of Hawaii), an M.Sc. in Marine Biology (Chulalongkorn University), and a B.Sc. in Zoology (Chulalongkorn University). He is currently President of the Marine Science Association of Thailand, the Association of South-East Asian Marine Scientists (ASEAMS), and the Siam Environment Club. He has served as an Advisor to the House of Representatives Committee on Foreign Affairs and was Chairman of the Subcommittee on Marine Tourism of the National Committee for Promotion and Development of Tourism. He is a member of the Committee on Environmental Protection of the Law Society of Thailand; the Thai Marine Policy and Restoration Committee; and the Expert Committee on Water, Office of Environmental Policies and Planning (OEPP), Ministry of Science, Technology and Environment. He has also worked as Advisor to the Minister of Agriculture and Cooperatives; acted as Head of the Department of Marine Science, Chulalongkorn University; and acted as Member of the National Marine Science Committee. He has written extensively on environmental and marine policy, and lectured on environmental management in Scotland, the Philippines, Malaysia, Vietnam, Japan and China. Department of Marine Science, Faculty of Science, Chulalongkorn University, 10330 Bangkok, Thailand; tel.: +662 255 3381; fax: +662 255 0780; e-mail: ssurapho@netserv.chula.ac.th.

**Turkey**

Professor ZIYA AKINCI, Professor of International Private Law, Galatasaray University; member of the IBA, the ICC Commission on Arbitration, AIJA, INTA, and the Swiss Arbitration Association.

**Ukraine**

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

**United States of America**

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

**Uruguay**

Mr. VICTOR CANTON.
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


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1. The names of the presidents are typeset in bold.
2. Pursuant to article 47 of the 1907 Convention (article 26 of the 1899 Convention).
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<td>Watts</td>
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<tbody>
<tr>
<td>37. Eritrea - Ethiopia Claims Commission</td>
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<tr>
<td>38. Dr. Horst Reinicus, First Eagle SoGen Funds, Inc.; Mr. P.M. Mathieu - Bank for International Settlements</td>
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<td>39. Ireland - United Kingdom</td>
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<td>Reisman&lt;sup&gt;1&lt;/sup&gt; Griffith&lt;sup&gt;1&lt;/sup&gt; Mustill&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>40. Saluka Investments B.V. - Czech Republic</td>
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<td>Watts Behrens&lt;sup&gt;1&lt;/sup&gt; Fortier&lt;sup&gt;1&lt;/sup&gt; 20 - 10 - 2001</td>
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<td>41. Ireland - United Kingdom</td>
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<td>Mensah&lt;sup&gt;1&lt;/sup&gt; Fortier&lt;sup&gt;1&lt;/sup&gt; Crawford&lt;sup&gt;1&lt;/sup&gt; Watts 20 - 06 - 2001</td>
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<td>44. Telekom Malaysia Berhad - Government of Ghana</td>
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<td>45. Belgium - The Netherlands</td>
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<td>46. Barbados - Trinidad and Tobago</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
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<td>47. Guyana - Suriname</td>
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<tr>
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<th>Date of Award</th>
<th>Arbitrators¹</th>
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<tr>
<td>48. Malaysia - Singapore²</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>04-07-2003</td>
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<tr>
<td>49. 1. The Channel Tunnel Group Limited</td>
<td>Proceedings pursuant to the Treaty of Canterbury Concerning the Construction and Operation by Private Concessionaires of a Channel Fixed Link (Eurotunnel)</td>
<td>17-12-2003</td>
<td>30-01-2007</td>
<td>Crawford³</td>
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<td>2. France-Mache S.A. - 1. United Kingdom</td>
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<td>53. The Government of Sudan - The Sudan People’s Liberation Movement/Army³</td>
<td>Delimitation of the Abyei area</td>
<td>11-07-2008</td>
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<td>Dupuy³</td>
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<td>54. Centerra Gold Inc. &amp; Kumtor Gold Co. - Kyrgyz Republic³</td>
<td>Investment agreement dispute</td>
<td>08-03-2006</td>
<td>29-06-2009</td>
<td>Van den Berg³</td>
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<td>55. TCW Group &amp; Dominican Energy Holdings - Dominican Republic³</td>
<td>Proceedings conducted under the Central America-DR-USA Free Trade Agreement (CAFTA-DR)</td>
<td>21-12-2007</td>
<td>16-07-2009</td>
<td>Böckstiegel³</td>
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### Parties

<table>
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<tr>
<td>HICEE B.V. – The Slovak Republic&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>-</td>
<td>Berman&lt;sup&gt;3&lt;/sup&gt;, Tomka, Brower&lt;sup&gt;3&lt;/sup&gt;</td>
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<tr>
<td>Polis Fundi Immobiliare di Banche Popolare S.G.R.p.A – International Fund for Agricultural Development (IFAD)&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>Reinsch&lt;sup&gt;3&lt;/sup&gt;, Canu&lt;sup&gt;1&lt;/sup&gt;, Stern&lt;sup&gt;3&lt;/sup&gt;</td>
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<td>European American Investment Bank AG – The Slovak Republic&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>Greenwood, Petsche&lt;sup&gt;1&lt;/sup&gt;, Stern&lt;sup&gt;3&lt;/sup&gt;</td>
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<tr>
<td>Bangladesh – India&lt;sup&gt;2&lt;/sup&gt;</td>
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<td>Wolfrum&lt;sup&gt;1&lt;/sup&gt;, Mensah&lt;sup&gt;1&lt;/sup&gt;, Rao&lt;sup&gt;1&lt;/sup&gt;, Shearer, Treves&lt;sup&gt;3&lt;/sup&gt;</td>
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<tr>
<td>China Heilongjiang International Economic &amp; Technical Cooperative Corporation et al. – Mongolia&lt;sup&gt;1&lt;/sup&gt;</td>
<td>12 - 02 - 2010</td>
<td>-</td>
<td>Donovan&lt;sup&gt;2&lt;/sup&gt;, Banifatemi&lt;sup&gt;1&lt;/sup&gt;, Clodfelter&lt;sup&gt;1&lt;/sup&gt;</td>
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INTERNATIONAL COMMISSIONS OF INQUIRY

For summaries of the Commissions of Inquiry in many of these cases, see P. Hamilton, et al., The Permanent Court of Arbitration: International Arbitration and Dispute Resolution – Summaries of Awards, Settlement Agreements and Reports (Kluwer Law International 1999) pp. 295-314.

<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of Inquiry Agreement</th>
<th>Date of Report</th>
<th>Commissioners’</th>
</tr>
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<tr>
<td>1. Great Britain – Russia</td>
<td>Incident in the North Sea&lt;br&gt;The Dogger Bank Case</td>
<td>25 - 11 - 1904</td>
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<td>Spaun&lt;br&gt;Fournier&lt;br&gt;Doubassoff&lt;br&gt;Beaumont&lt;br&gt;Davis</td>
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<td>2. France – Italy</td>
<td>Capture of the “Tavignano” and cannon shots fired at the “Canouna” and the “Galois”</td>
<td>20 - 05 - 1912</td>
<td>23 - 07 - 1912</td>
<td>Segrave&lt;br&gt;Somborn&lt;br&gt;Genoese Zerbi</td>
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<td>3. Germany – Spain</td>
<td>The Steamship “Tiger”&lt;br&gt;Sinking of the steamer “Tiger”</td>
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<td>Garde&lt;br&gt;Montagut y Miro&lt;br&gt;Horn</td>
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<td>4. Germany – The Netherlands</td>
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<td>5. Great Britain – Denmark</td>
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<td>15 - 11 - 1961</td>
<td>23 - 03 - 1962</td>
<td>de Visscher&lt;br&gt;Gros&lt;br&gt;Moolenburgh</td>
</tr>
</tbody>
</table>

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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

### I. Denmark – Lithuania
- Case: Method of payment of the balance of the claim of the Højgaard and Schultz company on the Lithuanian Government
- Date of submission of the request: 1 Sept. 1937
- First session: 12 Nov. 1937
- Closing session: 4 June 1938
- Number of sessions: 12
- Date of the “procès-verbal”: 30 Sept. 1938
- Commissioners: van Karnebeek, Oldenburg; V de Fontenay, Römer, Ozolins

### II. France – Switzerland
- Case: Customs Irregularities (costs of internment in Switzerland of the 2nd Polish division)
- Date of submission of the request: 20 Aug. 1954
- First session: 28 Sept. 1955
- Closing session: 24 Oct. 1955
- Number of sessions: 9
- Date of the “procès-verbal”: 24 Nov. 1955
- Commissioners: van Asbeck, de Zulueta, Corbin, Panchaud, McNair

### III. Greece – Italy
- Case: Destruction of the Greek steamship “Roula”
- Date of submission of the request: 19 Mar. 1955
- First session: 12 Mar. 1956
- Closing session: 22 Mar. 1956
- Number of sessions: 9
- Date of the “procès-verbal”: 20 Oct. 1956
- Commissioners: François, Spiropoulos, Monaco

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1. On May 1, 1937, the Administrative Council authorized the International Bureau to put its offices and organization henceforth at the disposal of Conciliation Commissions.
2. The names in bold type are those of the Presidents.
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

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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).
# Financial Assistance Fund for Settlement of International Disputes

## DAC List of ODA Recipients

Effective for reporting on 2009 and 2010 flows*

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<th>Least Developed Countries</th>
<th>Other Low Income Countries (per capita GNI &lt;$935 in 2007)</th>
<th>Lower Middle Income Countries and Territories (per capita GNI $935 - $3,705 in 2007)</th>
<th>Upper Middle Income Countries and Territories (per capita GNI $3,706 - $11,455 in 2007)</th>
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<td>Côte d’Ivoire</td>
<td>Albania</td>
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<td>Maldives</td>
<td>Algeria</td>
<td>Antigua and Barbuda*</td>
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<td>Mali</td>
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<td>Sao Tome and Principe</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

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<tr>
<th>Country</th>
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Her Excellency Ms. SUSANA MYRTA RUIZ CERUTTI, Lawyer and career diplomat; former Ambassador to Switzerland; Agent to the International Arbitral Tribunal dealing with a border dispute between Argentina and Chile; former member or head of delegations to several arbitral proceedings; former Legal Adviser; former Vice-Minister and Minister of Foreign Affairs; former Ambassador to Canada; since November 2000 Secretary of State for Foreign Relations. Avda. Libertador Gral. San Martín 4408, piso 13º, 1424 Buenos Aires, Argentina.

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

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

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

**Australia**

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

Professor HILARY CHARLESWORTH, Professor of International Law at the Australian National University since 1998; Australian Research Council Federation Fellow; educated at the University of Melbourne and Harvard Law School; inaugural President of the Australian and New Zealand Society of International Law; visiting Professor at Harvard Law School, New York University Global Law School, Université de Paris (I), University of California at Los Angeles. Specializations: public international law, international human
rights law, use of force, law of armed conflict, peacebuilding and post-conflict legal regimes. Australian National University, Acton, Australian Capital Territory 0200, Australia; email: hilary.charlesworth@anu.edu.au; fax: +61 26125 1507.

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

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**Austria**

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

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

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

**Bahrain**

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Mr. NASSIB G. ZIADÉ, Deputy Secretary-General (since 2007) and Acting Secretary-General (April 2008 - June 2009), International Center for Settlement of Investment Disputes (ICSID); Editor-in-Chief, ICSID Review – Foreign Investment Law Journal; former Executive Secretary, World Bank Administrative Tribunal (1997-2007). 1818 H Street, N.W., MSN U3-301, Washington, D.C. 20433, U.S.A.; tel.: +1 202 458 1587; fax: +1 202 522 2615; e-mail: nziaide@worldbank.org. / M. NASSIB G. ZIADÉ, Secrétaire Général adjoint (depuis 2007) et Secrétaire Général par intérim (avril 2008 - juin 2009), Centre international pour le règlement des différends relatifs aux investissements (CIRDI) ; Rédacteur en chef, ICSID Review – Foreign Investment Law Journal; ancien Secrétaire exécutif du Tribunal administratif de la Banque mondiale (1997-2007). 1818 H Street, N.W., MSN U3-301, Washington, D.C. 20433, États-Unis d’Amérique; tel.: +1 202 458 1587; fax: +1 202 522 2615; e-mail: nziaide@worldbank.org.

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**Belarus**

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Belgium

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

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

Benin

Maitre ROBERT DOSSOU.

M. le Professeur MAURICE FIFATIN.

Maître ABRAHAM ZINZINDOHOUÉ.

M. THÉODORE C. LOKO.

Bolivia

Dr. JAVIER MURILLO DE LA ROCHA, Doctor of Law; Professor of International Law; Minister of Foreign Affairs and Religion; former Ambassador to the Russian Federation, Head of Delegation for 43 special missions; Adjunct Ambassador to the United Nations; Secretary-General of the Andean Development Corporation. Calle las Retamas No. 9646, La Paz, Bolivia; tel.: +59 129 924 00.

Dr. FERNANDO SALAZAR-PAREDES, Doctor of Law, Political and Social Sciences; former Minister of State, Member of Parliament and Ambassador; Full professor of International Private Law and Foreign Policy at Bolivia’s main state university; Chairman of the III Interamerican Specialized Conference on Private International Law and head of the delegation to the IV and V Conferences; Chairman of the Board of the Andean Development Corporation and President of the paramount body of the Andean Group; Chairman of the Permanent Council of the Organization of American States; Founder and President of the Centre for the Study of International Relations and Development, CERID; Former UNDP Resident Representative in Ecuador, Peru, Cuba and Dominican Republic; Author of more than a dozen books on international relations, foreign policy and international law. Avda. Fuerza Naval No 1621 (Calacoto), La Paz, Bolivia; tel.: +59 1 279 6282; cel.: +59 1 706 14 634; fax: +59 1 211 2407; e-mail: fernando@salazar-law.bo; www.salazar-law.bo.

Dr. RAMIRO GASTON ORIAS ARREDONDO, Lawyer; graduated in Law and Political Science at the “Universidad Mayor de San Simón,” Cochabamba, Bolivia; M.A. in

annex6 - PCA Members

Membres de la CPA - Annexe 6

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International Studies, Universidad de Chile; participated in Annual Courses on International Law of the Organization of American States and IJC. Professor of International Law at the Bolivian Diplomatic Academy; Professor of International Private Law at the Catholic University of Bolivia; Former Secretary-General of the Presidency of the Republic of Bolivia; Legal consultant of the Ministry of Foreign Affairs of Bolivia; Legal Adviser in the National Chamber of Commerce of Bolivia and former Director of its Conciliation and Arbitration Center; Member of the arbitrators’ list of the Interamerican Commercial Arbitration Commission (IACAC); Author of several academic articles related to foreign relations, regional integration, international law, peaceful settlement of disputes, law of the sea, and on freedom of transit for landlocked countries.

Dr. ALBERTO ZELADA CASTEDO.

BRAZIL

Prof. M. CELSO LAFER, Minister of Foreign Relations; graduate of Political Science at Cornell University, New York; post-doctoral studies in International Public Law at University of São Paulo (USP) (1977); professor at the Law School, (USP) since 1971; former Chairman of the Department of Jurisprudence and General Theory of Law School (USP), Vice-Chairman of 1992 United Nations Rio Conference on Environment and Development; Ambassador and Permanent Representative of Brazil to the World Trade Organization (WTO) (1995-1998); Av. Brigadeiro Faria Lima, 1306-10 andar, CEP: 01451-914, São Paulo, Brazil; tel.: + 55 11 3816 0306; fax: + 55 11 3815 6014.

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Prof. EDUARDO GREBLER, Bachelor of Laws (Federal University of Minas Gerais); LL.M. S.J.D. (residence) (Columbia University Law School); Attorney-at-law; Professor of Private International Law at the School of Law of the Catholic University of Minas Gerais; President of the International Law Association (ILA) (2008-2010); member of the List of Brazilian Ad Hoc Arbitrators for the Mercosur Treaty (2004 –), practicing counsel and commercial arbitrator; author of several published works on arbitration and international trade law. Av. Álvares Cabral, 1777, 14th floor, 30170-001, Belo Horizonte, MG, Brazil; tel: +55 31 3516 0500; e-mail: egrebler@gmail.com; egr@greblers.com.br.

BULGARIA

Mr. DIMITAR GOCHEV, Member of the Arbitration Court of the Bulgarian Chamber of Commerce and Industry; Vice-President of the Bulgarian Union of Lawyers; Former Judge at the Constitutional Court of the Republic of Bulgaria; Former Arbitrator at the International Chamber of Commerce, Paris; Former Judge at the European Court of Human Rights, Strasbourg; Former Vice-President of the Supreme Court of the Republic of Bulgaria; Former Chairman of the Commercial Department of the Supreme Court of the Republic of Bulgaria; Former Legal Adviser and Judge at the State Court of Arbitration. Kozludui Str. 34, Sofia 1202, Bulgaria; tel.: +359 2 831 54 25; e-mail: dgochev@abv.bg.
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H.E. Mr. Zlatko Dimitroff, S.J.D., Ambassador and Deputy Permanent Representative of Bulgaria to the UN in New York, former Legal Advisor to the Ministry of Foreign Affairs of Bulgaria, former Adjunct Professor of International Law at the University of Plovdiv. Permanent Mission of Bulgaria to the UN, 11 East 84th St., New York, NY 10028, U.S.A.; tel.: +12127374790; fax: +1212472 9865.

Burkina Faso

M. Larba Yarga, Maître assistant de droit public; ancien Ministre de la Justice; Garde des Sceaux. 01 BP 3465, Ouagadougou 01, Burkina Faso; tél.: (Dom): +226 50 36 47 43; e-mail: yargalarba@hotmail.com; louabouy@yahoo.fr.

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**Canada**

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Justice ROSALIE SILBERMAN AVELLA practised civil and criminal litigation until she was appointed to the Ontario Family Court in 1976. She subsequently chaired the Ontario Law Reform Commission and the Ontario Labour Relations Board, was the sole Commissioner and author of the 1984 Royal Commission on Equality in Employment, a visiting professor at McGill Law School for 5 years and a judge on the Ontario Court of Appeal for 12 years. She is a specially elected Fellow of the Royal Society of Canada and of the American Academy of Arts and Sciences, as well as a graduate of the Royal Conservatory of Music in classical piano. She was a judge of the Giller Literary Prize, has written extensively on a wide variety of legal topics, and has 25 honorary degrees. She was appointed to the Supreme Court of Canada in 2004.

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Colombia  Colombie

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**Croatie**

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**Annex 6 - PCA Members**

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<tr>
<td>His Excellency Dr. REYNALDO GALINDO POHL, Doctor of Law; Professor of International Law; former President of the National Constitutional Assembly; former Chief of State; former Minister of Culture, former Member of the Inter-American Legal Committee of the OAS; Ambassador, Ministry of Foreign Affairs, San Salvador. Boulevard Vista Hermosa II 22-36, Apto 1-D, Zona 15, Guatemala; tel.: +502 2365 8594; tel.: +503 2225 4171; fax: +503 225 41 71 (El Salvador).</td>
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<td>Dr. DAVID ESCOBAR GALINDO, Dean of the University &quot;Doctor José Matías Delgado,&quot; Member of the negotiating Commission of the 1980 General Peace Treaty between Honduras and El Salvador; Member of the 1992 Peace Commission; Member of the UNESCO Council.</td>
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<th>Republic of Korea</th>
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<td>Prof. SOO-GIL PARK, Distinguished Professor, Graduate School of Advanced Studies (International Relations), Korea University; former Personal Envoy of the President in the Group of 16 on the Issue of United Nations Reform and Millennium Assembly; former President of the United Nations Security Council; former Ambassador Extraordinary and Plenipotentiary and Permanent Representative to the United Nations. fax: +82 2 729 38 53.</td>
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District Court, former Professor, Judicial Research and Training Institute; former Judge, Incheon District Court.

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### Nicaragua

**Nicaragua**

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### Nigeria

**Nigéria**

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Mr. Justice (Retd) MALIK HAMID SAEED.

Barrister MASOOD KAUSAR.

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Fédération de Russie

Membres de la CPA – Annexe 6

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

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Slovenia

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South Africa

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Sudan

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Membres de la CPA - Annex 6

appointment/renomination
renouvellement

15 · 06 · 1990
16 · 10 · 2007
13 · 03 · 1998
26 · 01 · 1988
26 · 01 · 1988
17 · 07 · 2008
02 · 09 · 1993

115

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

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**Sweden**

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Thailand

Thailand

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**Annex 6 - PCA Members**

<table>
<thead>
<tr>
<th>Country</th>
<th>Name</th>
<th>Position</th>
<th>Term</th>
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<tr>
<td>Uganda</td>
<td>Ouganda</td>
<td>His Excellency Mr. PETER C.R. KABATSI, LL.B., Hons. (MUK), DLP, LDC</td>
<td>04 - 11 - 2009</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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>
<td>19 - 04 - 1995</td>
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<td>Ms. ANNA MAGEZI, Barrister; Judge of the High Court of Uganda; former President of the Industrial Court; former State Attorney; former Magistrate.</td>
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<td>Hon. Justice BENJAMIN J. ODOKI, Chief Justice of Uganda; former Director, Uganda Law Development Center; former Director of Public Prosecutions; former Judge of the High Court of Uganda; former Justice of the Supreme Court; former Chairman, Constitutional Commission and Chairman, Judicial Service Commission.</td>
<td>19 - 04 - 1995</td>
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<tr>
<td>Ukraine</td>
<td>Ukraine</td>
<td>Prof. V. KYSIL, Professor of international law, Institute for International Relations of T. Shevchenko’s Kyiv National University.</td>
<td>26 - 04 - 2004</td>
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<td></td>
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<td>Dr. O. KOPYLENKO, Director of the Institute of Legislation of the Verkhovna Rad (Parliament) of Ukraine.</td>
<td>26 - 04 - 2004</td>
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<td></td>
<td></td>
<td>His Excellency M. SELIVON, Ambassador Extraordinary and Plenipotentiary to the Republic of Kazakhstan.</td>
<td>26 - 04 - 2004</td>
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<td></td>
<td>Mr. O. ZADOROZHNYI, Head of the Chair of International Law, Institute of International Relations of the Kyiv Taras Shevchenko National University.</td>
<td>26 - 04 - 2004</td>
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<tr>
<td>United Kingdom</td>
<td>Royaume-Uni</td>
<td>Sir CHRISTOPHER GREENWOOD, CMG QC, Judge of the International Court of Justice since 2009; former Professor of International Law School of Economics.</td>
<td>13 - 04 - 2010</td>
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<td>Sir ELIHU LAUTERPACHT, CBE, QC, President of the Eritrea/Ethiopia Boundary Commission; Honorary Professor of International Law, University of Cambridge; Emeritus Director of the Lauterpacht Research Center for International Law, University of Cambridge; Arbitrator in ICSID and other arbitrations; formerly an ad hoc judge of the International Court of Justice, a presiding Commissioner of the UN Compensation Commission, President of the World Bank Administrative Tribunal, the Asian Development Bank Administrative Tribunal and the East African Common Market Tribunal; Member of the Institut de droit international.</td>
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<td>15 - 06 - 2011</td>
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<td>Rt Hon LADY JUSTICE ARDEN, Lady Justice of Appeal since 2000; ad hoc judge European Court of Human Rights 2000; Head of International Judicial Relations for England and</td>
<td>15 - 06 - 2011</td>
</tr>
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</table>

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Dr. JOSE KORZENIAK, Doctor of Law and Social Sciences; Senior Professor of Public Law at the University Mayor of the Republic (Montevideo) and University of Mexico; author of a large number of publications of constitutional, administrative and bank law; Senator of the Republic since 1990.

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Secretary-General
# Specialized Panel of Arbitrators

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

**Commission d’Arbitres Spécialistes**

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

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Burkina Faso

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Cameroon

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Canada

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Professor ROBIN R. CHURCHILL.

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Judge TULOMA NERONI SLADE, OS.
SPECIALIZED PANEL OF SCIENTIFIC EXPERTS

ESTABLISHED PURSUANT TO THE OPTIONAL RULES FOR ARBITRATION OF DISPUTES RELATING TO NATURAL RESOURCES AND/OR THE ENVIRONMENT

COMMISSION SPÉCIALISÉE D’EXPERTS SCIENTIFIQUES

ÉTABLIE EN APPLICATION DU RÈGLEMENT FACULTATIF POUR L’ARBITRAGE DES DIFFÉRENDS RELATIFS AUX RESSOURCES NATURELLES ET/OU L’ENVIRONNEMENT

June 15, 2011

Date of appointment

Date of latest renewal

Argentina

Dr. OSVALDO CANZIANI is an integral member of the Intergovernmental Panel on Climate Change (IPCC). Over the past ten years, he has served on several IPCC Working Groups and has edited and/or contributed to many IPCC reports, including the IPCC Technical Paper on Climate Change and Sustainable Development, the IPCC Technical Paper on Climate Change and Biodiversity, and the IPCC Third Assessment Report. Dr. Canziani currently advises both the private enterprise TECHINT and Argentina’s Ministry of Foreign Relations, International Commerce, and Worship on environmental issues. He is also a lecturer at several universities and other organizations. Dr. Canziani previously served as Advisor for projects sponsored by the Global Environment Facility, as Consultant on meteorology for World Bank projects and for IATASA, as Principal Researcher at the Biometeorological Research Center’s National Council of Science and Technology, and as Advisor to the Secretaries of Water Resources of Argentina’s Ministry of Public Works. He has had significant involvement with the United Nations, including as Advisor to Argentina’s delegation to UNCED meetings, as WMO Regional Director for Latin America and the Caribbean, as Regional Officer for Meteorology for the ICAO South American Regional Office, as UNDP Resident Representative in Paraguay, and as Head of the ICAO Technical Assistance Mission in Paraguay. Dr. Canziani has published extensively on climate change, sustainable development, and other environmental science issues. He is fluent in Spanish, English, French, Italian, and Portuguese. Dr. Canziani holds undergraduate degrees in Physics, as well as a Master of Science in Meteorology from the University of London and a Doctorate in Meteorology from the University of Buenos Aires. Fundación Ecológica Universal, Casilla de Correo 141, Sucursal 5, 1405 Buenos Aires, Argentina; tel./fax: +54 11 4373 0552; e-mail: ocanz@ciudad.com.ar.

Argentina

Date de la nomination

Date du dernier renouvellement

19 - 04 - 2001

Austria

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Austria

27 - 11 - 2001

23 - 04 - 2008

Belarus

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**Brazil**

**Brésil**

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**Canada**

**Canada**

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People's Republic of China

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Croatia

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Greece

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Iraq
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Italy
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Japan
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Republique de Corée

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Kyrgyzstan

Kirghizistan

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

Latvia

Lettonie

Professor Dr. MARIS KĻAVIŅŠ, Head of Department of Environmental science, University of Latvia, Professor of Environmental Chemistry and Ecotoxicology, former Dean of Faculty of Geography and Earth Sciences, former Senior Researcher in the Institute of Biology, served as a researcher and headed laboratory in the Institute of Applied Biochemistry. Prof. Kļavīns has made publications extensively, including articles on aquatic humic substances, inland water pollution, organic matter in aquatic environments, fractionation of aquatic and soil humic substances, and well water in Latvia. He holds undergraduate and Doctorate degrees in Chemistry from the University of Latvia. Head, Department of Environmental Sciences, University of Latvia, Raina blvd. 19, LV 1568, Riga, Latvia; tel.: +371 67 33 17 66; fax: +371 67 22 50 39.

Libyan Arab Jamahiriya

Jamahiriya arabe libyenne

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

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

Macedonia, FYR

Macédoine, ARY

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Mauritius

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Netherlands

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

New Zealand

Professor MICK CLOUT is Director of the Centre for Biodiversity and Biosecurity at the University of Auckland, New Zealand. He is also the founding Chair of the Invasive Species Specialist Group of IUCN, the World Conservation Union. Prof. Clout is a vertebrate ecologist and has published widely on the ecology and conservation of native wildlife and the management of invasive alien species. Through his role as Chair of ISSG, he is involved in a wide range of international biosecurity initiatives to prevent, eradicate and manage invasive species. He previously worked for the NZ Department of Conservation and holds degrees from the University of Edinburgh and the University of Auckland. School of Biological Sciences, University of Auckland, PB 92019, Auckland, New Zealand. E-mail: m.clout@auckland.ac.nz.

Panama

Mr. GONZALO MENÉNDEZ G. is specialized in geo-chemistry, and is currently completing post-graduate studies, specializing in Environmental Management. He is currently the deputy general manager at the National Environmental Agency. Prior to that, he served as an environmental consultant for several organizations, including the World Health Organization. He also served as an environmental controller manager at the Inter-American Regional Agency, in order to check the environmental parameters of goods exported to Panama and prepared studies on the area. He also worked for the private sector as a geo-chemical and geophysics environmental prospector and environmental auditor. E-mail: menendezgonzalo@gmx.net.
Mr. RICARDO ROGELIO ANGUIZOLA MORALES is currently Administrator General for Panama’s Autoridad Nacional del Ambiente. He previously served as: Vice-President and General Manager at Grupo Melo; Founder of Ingeniería Avanzada S.A.; Technical Co-Director and Panamanian representative for the Program for Remote Sensing and Information Systems; Representative of the National Geographic Institute “Tommy Guardia” in the Commission Bid-PANAMA; and Partner and Manager at Empresa L.M./Cartografía. He also held the positions of Chief of the Photogrammetry Department, Deputy Manager, and Director at the National Geographic Institute “Tommy Guardia.” Mr. Morales has extensive geology and photogrammetry experience. He has participated in several seminars and conferences in environmental management, including seminars in environmental impact assessment methodology and in environmental security in Central America and the Caribbean. Mr. Morales received a Licenciado in Civil Engineering from the Universidad de Panama, as well as a post graduate Diploma in Photogrammetry and a Master’s degree in Photogrammetric Sciences from the International Institute for Aerospace Survey and Earth Sciences.

Peru  
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Romania

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

Slovak Republic  
Professor Dr. IGOR MUCHA is a Senior Expert at Ground Water Consulting Ltd. and a former Professor of Hydrogeology at Comenius University in Bratislava. He has managed and advised on several ground water and hydrogeology projects in Europe and Asia, including the EU Project PHARE’s Danubian Lowland-Ground Water Model and a ground water survey project at River Langat in Kuala Lumpur. Prof. Mucha has been integrally involved in the ICJ Case concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia) and its subsequent implementation, serving as Technical and Ecological Expert and as Member of the Slovak
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Sri Lanka

Professor Dr. SARATH WIMALABANDARA KOTAGAMA is a member of the National Academy of Science of Sri Lanka, the Sri Lanka Association for the Advancement of Science, and the Institute of Biology of Sri Lanka. He serves as the country representative to the Commission on National Parks and Protected Areas/World Conservation Union (IUCN). Prof. Kotagama has coordinated an Asian Wetland Survey through the support of the World Wide Fund for Nature and Asian Red Data Program, in the framework of BirdLife International. In the past, he has presided over the Pan Asian Ornithological Congress and has coordinated the Sri Lanka Environment Congress. Prof. Kotagama has extensively contributed to the March for Conservation at the University of Colombo, serving in the capacity of Scientific Advisor, Coordinator, Joint Coordinator, and General Secretary for over a decade. Prof. Kotagama has been a member of the Presidential Task Force on development of Wildlife Conservation, as well as the Ministerial Task Force on Development of Wildlife Sector. He also led the Central Environmental Authority of Sri Lanka, the State Environmental Council. He has widely participated in the work of the National Sea Turtle Survey Committee, the National Committee on Environment, the Land Use Policy Planning Committee, and the Steering Committee for the Conference on Environmental Education and Advisory Council on Zoological Survey of Sri Lanka. He currently teaches Biodiversity, Ecology, Ornithology, Wildlife Conservation and Management at the Open University of Sri Lanka. Furthermore, he coordinates the Master’s Program in Environmental Science and chairs the Department of Zoology. He was a former lecturer in ecology, zoology, and ornithology at the University of Colombo. He has been invited as a consultant to the Open University of India and contributed to the Master’s degree course at the University College in Wales. Prof. Kotagama is the author of numerous publications, textbooks, and reference books on ecology, conservation, and environmental education. He has contributed significantly to the work of Sri Lanka Association for the Advancement of Science through manifold presentations and reports. 444/9 (13/13) Wewa Para, Akuregodara, Battaramulla, Sri Lanka; tel.: +075 88 21 27; fax: +075 337 644; e-mail: fogs@slt.lk.

Sudan

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Sweden

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

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

**Thailand**

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**Turkey**

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**Ukraine**

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**United States of America**

Dr. ROSINA BIERBAUM is Dean of the School of Natural Resources and Environment at the University of Michigan and Acting Director of the Office of Science and Technology Policy (OSTP) in the Executive Office of the President. She formerly served as Associate Director for
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Uruguay

Mr. VICTOR CANTON.