# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Executive Summary</td>
<td>1</td>
</tr>
<tr>
<td>II. The Work of the International Bureau</td>
<td>2</td>
</tr>
<tr>
<td>A. Scope of Activity</td>
<td>2</td>
</tr>
<tr>
<td>Arbitration</td>
<td>2</td>
</tr>
<tr>
<td>International Commissions of Inquiry and Conciliation</td>
<td>2</td>
</tr>
<tr>
<td>Provision of Services and Facilities</td>
<td>3</td>
</tr>
<tr>
<td>Financial Assistance Fund</td>
<td>3</td>
</tr>
<tr>
<td>International Cooperation</td>
<td>4</td>
</tr>
<tr>
<td>Host Country Agreements</td>
<td>4</td>
</tr>
<tr>
<td>B. Developments in 2011</td>
<td>5</td>
</tr>
<tr>
<td>Registry and Related Activities</td>
<td>5</td>
</tr>
<tr>
<td>(a) Registry</td>
<td>5</td>
</tr>
<tr>
<td>(b) Iran-United States Claims Tribunal</td>
<td>6</td>
</tr>
<tr>
<td>(c) Guest Tribunals</td>
<td>6</td>
</tr>
<tr>
<td>Designation of Appointing Authorities and the Appointment of Arbitrators by the Secretary-General</td>
<td>6</td>
</tr>
<tr>
<td>Overview of Appointing Authority Activity in 2011</td>
<td>11</td>
</tr>
<tr>
<td>Environmental Dispute Resolution</td>
<td>13</td>
</tr>
<tr>
<td>Mass Claims</td>
<td>13</td>
</tr>
<tr>
<td>Disputes Relating to Outer Space</td>
<td>13</td>
</tr>
<tr>
<td>Cooperation Agreements (Publications)</td>
<td>14</td>
</tr>
<tr>
<td>Meetings, Conferences and Seminars Hosted by the PCA</td>
<td>14</td>
</tr>
<tr>
<td>PCA Publications</td>
<td>14</td>
</tr>
<tr>
<td>Increasing Awareness of the PCA</td>
<td>14</td>
</tr>
<tr>
<td>III. State Parties to the Conventions of 1899 and 1907</td>
<td>17</td>
</tr>
<tr>
<td>IV. Members of the Permanent Court of Arbitration</td>
<td>17</td>
</tr>
<tr>
<td>V. Specialized Panels</td>
<td>17</td>
</tr>
<tr>
<td>VI. Administrative Matters</td>
<td>18</td>
</tr>
<tr>
<td>Administrative Council</td>
<td>18</td>
</tr>
<tr>
<td>International Bureau Staff</td>
<td>18</td>
</tr>
<tr>
<td>Fellowship and Internship Programs</td>
<td>19</td>
</tr>
<tr>
<td>Budget and Finance</td>
<td>19</td>
</tr>
<tr>
<td>Annex 1: Member States</td>
<td>43</td>
</tr>
<tr>
<td>Annex 2: Cases Conducted Under the Auspices of the PCA or with the Cooperation of the International Bureau</td>
<td>49</td>
</tr>
<tr>
<td>Annex 3: International Commissions of Inquiry</td>
<td>64</td>
</tr>
<tr>
<td>Annex 4: International Conciliation Commissions</td>
<td>66</td>
</tr>
<tr>
<td>Annex 5: PCA Financial Assistance Fund for Settlement of International Disputes</td>
<td>68</td>
</tr>
<tr>
<td>(a) Terms of Reference and Guidelines</td>
<td>68</td>
</tr>
<tr>
<td>(b) Board of Trustees</td>
<td>70</td>
</tr>
<tr>
<td>(c) DAC List of ODA Recipients</td>
<td>71</td>
</tr>
<tr>
<td>Annex 6: Members of the Permanent Court of Arbitration</td>
<td>76</td>
</tr>
<tr>
<td>Annex 7: Specialized Panel of Arbitrators</td>
<td>126</td>
</tr>
<tr>
<td>Annex 8: Specialized Panel of Scientific Experts</td>
<td>145</td>
</tr>
</tbody>
</table>
I. EXECUTIVE SUMMARY

1. During the course of the year, the Permanent Court of Arbitration (PCA) administered a record number of sixty-nine cases. On December 6, the Administrative Council accepted the resignation of the PCA’s twelfth Secretary-General, Mr. Christiaan M.J. Kröner, with effect from December 31, 2011. The Council expressed its gratitude for Mr. Kröner’s service to the PCA since coming to office in September 2008.

2. The Administrative Council appointed by acclamation Mr. Hugo Hans Siblesz, current Ambassador of the Kingdom of the Netherlands to France, to succeed Secretary-General Kröner, effective May 1, 2012.

3. The PCA’s sixty-nine pending registry cases in 2011, nineteen of which were submitted to the PCA in 2011, included: three state-state arbitrations; forty investor-state arbitrations under bilateral or multilateral investment treaties; twenty-four 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 one case under the PCA Optional Rules for Arbitration of Disputes relating to Natural Resources and/or the Environment.

4. The PCA received thirty-six new requests relating to its appointing authority services under the 1976 and 2010 UNCITRAL Arbitration Rules and other ad hoc arbitration provisions. These included eighteen 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; three requests that the Secretary-General appoint a legal expert; three requests that the Secretary-General act as appointing authority to decide a challenge to an arbitrator; one request that the Secretary-General designate an appointing authority to decide a challenge; and one request that the Secretary-General replace an appointing authority.

5. With the accession of Albania, Bangladesh, Rwanda and Viet Nam to the 1907 Convention for the Pacific Settlement of International Disputes, the number of PCA member states increased to 115.

6. A voluntary contribution to the PCA’s Financial Assistance Fund, which aims at helping eligible developing countries offset the costs of international arbitration or other means of dispute settlement offered by the PCA, was received in 2011 from the Netherlands.

7. In December 2011, the PCA Administrative Council adopted a new set of procedural rules, the PCA Optional Rules for Arbitration of Disputes Relating to Outer Space Activities, as developed by an Advisory Group of experts in space law.

8. The PCA concluded a Host Country Agreement with the Government of Chile in December 2011.

9. Also in 2011, the PCA entered into a cooperation agreement with the Central American Court of Justice.


11. The eighth volume in the PCA Award Series, The Guyana/Suriname Arbitration, Award of 2007, was prepared in 2011 by the PCA for publication in 2012.

12. The 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

13. 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.

14. 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 UNCITRAL Arbitration Rules. 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); the Permanent Court of Arbitration Optional Rules for Arbitration of Disputes Relating to Outer Space Activities (2011).

15. In May 2011, the PCA Administrative Council approved a proposal of the Secretary-General to constitute a drafting committee of leading practitioners in international arbitration to revise the PCA Optional Rules in light of changes made to the UNCITRAL Arbitration Rules in 2010.

16. Although initially conceived as an instrument for the settlement of disputes between states, the PCA received a request in 1934 to administer a case between the Radio Corporation of America and the National Government of the Republic of China. Having considered the matter, the PCA Administrative Council concluded that the PCA’s founding conventions permitted the International Bureau to offer its services to cases between private entities and states. This case set a precedent for the PCA’s future activity providing services for the resolution of disputes involving various combinations of states, state entities, international organizations and private parties.

17. In particular, the PCA has been widely used among investors and states for administering international investment disputes arising under treaties for the protection of investments. Through the end of 2011, the PCA served as registry to 65 such investment cases.

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

International Commissions of Inquiry and Conciliation

19. The Conventions of 1899 and 1907 provide for the constitution of International Commissions of Inquiry to facilitate the settlement of certain types of disputes by elucidating the facts through impartial investigation. A list of cases submitted to International Commissions of Inquiry is set out in annex 3 to this report. The Permanent Court of Arbitration Optional Rules of Procedure for Fact-finding Commissions of Inquiry were adopted in 1997.

20. 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

21. 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. An additional hearing facility 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.

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

Financial Assistance Fund

23. 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 parties to the 1899 or 1907 Conventions 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 Organisation for Economic Co-operation and Development, 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 its Board of Trustees, have been reproduced in annexes 5a and 5b to this report.

24. Since the establishment of the Fund, contributions have been made by Cyprus, Costa Rica, France, Lebanon, the Netherlands, Norway, Saudi Arabia, South Africa, Switzerland and the United Kingdom. In 2011, an additional contribution was made by the Netherlands.

25. To date, grants of assistance have been made to two Asian states, a Central American state and five African states. The Netherlands has also made a special contribution to the PCA for purposes of promoting the use of the Fund among certain developing countries.
International Cooperation

26. 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 in 1990, the American Arbitration Association in 2002, the Singapore International Arbitration Centre in 2008, and the China International Economic and Trade Arbitration Commission, the Hong Kong International Arbitration Centre, the Australian Centre for International Commercial Arbitration and the Organization of American States in 2010. In 2011, the PCA entered into a cooperation agreement with the Central American Court of Justice.

27. A 1989 cooperation agreement with ICCA provides that ICCA will furnish the PCA Secretary-General, at the Secretary-General’s 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.

28. The PCA is a member of the International Federation of Commercial Arbitration Institutions, 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 48-49, below).


Host Country Agreements

30. To make its dispute resolution services more widely accessible, the PCA has adopted a policy of concluding “Host Country Agreements” with 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.

31. 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 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 global basis.

32. 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 access to PCA-administered dispute resolution.

33. Since the establishment of the program through 2010, the PCA has concluded Host Country Agreements with Argentina, Costa Rica, India, Lebanon, Mauritius, Singapore, and South Africa. In 2011, the PCA concluded a Host Country Agreement with Chile.

34. 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. In accordance with this Agreement, the duties of the PCA Legal Counsel in Mauritius include assisting the Secretary-General with the discharge of the latter's 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.

35. In fulfilling the responsibilities under the Agreement during 2011, the PCA Legal Counsel in Mauritius participated in the Mauritian Prime Minister’s Taskforce on International Arbitration, provided advice in relation to the establishment of a new arbitral centre in Mauritius, delivered guest lectures on international dispute settlement at the University of Mauritius, edited a publication arising from the 2010 Mauritius International Arbitration Conference, established an internship program in the PCA Mauritius office, secured funding and made arrangements for promotional trips to Tanzania, South Africa, Botswana, and Uganda, informed participants at the International Bar Association Annual Conference in Dubai about the Mauritius international arbitration project, identified potential arbitral hearing venues in Mauritius, developed a program for training of judges in the enforcement of arbitral awards under the New York Convention in conjunction with the Chief Justice of the Supreme Court and ICCA, and administered the first application to the PCA under the Mauritius International Arbitration Act of 2008. The PCA representative also continued to work on PCA registry cases from the Mauritius office, thus integrating the work of the Mauritius office into the activities at the PCA’s headquarters in The Hague.

B. DEVELOPMENTS IN 2011

Registry and Related Activities

(a) Registry

36. In the course of 2011, the Permanent Court of Arbitration reached a new record of sixty-nine registry cases. These cases included: three state-state arbitrations; forty investor-state arbitrations under bilateral or multilateral investment treaties; twenty-four 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 one case 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.

37. The PCA was requested to act as registry in nineteen new cases in 2011, including two state-state cases, ten cases brought pursuant to bilateral or multilateral investment treaties (including the North American Free Trade Agreement (NAFTA) and the Energy Charter Treaty) and seven cases brought pursuant to contracts or other agreements.

38. The International Bureau continued to serve as registry for the arbitral tribunal concerning the Bank for International Settlements (BIS Tribunal), established pursuant to Article XV of an agreement signed at The Hague on January 20, 1930. The tribunal is composed of Professor W. Michael Reisman (President), Professor Dr. Jochen Abr. Frowein, Professor 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. There are no arbitrations currently pending before the BIS Tribunal.

39. The International Bureau continued to provide administrative support in an arbitration brought by Achmea B.V. (formerly known as Eureko 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 Professor Vaughan Lowe (Presiding Arbitrator), Professor Albert Jan van den Berg, and Mr. V.V. Veeder.

40. The International Bureau continued to provide administrative support in an arbitration brought by HICEE B.V. against The Slovak Republic, which was 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 consisted of Sir Franklin Berman (Presiding Arbitrator), Judge Charles N. Brower, and Judge Peter Tomka. A final award was rendered on October 17, 2011.

41. The International Bureau continued to provide administrative support in an arbitration brought by Bilcon of Delaware and four individuals 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.

42. The International Bureau continued to provide administrative support in an arbitration brought by the 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 Judge Sir Christopher Greenwood (Presiding Arbitrator), DDr. Alexander Petsche, and Professor Brigitte Stern.

43. The International Bureau continued to provide 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. The members of the arbitral tribunal are Judge Rüdiger Wolfrum (President), Judge Thomas A. Mensah, Dr. Pemmaraju Sreenivasa Rao, Professor Ivan Shearer, and Professor Tullio Treves.

44. The International Bureau continued to provide administrative support in an arbitration brought by China Heilongjiang International Economic & Technical Cooperative Corporation, Beijing Shougang Mining Investment Company Limited and Qinhuangdaoshi Qinlong International Industrial Company Limited against Mongolia, pursuant to the Agreement between the Government of the Mongolian People’s Republic and the Government of the People’s Republic of China concerning the Encouragement and Reciprocal Protection of Investments dated August 26, 1991. The arbitral tribunal consists of Donald Francis Donovan, Esq. (Presiding Arbitrator), Dr. Yas Banifatemi, and Mark A. Clodfelter, Esq.

45. The International Bureau provided administrative support in an arbitration brought by the Islamic Republic of Pakistan against the Republic of India, pursuant to the 1960 Indus Waters Treaty. The members of the Court of Arbitration are Judge Stephen M. Schwebel (Chairman), Sir Franklin Berman, Professor Howard S. Wheater, Professor Lucius Caflisch, Professor Jan Paulsson, Judge Bruno Simma, and Judge Peter Tomka.

46. The International Bureau provided administrative support in an arbitration brought by the Republic of Mauritius against the United Kingdom of Great Britain and Northern Ireland, pursuant to Article 287 and Annex VII, Article 1 of the United Nations Convention on the Law of the Sea. The members of the arbitral tribunal are Professor Ivan Shearer (President), Judge Sir Christopher Greenwood, Judge Albert Hoffmann, Judge James Kateka, and Judge Rüdiger Wolfrum.

(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 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 2011, the following guest tribunals made use of the PCA’s facilities:

- an ICSID tribunal held deliberations from January 27 to 29;
- an ICSID hearing was held from May 16 to 20;
- an ICSID tribunal held deliberations from July 13 to 14; and
- an ICSID tribunal held deliberations from September 22 to 23.

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
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.

50. 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.
During 2011, the PCA received thirty-six new requests relating to its appointing authority services under the 1976 and 2010 UNCITRAL Arbitration Rules and other ad hoc arbitration provisions. These included eighteen 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; three requests that the Secretary-General appoint a legal expert; three requests that the Secretary-General act as appointing authority to decide a challenge to an arbitrator; one request that the Secretary-General designate an appointing authority to decide a challenge; and one request that the Secretary-General replace an appointing authority.

Overview of Appointing Authority Activity in 2011

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 pursuant to the UNCITRAL Arbitration Rules 1976 to decide the Claimant’s challenge to the arbitrator appointed by the Respondent. The Secretary-General rejected the challenge.

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 replace the previously designated appointing authority pursuant to the UNCITRAL Arbitration Rules 1976. Finding no grounds for replacement, the Secretary-General declined the request.

Case No. AA 405: The Claimant, a European company, requested that the Secretary-General act as appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, another European company. The Claimant later withdrew its request.

Case No. AA 407: The Claimant, an Asian state entity, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, a Central American company. Having considered the request, the Secretary-General designated an appointing authority.

Case No. AA 408: The Claimant, a European company, requested that the Secretary-General act as appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, an Asian state. The Respondent subsequently appointed the second arbitrator and the Claimant withdrew its request.

Case No. AA 409: The Claimant, an African company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, an African state. Having considered the request, the Secretary-General designated an appointing authority.

Case No. AA 409: Pursuant to the Parties’ further request in the same case, the Secretary-General acted as appointing authority and appointed the second arbitrator.

Case No. AA 410: The Claimant, an individual with North American nationality, requested that the Secretary-General act as appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 2010 in a dispute with the Respondent, an Asian state. The Claimant later amended its application and requested that the Secretary-General designate an appointing authority pursuant to the UNCITRAL Arbitration Rules 1976. Having considered the request, the Secretary-General designated an appointing authority.

Case No. AA 411: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, an Asian state. The Claimant did not pursue its request.

Case Nos. AA 412 & AA 413: The Claimant, an African company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator pursuant to two related agreements between the Parties in a dispute with the Respondent, an African state. The Respondent subsequently appointed the second arbitrator.

Case No. AA 414: The Claimant, a Caribbean company, requested that the Secretary-General act as appointing authority to appoint two arbitrators to a five-member panel pursuant to an order by a North American court in a dispute with the Respondents, a European company and a North American company. At the request of the Parties, the Secretary-General deferred responding to the request until the resolution of an appeal of the aforementioned court order.
Case No. AA 415: The Claimant, an African company, requested that the Secretary-General act as appointing authority to appoint the sole arbitrator in a dispute with the Respondents, an Asian company and a Caribbean company. The Secretary-General appointed the sole arbitrator pursuant to the Claimant’s request.

Case No. AA 416: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, another Asian company. Having considered the request, the Secretary-General designated an appointing authority.

Case No. AA 417: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 2010 in a dispute with the Respondent, another European company. The Parties subsequently settled their dispute.

Case No. AA 418: The Claimant, an Asian company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 2010 in a dispute with the Respondent, an Asian state. Having considered the request, the Secretary-General designated an appointing authority.

Case No. AA 419: The Respondents, a European company and a Middle Eastern company, requested that the Secretary-General designate an appointing authority to decide a challenge to two arbitrators pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Claimant, another Middle Eastern company. Having determined that the previously appointed appointing authority was willing to act, the Secretary-General concluded that he was unable to act in the matter and declined the request.

Case Nos. AA 420 & AA 421: 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 agency, and that the Secretary-General designate an appointing authority to appoint the sole arbitrator in a related dispute with the Respondent pursuant to the UNCITRAL Arbitration Rules 1976. Having considered the requests, the Secretary-General designated an appointing authority in each case.

Case No. AA 422: The Claimant, a Middle Eastern company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondents, an Asian company and an individual with Asian nationality. Having considered the request, the Secretary-General designated an appointing authority.

Case No. AA 423: The Claimant, a Middle Eastern company, and the Respondent, another Middle Eastern company, jointly requested that the Secretary-General act as appointing authority to appoint the presiding arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute between them. The Secretary-General appointed the presiding arbitrator pursuant to the joint request.

Case No. AA 424: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the presiding arbitrator pursuant to the UNCITRAL Arbitration Rules 2010 in a dispute with the Respondent, a South American state. Having considered the request, the Secretary-General designated an appointing authority.

Case Nos. AA 425 & AA 430: The Claimants, a group of companies from Africa, Asia, the Caribbean, and Europe, requested that the Secretary-General act as appointing authority to appoint two experts in two related disputes with the Respondents, an Asian state entity and an Asian company, pursuant to a contractual agreement between the Parties. The Claimants withdrew the first of their requests. The second request remains pending.

Case No. AA 426: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, a Middle Eastern state. The Claimant subsequently withdrew its request.

Case No. AA 427: The Claimant, an Asian company, requested that the Secretary-General act as appointing authority to appoint the second arbitrator pursuant to the Mauritian Arbitration Act of 2008 in a dispute with the Respondent, a European company. The request remains pending.

Case No. AA 428: The Claimant, a North American company, requested that the Secretary-General act as appointing authority to appoint the presiding arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, a South American state. The Claimant subsequently withdrew its request.
Case No. AA 429: The Respondent, an international organization, requested that the Secretary-General designate a substitute appointing authority to appoint the sole arbitrator pursuant to the UNCITRAL Arbitration Rules 2010 in a dispute with the Claimant, a South American company. Having considered the request, and having found that the previously agreed appointing authority was not willing to act, the Secretary-General designated an appointing authority.

Case No. AA 431: The Claimant, a European company, requested that the Secretary-General designate an appointing authority to appoint the sole arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, a North American company. Having considered the request, the Secretary-General designated an appointing authority.

Case No. AA 432: The Claimant, a North American company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator and the presiding arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, a North American state. The Respondent subsequently appointed the second arbitrator and the Secretary-General did not act in the matter.

Case No. AA 433: The Claimant, a European company, requested that the Secretary-General act as appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, an international organization. The request remains pending.

Case No. AA 434: In a dispute between the Claimant, a North American company, and the Respondent, a South American state, the Claimant requested that the Secretary-General act as appointing authority pursuant to the UNCITRAL Arbitration Rules 1976 to decide the Claimant’s challenge to the arbitrator appointed by the Respondent. The request remains pending.

Case No. AA 434: In the same case, the Respondent subsequently requested that the Secretary-General act as appointing authority pursuant to the UNCITRAL Arbitration Rules 1976 to decide the Respondent’s challenge to the arbitrator appointed by the Claimant. The request remains pending.

Case No. AA 435: The Claimant, a European company, requested that the Secretary-General act as appointing authority to appoint an expert in a dispute with the Respondent, an African state entity. The Parties’ contract foresaw the use of an expert for the resolution of certain disputes. Having considered the request, the Secretary-General appointed an expert.

Case No. AA 436: The Claimants, a North American company and a European company, requested that the Secretary-General designate an appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, a South American state. Having considered the request, the Secretary-General designated an appointing authority.

Case No. AA 437: The Claimant, a Middle Eastern company, requested that the Secretary-General act as appointing authority to appoint the second arbitrator pursuant to the UNCITRAL Arbitration Rules 1976 in a dispute with the Respondent, another Middle Eastern company. The request remains pending.

Environmental Dispute Resolution

53. The PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment and the Optional Rules for Conciliation of Disputes Relating to Natural Resources and/or the Environment 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 Civil Liability Protocol, to public and private carbon emissions trading contracts in the context of the Kyoto Protocol.

54. In 2011, the PCA continued to provide administrative support for a case between a private party and a state conducted under its Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment. The PCA also administers several other cases under other rules of procedure, both state-state and investor-state, involving questions of environmental law.

Mass Claims

55. 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”).
56. In 2011, the PCA continued to support the ongoing work of an Advisory Group of leading experts in air and space law charged with drafting a set of specialized arbitration rules for arbitrations relating to outer space activities. The Advisory Group’s work culminated in the adoption by the PCA Administrative Council of the “PCA Optional Rules for the Arbitration of Disputes Relating to Outer Space Activities” on December 6, 2011.

Cooperation Agreements (Publications)


58. The PCA continued to work in 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

59. On April 11 and 12, 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 April 15 to 21. Participating teams included Amsterdam University, Catholic University of America, King’s College London, McGill University, Moscow State Institute of International Relations, National University of Juridical Sciences, Stockholm University, University Carlos III of Madrid, University of Buenos Aires, University of Cologne and University of the State of Rio de Janeiro.

60. On May 12 and 13, the PCA hosted a meeting of its Advisory Group on Dispute Resolution and Sovereign Debt, part of a Steering Committee on Sovereign Debt convened by the Government of the Netherlands in cooperation with the PCA. At the meeting, the Advisory Group addressed issues relating to arbitration in the context of sovereign debt disputes.

PCA Publications

61. The eighth volume in the PCA Award Series, The Guyana/Suriname Arbitration, Award of 2007, was prepared in 2011 by the PCA for publication in 2012. The Series features recent arbitral awards rendered under the auspices of the PCA, accompanied by commentary from pre-eminent international legal scholars. This eighth volume contains the text of the Guyana/Suriname Award and includes an introduction by Judge Peter Tomka on the contribution of the Guyana/Suriname Award to the law of international maritime delimitation.

62. The International Bureau prepared the proceedings of the 2011 Mauritian International Arbitration Conference for publication in 2012. This volume includes contributions from members of the International Bureau and invited guests.

Increasing Awareness of the PCA

63. The PCA participated in several important international conferences and meetings during the year under review. The staff members of the International Bureau made a number of presentations at the Peace Palace and elsewhere on subjects relating to the PCA to high-ranking officials and judges, legal advisors, members of the diplomatic corps, lawyers, law students and other groups.

64. In February, the Secretary-General made an official visit to Viet Nam at the invitation of the Government of Viet Nam. While there, he met with representatives from the Ministry of Foreign Affairs and the Ministry of Justice. Among the matters of mutual interest discussed was the prospect of Viet Nam’s accession to the 1907 Hague Convention which would make it a Member of the PCA.

65. The Secretary-General visited South Korea in March to promote the Host Country Agreement under negotiation between the PCA and South Korea. During his visit, he attended an awards ceremony hosted by the Global Arbitration Review where the PCA was awarded the prize for the top arbitration institution of the year.
66. In June, the Secretary-General visited Spain and, at the invitation of the Centro Internacional de Arbitraje, Mediación y Negociación, he delivered the Hugo Grotius Lecture, “Crossing the Mare Liberum: The Settlement of Disputes in an Interconnected World.”

67. The Secretary-General visited Hong Kong in October at the invitation of Professor Guiguo Wang, Dean of the Hong Kong City University. He also traveled to mainland China where he gave a lecture on “International Arbitration: A Universal Vocation” at the Hunan Normal University.

68. The Secretary-General traveled to Chile in December where he signed a Host Country Agreement with the Minister of Foreign Affairs Mr. Alfredo Moreno Charme.

69. A Legal Counsel attended, as an Observer, the Fifty-fourth and Fifty-fifth sessions of the UNCITRAL Working Group II on Arbitration and Conciliation, held in New York from February 7 to 11 and Vienna from October 3 to 7.

70. At the request of the Department of Foreign Affairs of the Philippines, a Legal Counsel traveled to the Philippines from March 2 to 4 to speak at a conference about the implications of the Philippines’ accession to the 1907 Hague Convention.

71. A Legal Counsel attended the 27th Meeting of the Council of Ministers of the Indian Ocean Commission in Flac en Flac, Mauritius on October 6.

72. On November 7, a Legal Counsel attended, as an Observer, the Sixty-sixth regular session of the United Nations General Assembly in New York, at which elections were held for judges to the International Court of Justice and for members to the International Law Commission.


74. Legal Counsel gave lectures and presentations on arbitration-related topics at conferences and at other venues throughout the year. On February 17, a Legal Counsel participated on a panel on investor-state arbitration in Quito, Ecuador. An Assistant Legal Counsel delivered a lecture on March 9 in The Hague to a group of students from the International Business Arbitration Program of the Association for International Arbitration. On March 24, the Deputy Secretary-General spoke on a panel at the American Society of International Law Annual Meeting in Washington, DC. An Assistant Legal Counsel gave a presentation in The Hague to practitioners of many nationalities from the International Business Law Consortium on April 1. On April 6, a Legal Counsel gave a lecture on PCA activities and the development of international arbitration to members of the Organization of American States Secretariat and representatives of the Organization’s Member States in Washington, DC. The same day, a Legal Counsel addressed the revision of the UNCITRAL Arbitration Rules as part of a panel on new arbitration rules organized by the American Bar Association Section of International Law at its spring meeting in Washington, DC. A Legal Counsel presented a paper on “The Interaction of International Investment Arbitration and the Rights of Indigenous Peoples” at a conference at Leiden University on April 9. On April 13, an Assistant Legal Counsel gave a presentation to a group of Indonesian diplomats participating in a course on international law at the Clingendael Institute in The Hague. A Legal Counsel presented a paper on investment arbitration at a workshop entitled “Changing Subjects: Rights, Remedies and Responsibilities of Individuals under Global Legal Pluralism” held at the European University Institute in Florence, Italy on May 7. On May 17, the Deputy Secretary-General gave a presentation at a conference in Berlin organized by the German Institution of Arbitration on arbitration costs. An Assistant Legal Counsel gave a presentation on June 1 to students from Webster University in Leiden, the Netherlands, regarding the work of the PCA. On June 4, a Legal Counsel gave a lecture on the Abyei Arbitration as part of an event on conflict resolution in Sudan at Leiden University. A Legal Counsel participated on a panel in London on June 13 regarding “The PCA’s Role in Mauritius as a New Arbitral Seat” as part of an event hosted by the Franco-British Lawyers’ Society. From June 22 to 24, a Legal Counsel spoke at a regional workshop and conference co-sponsored by the United Nations Conference on Trade and Development (UNCTAD) and the Asia-Pacific Economic Cooperation concerning international investment agreements and investor-State dispute settlement. On July 9, a Legal Counsel spoke on developments among arbitral institutions in Asia as part of the Asia-Pacific Regional Arbitration Group Conference, organized in Malaysia by the Kuala Lumpur Regional Centre for Arbitration. The Deputy Secretary-General led two workshops in Paris, France at the International Academy for Arbitration Law on July 13 and 15. A Legal Counsel delivered a lecture on the PCA to participants in the United Nations International Law Fellowship Program on July 22. A Legal Counsel presented a paper regarding procedural difficulties arising for investment arbitration in Europe at a conference on September 28 in Sopot, Poland. A Legal Counsel presented on the topic of the PCA as a registry for ad hoc arbitrations at the Fourth Seminar on International Arbitration in Quito. On November 16, a Legal Counsel gave a presentation on small claims in investment arbitration at the Seventh Annual Symposium on Investment Law and Arbitration in Frankfurt am Main, Germany. A Legal Counsel spoke at the invitation of UNCTAD and the City University of Hong Kong at a joint
Legal Counsel taught courses and gave lectures at universities and other educational institutions in Australia, Brazil, Canada, France, Germany, Mauritius, the Netherlands, the Philippines, Singapore, South Africa, the United Kingdom, and the United States. 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 January 12, an Assistant Legal Counsel gave a presentation to a group of judges and prosecutors from Afghanistan participating in a training course on international and comparative law. On March 3, a Legal Counsel delivered a presentation on the PCA's role in international dispute settlement at the Ateneo de Manila University School of Law. The Deputy Secretary-General spoke about inter-State arbitration at Yale Law School on April 4. On May 14, a Legal Counsel gave a lecture on developments in inter-State arbitration in Talloires, France, as part of the capstone seminar of the LL.M. Program in International Law at the Fletcher School of Law and Diplomacy. A Legal Counsel gave a lecture entitled "Comparing and contrasting different legal frameworks for the resolution of international investment disputes" in Montréal, Canada as part of the McGill University Dispute Resolution Lecture Series and Penn State—McGill Summer Arbitration Programme on June 6. The Deputy Secretary-General delivered two lectures at The Hague Academy summer programs on Public International Law and Private International Law on July 5 and August 2 in The Hague. On August 8 and 9, a Legal Counsel taught several sessions on international arbitration as part of the Organization of American States course on international law organized in Rio de Janeiro, Brazil. The Deputy Secretary-General delivered a series of guest lectures on international arbitration in Montréal including at McGill University from September 12 to 16. From September 26 to October 7, a Legal Counsel taught an intensive course on international arbitration to LL.M. students at the University of Cape Town. On October 1, an Assistant Legal Counsel spoke at the Max Planck Research School on Successful International Dispute Resolution on the function of amicus curiae before international courts and tribunals. On October 13, a Legal Counsel presented two lectures on investor-State arbitration as part of the University of New South Wales and Chartered Institute of Arbitrators Diploma Course in International Arbitration in Sydney, Australia. A Legal Counsel delivered a guest lecture on arbitration in a course at Washington & Lee School of Law on October 24. Throughout October and November, a Legal Counsel gave a series of guest lectures to the International Dispute Settlement course at the University of Mauritius, addressing a variety of arbitration-related themes. On November 9, a Legal Counsel delivered a lecture at New York University on "Contemporary Challenges in International Dispute Resolution: Inter-State and Mixed Arbitration." A Legal Counsel gave a lecture concerning international arbitration and the PCA on November 14 at the United States Military Academy at West Point, New York. A Legal Counsel spoke at the National University of Singapore on international dispute settlement on November 17. On November 21, as part of a training program organized by Africa International Legal Awareness, a Legal Counsel gave a presentation to a group of African government lawyers in London on "Selected Policy Issues Arising in Investor-State Arbitration." On the same date, a Legal Counsel taught a session on the use of arbitration in intra-state armed conflicts as part of the University of Amsterdam’s master’s program on Conflict Resolution and Governance. A Legal Counsel delivered a lecture on "International Arbitration Institutions" to candidates for the LL.M. in International Economic and Business Law at the University of Groningen as part of a course on International Commercial Dispute Settlement on December 1. On December 12, a Legal Counsel taught a session on international investment arbitration as part of the Erasmus University Rotterdam’s LL.M. Program in European and International Economic Law. A Legal Counsel gave a lecture to LL.M. students in the arbitration and international business program at the University of Versailles on December 15 on the topic of arbitration at the PCA.

Legal Counsel attended a number of conferences, lectures and moot competitions. From April 15 to 21, one Legal Counsel and four Assistant Legal Counsel acted as arbitrators for the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria. Three Assistant Legal Counsel also attended the International Chamber of Commerce Young Arbitrators Forum on April 16 and the International Centre for Dispute Resolution Young International Group seminar on “Arbitration and the Resolution of Mass Claims” on April 17 also in Vienna. From May 19 to 20, the Deputy Secretary-General, three Legal Counsel and one Assistant Legal Counsel attended the International Council for Commercial Arbitration 50th Anniversary Conference on “Arbitration – the Next 50 Years” in Geneva, Switzerland and the Young ICCA-Young Arbitration Practitioners conference in Geneva on May 19. Also on May 19, a Legal Counsel attended a working meeting of the International Commercial Arbitration Committee of the International Law Association in Geneva. On June 10, a Legal Counsel attended the launch of The Hague Institute for Global Justice in The Hague. A Legal Counsel attended the tenth anniversary of Energy Charter Treaty arbitration in Stockholm, Sweden from June 9 to 10. From June 16 to 17, a Legal Counsel participated in the Institute for Transnational Arbitration Roundtable and Workshop in Dallas, Texas, United States. A Legal Counsel attended the Young Canadian Arbitration Practitioners’ Spring Symposium on “Effective Use of Experts in Commercial Arbitration” in Ottawa on June 22. A Legal Counsel was involved in organizing a Young ICCA skills training workshop for young arbitration practitioners in Buenos Aires, Argentina on September 15 and another in Prague, Czech Republic on October 24. On October 15, a Legal Counsel participated in the Annual General Meeting of the Canadian Chamber of

In early November, a Legal Counsel attended the annual conference of the International Bar Association in Dubai, United Arab Emirates, including several panels hosted by the IBA international arbitration committee and a discussion hosted by Arbitral Women. On November 17, a Legal Counsel attended the American Bar Association Section on International Law and International Centre for Dispute Resolution Young International Group’s conference on "Arbitration Related to Russia and the CIS: How to Not Get Lost in the Siberian Woods" in New York. From November 24 to 26, a Legal Counsel attended the Young Canadian Arbitration Practitioners’ Fall Symposium on "Future Directions in Canadian Arbitration Law" and an UNCITRAL-McGill University conference entitled, "The Model Law After 25 Years: Global Perspectives on International Commercial Arbitration Law" in Montréal. A Legal Counsel attended the Croatian Arbitration Days conference in Zagreb, Croatia from December 1 to 2.

III. STATE PARTIES TO THE CONVENTIONS OF 1899 AND 1907

77. The PCA welcomed four new member states in 2011. Rwanda acceded to the 1907 Convention for the Pacific Settlement of International Disputes on April 29, 2011 and became the 112th member state of the PCA effective June 28, 2011. Albania acceded to the 1907 Convention on October 28, 2011 and became the 113th member state effective December 27, 2011. Viet Nam acceded to both the 1899 Convention for the Pacific Settlement of International Disputes and the 1907 Convention on December 29, 2011, making it the PCA’s 114th member state as of that date. Bangladesh acceded to the 1907 Convention on December 28, 2011 and became the PCA’s 115th member state effective February 26, 2012. A list of state parties to the 1899 and 1907 Conventions, as of March 1, 2012, is set forth in annex 1 to this report.

IV. MEMBERS OF THE PERMANENT COURT OF ARBITRATION

78. 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 30, 2012, along with brief biographical notes, is set forth in annex 6 to this report.

79. 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.

80. 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

81. 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 30, 2012, 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

82. 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 . . . ."

83. At its 183rd meeting on May 26, 2011, the Administrative Council, which is charged with the direction and control of the International Bureau, adopted the Budget Performance Report and Audited Financial Accounts 2010. At the same meeting, the Administrative Council appointed a committee of experts to review the PCA Optional Rules in light of changes made to the UNCITRAL Arbitration Rules in 2010.

84. At its 184th meeting on December 6, 2011, the Administrative Council adopted a new set of Financial Regulations and Rules applicable as of January 1, 2012. In this same meeting, the Administrative Council adopted a new set of Rules of Procedure: the PCA Optional Rules for Arbitration of Disputes Relating to Outer Space Activities. The Council also approved the budget for the International Bureau for 2012.

85. 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 2011, the representative of Kuwait succeeded the representative of Jordan, who served as a member of the Committee in 2010. Thus, as of January 1, 2011, the Committee was composed of the representatives of Kenya, Korea and Kuwait. During the year under review, the Committee met on April 27 and November 8, prior to the regular meetings of the Administrative Council on May 26 and December 6.

86. 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 April 28 and November 10, 2011.

International Bureau Staff

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

- Secretary General: Mr. Christiaan Kröner
- Deputy Secretary-General/
  Principal Legal Counsel: Mr. Brooks W. Daly
- Legal Counsel: Ms. Sarah Grimmer
- Legal Counsel:
- PCA Representative and
  Legal Officer in Mauritius: Mr. Matthias Kuscher (until June 30)
- Legal Counsel/
  PCA Representative and
  Legal Officer in Mauritius: Ms. Judith Levine (from June 1)
- Legal Counsel: Mr. Aloysius Llamzon
- Legal Counsel: Mr. Dirk Pulkowski
- Legal Counsel: Mr. Martin Doe
- Legal Counsel: Mr. Garth Schofield
- Legal Counsel: Mr. Epaminontas Triantafilou (from June 1)
- Legal Counsel: Ms. Jara Mínguez Almeida
  (Assistant Legal Counsel until August 31)
- Legal Counsel: Ms. Fedelma Claire Smith (from September 19)
- Assistant Legal Counsel: Ms. Rita Labib Feghali
- Assistant Legal Counsel: Ms. Yanying Li
- Assistant Legal Counsel: Ms. Sarah Melikian (until August 25)
- Assistant Legal Counsel: Ms. Pilar Colomé Iess (until September 1)
- Assistant Legal Counsel: Ms. Catherine Quinn (until September 9)
- Assistant Legal Counsel: Ms. Anna Vinnik (until September 14)
- Assistant Legal Counsel: Ms. Rebecca Hekman (until September 20)
- Assistant Legal Counsel: Mr. Hugh Meighen (until September 27)
- Assistant Legal Counsel: Ms. Annie Léspérance (from April 4)
- Assistant Legal Counsel: Ms. Annabelle Möckesch (from April 4)
Assistant Legal Counsel: Ms. Evgeniya Goriatcheva (from September 5)
Assistant Legal Counsel: Ms. Hinda Rabkin (from September 5)
Assistant Legal Counsel: Mr. Alberto Torró Molés (from October 3)
Assistant Legal Counsel: Ms. Astrid Wiik (from October 3)
Assistant Legal Counsel: Ms. Kathleen Claussen (from November 16)
Finance Officer: Mr. Riny van Eekelen
Chief Administrator: Mr. Theodore Mercredi (until July 31)
Administrator: Ms. Maita Borromeo (from April 4)
Legal Secretary: Ms. Evelien ter Meulen (until October 1)
Legal Secretary: Ms. Helcha Prins (until November 18)
Legal Secretary: Ms. Vilmante Blink
Legal Secretary: Ms. Gaelle Chevalier
Legal Secretary: Ms. Willemijn van Banning
Legal Secretary: Ms. Caroline Lumsden
Legal Secretary: Ms. Naya Pessoa (from August 29)
Legal Secretary: Ms. Orla Wilkinson (from September 13 until December 13)
Legal Secretary: Ms. Anna Forlani (from December 1)

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

88. In 2011, the PCA continued its 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. Seven candidates were accepted to the program during 2011.

89. 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. Five individuals participated in the program in 2011.

Budget and Finance

90. The Budget Performance Report 2011 was duly examined by the Financial Committee on May 24, 2012, and considered, together with the Audited Financial Accounts 2011, by the Budget Committee on June 7, 2012. It is available to member states in a supplement to this report.

91. 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.

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

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

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<td>2. Great Britain, Germany and Italy – Venezuela</td>
<td>Preferential Treatment of Claims of Blockading Powers Against Venezuela</td>
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<td>3. Japan – Germany, France and Great Britain</td>
<td>Japanese House Tax leases held in perpetuity</td>
<td>28 - 08 - 1902</td>
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<td>13 - 10 - 1904</td>
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<td>27 - 01 - 1909</td>
<td>07 - 09 - 1910</td>
<td>Lammash&lt;br&gt;de Savornin Lohman&lt;br&gt;Gray&lt;br&gt;Sir Fitzpatrick&lt;br&gt;Drago</td>
</tr>
<tr>
<td>9. France – Great Britain</td>
<td>Arrest and Restoration of Savarkar</td>
<td>25 - 10 - 1910</td>
<td>24 - 02 - 1911</td>
<td>Beernaert&lt;br&gt;de Quesada&lt;br&gt;Renault&lt;br&gt;Gray&lt;br&gt;de Savornin Lohman</td>
</tr>
</tbody>
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<th>Case</th>
<th>Date Initiated</th>
<th>Date of Award</th>
<th>Arbitrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy – Peru</td>
<td>Canevaro Claim</td>
<td>25 - 04 - 1910</td>
<td>03 - 05 - 1912</td>
<td>Renault</td>
</tr>
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<td>Calderón</td>
</tr>
<tr>
<td>Russia – Turkey</td>
<td>Russian Claim for Indemnities</td>
<td>22 - 07 - 1910</td>
<td>11 - 11 - 1912</td>
<td>Lardy</td>
</tr>
<tr>
<td></td>
<td>damages claimed by Russia</td>
<td>04 - 08 - 1910</td>
<td></td>
<td>Bon de Taube</td>
</tr>
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<td>for delay in payment of</td>
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<td></td>
<td>of 1877-1878</td>
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<tr>
<td>France – Italy</td>
<td>French Postal Vessel “Manouba”</td>
<td>26 - 01 - 1912</td>
<td>06 - 05 - 1913</td>
<td>Hammarskjöld</td>
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<td>06 - 03 - 1912</td>
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<td>Bon de Taube</td>
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<tr>
<td>France – Italy</td>
<td>The “Carthage”</td>
<td>26 - 01 - 1912</td>
<td>06 - 05 - 1913</td>
<td>Hammarskjöld</td>
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<td>France – Italy</td>
<td>The “Tavignano,”</td>
<td>08 - 11 - 1912</td>
<td>Settled by</td>
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<td>“Camouna” and “Gaulois”</td>
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<td>Bon de Taube</td>
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<tr>
<td>The Netherlands –</td>
<td>Dutch-Portuguese</td>
<td>03 - 04 - 1913</td>
<td>25 - 06 - 1914</td>
<td>Lardy</td>
</tr>
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<td>Portugal</td>
<td>Boundaries on the Island of</td>
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<td>Timor</td>
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<tr>
<td>Great Britain, Spain</td>
<td>Expropriated Religious</td>
<td>31 - 07 - 1913</td>
<td>02 / 04 - 09</td>
<td>Root</td>
</tr>
<tr>
<td>and France – Portugal</td>
<td>Properties</td>
<td></td>
<td>1920</td>
<td>de Savornin Lohman</td>
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<td>Lardy</td>
</tr>
<tr>
<td>France – Peru</td>
<td>French claims against Peru</td>
<td>02 - 02 - 1914</td>
<td>11 - 10 - 21</td>
<td>Ostertag</td>
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<td>United States of</td>
<td>Norwegian shipowners’ claims</td>
<td>30 - 06 - 1921</td>
<td>13 - 10 - 1922</td>
<td>Vallotton</td>
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<td>America – Norway</td>
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<tr>
<td>United States of</td>
<td>The Island of Palmas case (or</td>
<td>23 - 01 - 1925</td>
<td>04 - 04 - 1928</td>
<td>Huber</td>
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<td>Great Britain – France</td>
<td>Chevreau claims</td>
<td>04 - 03 - 1930</td>
<td>09 - 06 - 1931</td>
<td>Beichmann</td>
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<td>Sweden – United States</td>
<td>Claims of the Nordstjernan</td>
<td>17 - 12 - 1930</td>
<td>18 - 07 - 1932</td>
<td>Borel</td>
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<td>of America</td>
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<td>Radio Corporation of</td>
<td>Interpretation of a contract</td>
<td>10 - 11 - 1928</td>
<td>13 - 04 - 1935</td>
<td>van Hamel</td>
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<tr>
<td>America – China</td>
<td>of radio-telegraphic traffic</td>
<td></td>
<td></td>
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<td>Furrer</td>
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<tr>
<td>States of Levant under</td>
<td>Radio-Orient</td>
<td>11 - 11 - 1938</td>
<td>02 - 04 - 1940</td>
<td>van Lanschot</td>
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<tr>
<td>French Mandate – Egypt</td>
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</tr>
</thead>
<tbody>
<tr>
<td>24. France – Greece</td>
<td>Administration of lighthouses</td>
<td>15 - 07 - 1931</td>
<td>24 - 07 - 1956</td>
<td>Verzijl&lt;br&gt;Mestre&lt;br&gt;Charbouris</td>
</tr>
<tr>
<td>26. United States of America – United Kingdom of Great Britain and Northern Ireland</td>
<td>Heathrow Airport user charges; treaty obligations; amount of damages</td>
<td>16 - 12 - 1988</td>
<td>30 - 11 - 1992 settlement on amount of damages</td>
<td>Foighel&lt;br&gt;Fielding&lt;br&gt;Lever</td>
</tr>
<tr>
<td>31. State of Eritrea – Republic of Yemen</td>
<td>Eritrea/Yemen: Sovereignty of various Red Sea Islands sovereignty; maritime delimitation</td>
<td>03 - 10 - 1996</td>
<td>09 - 10 - 1998 award on sovereignty 17 - 12 - 1999 award on maritime delimitation</td>
<td>Jennings&lt;br&gt;Schwebel&lt;br&gt;El-Kosheri&lt;br&gt;Highe&lt;br&gt;Higgins</td>
</tr>
<tr>
<td>32. Italy – Costa Rica</td>
<td>Loan agreement between Italy and Costa Rica dispute arising under financing agreement</td>
<td>11 - 09 - 1997</td>
<td>26 - 06 - 1998</td>
<td>Lalive&lt;br&gt;Ferrari Bravo Hernandez Valle</td>
</tr>
<tr>
<td>33. Larsen – Hawaiian Kingdom</td>
<td>Treaty interpretation</td>
<td>30 - 10 - 1999</td>
<td>05 - 02 - 2001</td>
<td>Crawford&lt;br&gt;Greenwood&lt;br&gt;Griffith</td>
</tr>
<tr>
<td>34. The Netherlands – France</td>
<td>Treaty interpretation</td>
<td>21 - 10 - 17 - 12 - 1999</td>
<td>12 - 03 - 2004</td>
<td>Skubiszewski&lt;br&gt;Guillaume Kooijmans</td>
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</tr>
</thead>
<tbody>
<tr>
<td>37. Eritrea-Ethiopia Claims Commission</td>
<td>Settlement of claims arising from armed conflict</td>
<td>12 - 12 - 2000</td>
<td>01 - 07 - 2003</td>
<td>van Houtte, Aldrich, Crook, Paul, Reed</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Partial Awards for prisoner of war claims</td>
<td></td>
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<td>28 - 04 - 2004</td>
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<td>Partial Awards for Central Front claims</td>
<td></td>
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<td>17 - 12 - 2004</td>
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<td>Partial Awards for civilians claims</td>
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<td>19 - 12 - 2005</td>
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<td>Final Award for remaining liability claims</td>
<td></td>
</tr>
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<td>17 - 08 - 2009</td>
<td></td>
</tr>
<tr>
<td>38. Dr. Horst Reineccius; First Eagle SoGen Funds, Inc.; Mr. P.M. Mathieu - Bank for International Settlements</td>
<td>Dispute with former private shareholders</td>
<td>07 - 03 - 2001</td>
<td>22 - 11 - 2002</td>
<td>Reisman, van den Berg, Frowein, Kraft, Lagarde</td>
</tr>
<tr>
<td></td>
<td></td>
<td>31 - 08 - 2001</td>
<td>Partial Award</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>24 - 10 - 2001</td>
<td>19 - 09 - 2003</td>
<td>Final Award</td>
</tr>
<tr>
<td>39. Ireland - United Kingdom</td>
<td>Proceedings pursuant to the OSPAR Convention</td>
<td>15 - 06 - 2001</td>
<td>02 - 07 - 2003</td>
<td>Reisman, Griffith, Mustill</td>
</tr>
<tr>
<td>40. Saluka Investments B.V. - Czech Republic</td>
<td>Investment treaty dispute</td>
<td>18 - 06 - 2001</td>
<td>17 - 03 - 2006</td>
<td>Watts, Behrens, Fortier</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Termination order following withdrawal of claim</td>
<td></td>
</tr>
<tr>
<td>42. European government - European corporation</td>
<td>Investment treaty dispute</td>
<td>30 - 04 - 2002</td>
<td>24 - 05 - 2004</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Settled by agreement of parties</td>
<td></td>
</tr>
<tr>
<td>43. Two corporations - Asian government</td>
<td>Contract dispute</td>
<td>16 - 08 - 2002</td>
<td>12 - 10 - 2004</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Partial Award</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Award on agreed terms</td>
<td></td>
</tr>
<tr>
<td>45. Belgium - The Netherlands</td>
<td>Dispute regarding the use and modernization of the &quot;IJzeren Rijn&quot; on the territory of The Netherlands</td>
<td>22/23 - 07 - 2003</td>
<td>24 - 05 - 2005</td>
<td>Higgins, Schrans, Simma, Soons, Tomka</td>
</tr>
<tr>
<td>46. Barbados - Trinidad and Tobago</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>16 - 02 - 2004</td>
<td>11 - 04 - 2006</td>
<td>Schwebel, Brownlie, Orrego Vicuña, Lowe, Watts</td>
</tr>
<tr>
<td>47. Guyana - Suriname</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>24 - 02 - 2004</td>
<td>17 - 09 - 2007</td>
<td>Nelson, Hossain, Franck, Shearer, Smit</td>
</tr>
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<th>Date of Award</th>
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</tr>
</thead>
<tbody>
<tr>
<td>48. Malaysia - Singapore&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>04 - 07 - 2003</td>
<td>01 - 09 - 2005</td>
<td>Award on agreed terms</td>
</tr>
<tr>
<td>49. 1. The Channel Tunnel Group Limited 2. France-Mache S.A. - 1. United Kingdom 2. France&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Proceedings pursuant to the Treaty of Canterbury Concerning the Construction and Operation by Private Concessionnaires of a Channel Fixed Link (Eurotunnel)</td>
<td>17 - 12 - 2003</td>
<td>30 - 01 - 2007</td>
<td></td>
</tr>
<tr>
<td>50. Chemtura Corporation (formerly Crompton Corporation) - Government of Canada&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Proceedings conducted under Chapter Eleven of the North American Free Trade Agreement (NAFTA)</td>
<td>17 - 10 - 2002/17 - 02 - 2005</td>
<td>02 - 08 - 2010</td>
<td></td>
</tr>
<tr>
<td>51. Vito G. Gallo - Government of Canada&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Proceedings conducted under Chapter Eleven of the North American Free Trade Agreement (NAFTA)</td>
<td>30 - 03 - 2007</td>
<td>15 - 09 - 2011</td>
<td></td>
</tr>
<tr>
<td>52. Romak S.A. - The Republic of Uzbekistan&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Proceedings pursuant to the Agreement between the Swiss Confederation and the Republic of Uzbekistan on the Promotion and the Reciprocal Protection of Investments</td>
<td>06 - 09 - 2007</td>
<td>26 - 11 - 2009</td>
<td></td>
</tr>
<tr>
<td>53. The Government of Sudan - The Sudan People’s Liberation Movement/Army&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Delimitation of the Abyei area</td>
<td>11 - 07 - 2008</td>
<td>22 - 07 - 2009</td>
<td></td>
</tr>
<tr>
<td>54. Centerra Gold Inc. &amp; Kumtor Gold Co. - Kyrgyz Republic&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Investment agreement dispute</td>
<td>08 - 03 - 2006</td>
<td>29 - 06 - 2009</td>
<td>Termination order</td>
</tr>
<tr>
<td>55. TCW Group &amp; Dominican Energy Holdings - Dominican Republic&lt;sup&gt;1&lt;/sup&gt;</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>Consent Award</td>
</tr>
<tr>
<td>56. Bilcon of Delaware et al. - Government of Canada&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Proceedings conducted under Chapter Eleven of the North American Free Trade Agreement (NAFTA)</td>
<td>26-05-2008</td>
<td>-</td>
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<table>
<thead>
<tr>
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<th>Case</th>
<th>Date Initiated</th>
<th>Date of Award</th>
<th>Arbitrators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>57.</strong> HICEE B.V. – The Slovak Republic*</td>
<td>Proceedings pursuant to the Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic</td>
<td>17 - 12 - 2008</td>
<td>23 - 05 - 2011</td>
<td>Berman</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Partial Award 17 - 10 - 2011</td>
<td></td>
</tr>
<tr>
<td><strong>58.</strong> Polis Fundi Immobiliare di Banche Popolare S.G.R.p.A – International Fund for Agricultural Development (IFAD)*</td>
<td>Contract dispute</td>
<td>10 - 11 - 2009</td>
<td>17 - 12 - 2010</td>
<td>Reinisch*</td>
</tr>
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<tr>
<td><strong>59.</strong> European American Investment Bank AG – The Slovak Republic*</td>
<td>Proceedings pursuant to the Agreement Between the Republic of Austria and the Czech and Slovak Federal Republic Concerning the Promotion and Protection of Investments</td>
<td>23 - 11 - 2009</td>
<td>–</td>
<td>Greenwood</td>
</tr>
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</tr>
<tr>
<td><strong>60.</strong> Bangladesh – India*</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>08 - 10 - 2009</td>
<td>–</td>
<td>Wolfrum*</td>
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<td>Achmea B.V. (formerly known as Eureko B.V.) - The Slovak Republic</td>
<td>Proceedings pursuant to the Agreement on Encouragement and Reciprocal Protection of Investments Between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic</td>
<td>01 - 10 - 2008</td>
<td>Lowe⁵ Van den Berg⁵ Veedere³</td>
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<tr>
<td>Pakistan - India</td>
<td>Indus Waters Treaty Arbitration</td>
<td>17 - 05 - 2010</td>
<td>Schwebel Berman Wheater³ Paulsson Simma³ Tomka³</td>
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<td>The Republic of Mauritius - The United Kingdom of Great Britain and Northern Ireland</td>
<td>Proceedings pursuant to the Law of the Sea Convention (UNCLOS)</td>
<td>20 - 12 - 2010</td>
<td>Shearer Greenwood Hoffmann³ Kateka³ Wolfrum³</td>
<td></td>
</tr>
</tbody>
</table>

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.
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>Commissioners¹</th>
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<tbody>
<tr>
<td>1. Great Britain – Russia</td>
<td>Incident in the North Sea</td>
<td>25 - 11 - 1904</td>
<td>26 - 02 - 1905</td>
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<td>The Dogger Bank Case</td>
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<td>Davis</td>
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<td>2. France – Italy</td>
<td>Capture of the “Tavignano”</td>
<td>20 - 05 - 1912</td>
<td>23 - 07 - 1912³</td>
<td>Segrave</td>
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<td>and cannon shots fired at</td>
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<td>Somborn</td>
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<td>the “Canouna” and the “Galois”</td>
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<td>Genoese Zerbi</td>
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<tr>
<td>3. Germany – Spain</td>
<td>The Steamship “Tiger”</td>
<td>-</td>
<td>08 - 11 - 1918</td>
<td>Garde</td>
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<td></td>
<td>Sinking of the steamer</td>
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<td>Montagut y Miro</td>
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<td>“Tiger”</td>
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<td>Horn</td>
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<tr>
<td>4. Germany – The Netherlands</td>
<td>Loss of the Dutch Steamer</td>
<td>30 - 03 - 1921</td>
<td>27 - 02 - 1922</td>
<td>Hoffmann</td>
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<td>“Tubantia”</td>
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<td>Gayer</td>
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<tr>
<td>5. Great Britain – Denmark</td>
<td>“Red Crusader” Incident</td>
<td>15 - 11 - 1961</td>
<td>23 - 03 - 1962</td>
<td>de Visscher</td>
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<td>Moolenburgh</td>
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</table>

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


<table>
<thead>
<tr>
<th>Parties</th>
<th>Case</th>
<th>Date of Request</th>
<th>Date of report</th>
<th>Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Denmark – Lithuania</td>
<td>Method of payment of the balance of the claim of 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>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>Monaco</td>
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</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.
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
Annex 5b

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 (former Secretary-General of the Iran-United States Claims Tribunal); and
Judge Bernardo Sepúlveda-Amor (Vice President of the International Court of Justice).
### FINANCIAL ASSISTANCE FUND FOR SETTLEMENT OF INTERNATIONAL DISPUTES

**DAC LIST OF ODA RECIPIENTS**

**EFFECTIVE FOR REPORTING ON 2011, 2012 AND 2013 FLOWS**

<table>
<thead>
<tr>
<th>Least Developed Countries</th>
<th>Other Low Income Countries</th>
<th>Lower Middle Income Countries and Territories</th>
<th>Upper Middle Income Countries and Territories</th>
</tr>
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<tbody>
<tr>
<td><strong>(per capita GNI &lt; $1,005 in 2010)</strong></td>
<td><strong>(per capita GNI $1,006 - $3,975 in 2010)</strong></td>
<td><strong>(per capita GNI $3,976 - $12,275 in 2010)</strong></td>
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<td>Afghanistan</td>
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<td>Madagascar</td>
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1. Territory.
2. This is without prejudice to the status of Kosovo under international law.


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71
MEMBERS OF THE PERMANENT COURT OF ARBITRATION

LISTE DES MEMBRES DE LA COUR PERMANENTE D'ARBITRAGE

June 30, 2012 30 juin 2012

Argentina Argentine

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.

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 5° 18, Buenos Aires (C1061AAC), Argentina; tel./fax: +54 11 4394 4412.

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

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

Australia Australie

Professor IVAN A. SHEARER, A.M. RFD., Emeritus Professor of Law, University of Sydney; Adjunct Professor of Law, University of South Australia; former Challis Professor of International Law; Judge ad hoc at the International Tribunal for the Law of the Sea; 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, armed conflict, national security law, extradition law, international human rights law. School of Law, University of South Australia, GPO Box 2471, Adelaide SA 5001, Australia; fax: + 61 8 8302 7128 ; e-mail: Ivan.Shearer@unisa.edu.au.

Professor HILARY CHARLESWORTH, Professor of International Law and Human Rights at the Australian National University since 1998; Professor and Director of the Centre for International Governance and Justice in the Regulatory Institutions Network; Australian Research Council Federation Fellow; educated at the University of Melbourne and Harvard Law School; President of the Australian and New Zealand Society of International Law from

The Honourable ROBERT SHENTON FRENCH AC, 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; former additional member of the Supreme Court of the Australian Capital Territory; former Deputy President of the Australian Competition Tribunal; former 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.

Mr. STEPHEN GAGELER SC, Solicitor-General of Australia; Barrister and Solicitor of the High Court of Australia; Barrister of the Supreme Court of New South Wales. Robert Garron Offices, 3-5 National Circuit, Barton ACT 2600, Australia; fax +61 292308920.

Austria

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

Univ. prof. Dr. WOLFRAM KARL, Professor for International Law at the University of Salzburg (since 1989) and Head of the Department of International Law (where he spent most of his academic career); Scientific Director of the Austrian Human Rights Institute in Salzburg (since 2004) where he had been Managing Director since 1990; Honorary Professor at the University of Innsbruck; Guest Professor at the McGeorge School of Law, Sacramento, California, and at the Universities of Maribor and Frankfurt/Oder; Head of Department for Human Rights in the Federal Ministry for Foreign Affairs of Austria (1988/89); ECRI (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 (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; Churfürststrasse 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 IIA 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 lawmaking processes, international treaty law, international security cooperation (on various levels), international environmental law (e.g. legal dimension of sustainability), nuclear security, humanitarian law. University of Vienna; Altenbergerstrasse 69, 4040 Linz, Österreich.
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; Jurisconsulte 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, Steige 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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<tr>
<th>Name</th>
<th>Position and Details</th>
<th>Appointment/Renewal Dates</th>
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<tbody>
<tr>
<td>His Excellency Mr. MIKHAIL M. KHVOSTOV</td>
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Annex 6 - PCA Members

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Philippines

17 - 08 - 2011
Annex 6 - PCA Members

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110
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<td>Uganda</td>
<td>His Excellency Mr. PETER C.R. KABATSI, LL.B., Hons. (MUK), DLP, LCD</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 - 06 - 05 - 2008</td>
</tr>
<tr>
<td>Uganda</td>
<td>Ms. ANNA MAGEZI</td>
<td>Barrister; Judge of the High Court of Uganda; former President of the Industrial Court; former State Attorney; former Magistrate.</td>
<td>19 - 04 - 1995 - 06 - 05 - 2008</td>
</tr>
<tr>
<td>Uganda</td>
<td>Hon. Justice BENJAMIN J. ODKI, 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>
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<td>Ukraine</td>
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<td>Ukraine</td>
<td>His Excellency M. SELIVON</td>
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Annex 6 - PCA Members

Membres de la CPA - Annexe 6

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Uruguay

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Doctor CARLOS ALBERTO MATA PRATES is doctor of Law and Sciences (university of the Republic - UDELAR). He is member of the Inter-American Juridical Committee of the Organization of American States (OAS), Director of the Public International Law Department, Ministry of Foreign Affairs of the Republic of Uruguay, President of the Advising Committee of the Executive Power for the establishment of the external limit of the Continental Shelf (COALEP), legal Advisor and Controller of the MERCOSUR Parliament, agent of the Republic of Uruguay before the Inter-American Court of Human Rights, member of the Conciliation Committee to act in the dispute between the Republic of Uruguay and a Belgian investor, Delegate of the Republic before the Assembly of the States Parties to the Rome Statute (International Criminal Court). In such capacity, he was delegated to the Review Conference of the Rome Statute of the International Criminal Court held in Kampala (Uganda) (May 2010). He was coordinator of the government working group before the International Center for Settlement of Investment Disputes (ICSID). He is also professor of Public International Law (School of Law of the Universidad Católica del Uruguay – UCUDAL and Centro Latinoamericano de Economía Humana) and Professor of Public Law (School of Law of the University of the Republic). Tel.: + 598 2 9021010 int. 2368; e-mail: derecho.internacional@mrrree.gub.uy.
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.

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

Venezuela

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Zambia

Mr. ALI MOHAMMED HAMIR, private legal practitioner; former Attorney-General of Zambia.

Justice ERNEST LINESI SAKALA, Judge of the Supreme Court of Zambia.

Justice S.K. MUNTHALI, LL.B., former Judge of the High Court of Zambia since 1998; former Advocate of the High Court of Zambia; former lecturer in commercial law, Evelyn Hone College; former Senior Legal Aid Counsel; former Principal State Advocate and Director of Public Prosecutions. P.O. Box 72351, Ndola, Zambia; e-mail: kabuzimunthali@yahoo.com.

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Justice GODFREY GUWA CHIDYAUSIKU, Chief Justice of the Supreme Court of Zimbabwe; Chairman of the Law Development Commission of Zimbabwe; former Attorney-General of Zimbabwe.
SPECIALIZED PANEL OF ARBITRATORS

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

COMMISSION D’ARBITRES SPÉCIALISTES

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

June 30, 2012

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.
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. MARÍA PATRICIA DEL ROSARIO GARCÍA SALAUYES 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 Obrajes Sector “A,” La Paz, Bolivia; tel.: +591 2 73 23 52, +591 2 73 12 93; fax: +591 2 22 23 97 or 35 09; e-mail: patriciagarciasa@yahoo.com.

Brazil

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Bulgaria

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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.

Mr. FERDINAND OUEDRAOGO is an assistant in the Department of Juridical and Political Sciences, at Ouagadougou University.

**Cameroon**

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

**Canada**

Mr. MIKE HARCOURT served as the Premier of British Columbia from 1991-1996, and as Mayor of Vancouver, three terms from 1980-1986, and was elected four terms as Vancouver Alderman, 1972-1980. Mr. Harcourt is a Senior Associate with the Sustainable Development Research Institute at the University of British Columbia, as well as Senior Associate of the Liu Center for the Studies of Global Issues. He is involved in a number of private business activities, as well as speaking and advising internationally on sustainability solutions. In November 1996, he was appointed by the Prime Minister to the National Round Table on the Environment and the Economy, and serves on the Executive Committee along with being Chair of the Urban Sustainability Program. He is Director of the Asia Pacific Foundation, Vice-Chair of the International Center for Sustainable Cities, and the Honorary Chair at the Pacific Rim Council on Urban Development. He serves as Director at the Vancouver Airport and the Vancouver Port Authority. Mr. Harcourt has a B.A. and an LL.B. from the University of British Columbia. He has an Honorary Doctor of Laws from the Royal Roads University. 4707 Trafalger 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 Senator 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@ctcinternet.cl.

**People’s Republic of China**

Mr. GAO FENG currently serves as Deputy Director-General of the Department of Treaty and Law of the Chinese Ministry of Foreign Affairs. He also leads the Chinese Delegation to the
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**Colombia**

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**Democratic Republic of the Congo**

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**Costa Rica**

Mr. JORGE A. CABRERA MEDAGLIA is senior legal counsel of AMBIO, a non-profit organisation based in Costa Rica dealing with law and environmental policy-making. He has extensive experience in environmental litigation and has advised companies and governments enforcing environmental protection regulations. He received his law degree from the Universidad de Costa Rica in 1991, and holds a postgraduate degree in law from UNED. Mr. Cabrera is also a founding member of the Research Center of Environmental Law and Sustainable Development at McGill University and has authored more than thirty articles and publications related to environmental protection. Apartado Postal 1487-1002, San Jose, Costa Rica; tel.: +506 381 9086; fax: +506 551 2686; e-mail: jorgemedaglia@hotmail.com.

**Croatia**

Professor Dr. MAJA SERŠIC 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 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 Salonica 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
Mgr. PAVEL DOUCHA is a Junior Lawyer at the law firm Mgr. Ludek Sikola, a lawyer and member of NGO, and the co-founder of ELS, specialization in environmental law, land planning, and legal measures of public participation in decision-making. Mr. Doucha holds a Diploma in Law from Masaryk University in Brno. Prevrátilská 330, 390 01 Tábor, Czech Republic; tel.: +420 608 873 437; e-mail: pavel.doucha@eps.cz.

Egypt
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Finland
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**Serbia**

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**Slovak Republic**

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**South Africa**

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Annex 7 - Specialized Panel of Arbitrators

appointment/ 
nomination

Commission d’arbitres spécialistes - Annexe 7

renewal/renouvellement

(UNFCC) and the Kyoto Protocol thereto; WSSD and Sustainable Development; Convention on Biological Diversity and its Biosafety Protocol; Basel Convention on the Transboundary Movements of Hazardous Wastes; the Internationally Binding Instrument for the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade (PIC) and the Bamako Convention; United Nations Forum on Forests (UNFF); Convention to Combat Desertification and Drought; Stockholm Convention on the Implementation of International Action on Certain Persistent Organic Pollutants (POP S); Lusaka Agreement on Transboundary Law Enforcement and the SADC Protocol on Wildlife Law Enforcement; and the Vienna Convention and Montreal Protocol on the Depletion of the Ozone layer. She is a member of various national committees, including on Climate Change, Forests, Biodiversity and CITES. Advocate de Wet often acts as guest lecturer in international environmental law as part of the Master’s degree course of the University of Pretoria. She holds an LL.B. degree from the University of the Free State and two Master’s degrees, one in international law from the University of Pretoria in South Africa. Office of the Chief State Law Advisor (International Law), Department of International Relations and Cooperation, Private Bag X152, Pretoria 0001, South Africa; tel.: +27 12 351 1000; fax: +27 12 32 91 721; e-mail: dewetjgs@dirco.gov.za.

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Sudan

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**Turkey**

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Annex 7 - Specialized Panel of Arbitrators

Commission d’arbitres spécialistes - Annexe 7

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.

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Uruguay

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Submissions of the Secretary-General

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Noms proposés par la Secrétaire général

05 - 09 - 2001

04 - 12 - 2002
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by the EC Commission containing a legal and political analysis of the Kyoto Protocol to the UN Framework Convention on Climate Change. This study was published under the title “The Kyoto Protocol. International Climate Policy for the 21st Century” (with Sebastian Oberthuer) in October 1999. A German translation was published in 2000, a Japanese translation in 2001. Dr. Ott took over the Climate Policy Division as Acting Head in late 1998 and initiated a financial and scientific consolidation. From November 2000 until June 2001 he was seconded to Policy Planning of the German Foreign Ministry in order to improve the institutional basis of environmental policy in the ministry. After his return to the Wuppertal Institute in July 2001, he was promoted to director of the division. Aside from his commitment to serving at the managerial level, his scientific work is devoted to all aspects of the Kyoto Protocol, in particular the flexible mechanisms, global climate policy and its implementation in the nation states, international environmental policy (especially forest policy and biodiversity), and finally, issues pertaining to globalization and sustainable development. Wuppertal Institute for Climate, Environment and Energy, Doeppersberg 19, 42103, Wuppertal, Germany; tel.: +49 202 2492 246/+49 202 2492 129 (Secr.); fax: +49 202 2492 250; e-mail: hermann.ott@wupperinst.org; Website: http://www.wupperinst.org.

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Judge TUILOMA NERONI SLADE, OS. 22 - 09 - 2006
June 30, 2012 30 juin 2012

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**Bolivia**

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**Brazil**

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Annex 8 - Specialized Panel of Scientific Experts

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People's Republic of China

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Croatia

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Cyprus

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Annex 8 - Specialized Panel of Scientific Experts
Commission spécialisée d’experts scientifiques - Annexe 8

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Egypt Égypte
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Annex 8 - Specialized Panel of Scientific Experts

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**Sweden**

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United States of America

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