

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
Frontmatter

[More information](#)

The ICSID Convention: A Commentary

This unique compendium offers an article-by-article commentary to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor–host State disputes, it incorporates the preparatory work, the Convention’s text, various rules and regulations adopted under the Convention, the practice of arbitral tribunals under the Convention and academic writings on the subject.

The first edition of this work has been relied upon by numerous arbitral tribunals. This second edition follows the same system and approach, but extensive updates reflect the vast increase in arbitral practice since the publication of the first edition. A number of novel issues that have emerged through this practice are now addressed, making this practice-oriented guide an indispensable tool for anyone dealing with the ICSID Convention.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition

Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair

Frontmatter

[More information](#)

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
Frontmatter

[More information](#)

THE ICSID CONVENTION: A COMMENTARY

A Commentary on the Convention on the Settlement of Investment
Disputes between States and Nationals of Other States

SECOND EDITION

CHRISTOPH H. SCHREUER

with

LORETTA MALINTOPPI

AUGUST REINISCH

ANTHONY SINCLAIR



Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
Frontmatter

[More information](#)

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB28BS, United Kingdom

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9780521885591

© Christoph H. Schreuer, Loretta Malintoppi, August Reinisch and Anthony Sinclair 2009

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2001

Reprinted 2005

Second edition 2009

6th printing 2014

Printed in the United Kingdom by Berforts Information Press Ltd.

A catalogue record for this publication is available from the British Library

ISBN 978-0-521-88559-1 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

CONTENTS

<i>Foreword by Professor Sir Elihu Lauterpacht, CBE, QC</i>	page ix
<i>Authors' preface to the second edition</i>	xi
<i>Table of cases</i>	xiii
<i>ICSID cases</i>	xiii
<i>National cases</i>	xlili
<i>List of abbreviations</i>	xlvi
<i>Text of the ICSID Convention</i>	xliv
<i>Procedural calendar</i>	lxviii

Commentary on the ICSID Convention

PREAMBLE	1
-----------------	---

CHAPTER I **International Centre for Settlement of Investment Disputes**

SECTION 1

Establishment and Organization

Article 1 – Establishment of Centre	10
Article 2 – Seat of Centre	13
Article 3 – Organization of Centre	15

SECTION 2

The Administrative Council

Article 4 – Composition of Administrative Council	16
Article 5 – Chairman of Administrative Council	18
Article 6 – Functions of Administrative Council	20
Article 7 – Decisions of Administrative Council	28
Article 8 – No Remuneration for Members	31

SECTION 3

The Secretariat

Article 9 – Composition of Secretariat	32
Article 10 – Secretary-General and Deputy Secretary-General	34
Article 11 – Functions of Secretary-General	37

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

vi	<i>Contents</i>	
	SECTION 4	
	The Panels	
Article 12 – Panels of Conciliators and Arbitrators		43
Article 13 – Designation to Panels		45
Article 14 – Qualities of Panel Members		48
Article 15 – Periods of Office of Panel Members		52
Article 16 – Multiple Designations		54
	SECTION 5	
	Financing the Centre	
Article 17 – Financing		56
	SECTION 6	
	Status, Immunities and Privileges	
Article 18 – Legal Personality of Centre		58
Article 19 – Immunities and Privileges of Centre		60
Article 20 – Immunity from Legal Process		61
Article 21 – Personal Immunities		62
Article 22 – Immunities of Parties and Witnesses		65
Article 23 – Archives and Communications		67
Article 24 – Tax Exemptions		69
	CHAPTER II	
	Jurisdiction of the Centre	
Article 25 – Jurisdiction		71
Article 26 – Exclusive Remedy		348
Article 27 – Diplomatic Protection		414
	CHAPTER III	
	Conciliation	
	SECTION I	
	Request for Conciliation	
Article 28 – Request for Conciliation		431
	SECTION 2	
	Constitution of the Conciliation Commission	
Article 29 – Composition of Commission		433
Article 30 – Appointment by Chairman		436
Article 31 – Qualities of Conciliators		438
	SECTION 3	
	Conciliation Proceedings	
Article 32 – Decision on Jurisdiction		439
Article 33 – Rules on Procedure		441

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

<i>Contents</i>	vii
Article 34 – Conciliation Proceedings and Report	443
Article 35 – Non-Invocation in Subsequent Proceedings	453
 CHAPTER IV Arbitration 	
SECTION 1 Request for Arbitration	
Article 36 – Request for Arbitration	455
SECTION 2 Constitution of the Tribunal	
Article 37 – Composition of Tribunal	475
Article 38 – Appointment by Chairman	490
Article 39 – Nationality of Arbitrators	498
Article 40 – Qualities of Arbitrators	507
SECTION 3 Powers and Functions of the Tribunal	
Article 41 – Decision on Jurisdiction	516
Article 42 – Applicable Law	545
Article 43 – Evidence	640
Article 44 – Rules on Procedure	672
Article 45 – Default of a Party	708
Article 46 – Ancillary Claims	731
Article 47 – Provisional Measures	757
SECTION 4 The Award	
Article 48 – Award	805
Article 49 – Dispatch, Supplementation and Rectification	840
SECTION 5 Interpretation, Revision and Annulment of the Award	
Article 50 – Interpretation	866
Article 51 – Revision	878
Article 52 – Annulment	890
SECTION 6 Recognition and Enforcement of the Award	
Article 53 – Binding Force	1096
Article 54 – Enforcement	1115
Article 55 – State Immunity	1151

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition

Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair

Frontmatter

[More information](#)

viii

*Contents***CHAPTER V****Replacement and Disqualification of Conciliators and Arbitrators**

Article 56 – Replacement	1186
Article 57 – Proposal to Disqualify	1197
Article 58 – Decision to Disqualify	1209

CHAPTER VI**Cost of Proceedings**

Article 59 – Charges of the Centre	1214
Article 60 – Fees and Expenses	1218
Article 61 – Apportionment of Expenses	1223

CHAPTER VII**Place of Proceedings**

Article 62 – Proceedings at Seat of Centre	1244
Article 63 – Proceedings at Another Place	1250

CHAPTER VIII**Disputes between Contracting States**

Article 64 – International Court of Justice	1258
---	------

CHAPTER IX**Amendment**

Article 65 – Proposal to Amend Convention	1263
Article 66 – Decision on Amendment	1264

CHAPTER X**Final Provisions**

Article 67 – Signature	1267
Article 68 – Ratification and Entry into Force	1269
Article 69 – Implementing Legislation	1273
Article 70 – Territorial Application	1276
Article 71 – Denunciation	1278
Article 72 – Continuing Effect of Consent	1279
Article 73 – Depositary	1283
Article 74 – Registration	1284
Article 75 – Notifications by Depositary	1285
Final Clause	1286

<i>Consolidated bibliography</i>	1287
----------------------------------	------

<i>Index by article</i>	1327
-------------------------	------

<i>Index by subject</i>	1394
-------------------------	------

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
Frontmatter

[More information](#)

FOREWORD

by Professor Sir Elihu Lauterpacht, CBE, QC

The idea for the International Convention on the Settlement of Investment Disputes (“the Convention”) was first conceived in 1961 by Aron Broches, then the General Counsel of the World Bank. This initiative carried forward a more general one for the protection of international investment that had begun in the Organisation for European Economic Co-operation (now the Organisation for Economic Co-operation and Development) in the late 1950s and that ended in the production in 1962 of the OECD Draft Convention on the Protection of Foreign Property. The idea prevailed that in the then divided state of opinion the best way to provide satisfactory legal infrastructure for the promotion of international private investment flows would be by providing effective procedures for impartial settlement of disputes rather than by seeking multilateral agreement on the establishment of general substantive standards.

The negotiating procedure initiated by Mr Broches was a novel one aimed at the avoidance of direct confrontation between opposing views in a large-scale international conference. Instead, he submitted the evolving text to a series of regional conferences in Africa, the Americas, Asia and Europe, inviting comments and proposals, but retaining in his own hands the preparation of a final text for submission to the Executive Directors of the Bank.

In 1965 the Convention was opened for signature and ratification. The 20 ratifications required for its entry into force were rapidly achieved and the Convention became operational on 14 October 1966. It soon secured broad support from States in all parts of the world including States newly emerging into independence.

At the time the Convention was concluded, some of its most important features represented significant new developments, though in the light of subsequent advances in international law they now appear almost commonplace. For the first time a system was instituted under which non-State entities – corporations or individuals – could sue States directly; in which State immunity was much restricted; under which international law could be applied directly to the relationship between the investor and the host State; in which the operation of the local remedies rule was excluded; and in which the tribunal’s award would be directly enforceable within the territories of the States parties.

The system was first limited to cases where both the national State of the investor and the State Party to the case were Parties to the Convention. This meant

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition

Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair

Frontmatter

[More information](#)

x

Foreword by Professor Sir Elihu Lauterpacht

that if one party to the dispute did not meet this requirement, the matter could not be submitted to ICSID, even if both parties so wished. This problem was solved in 1978 by the creation by the Bank of the “Additional Facility” which permits recourse – albeit imperfect – to the main elements of the ICSID system even if only one party meets the requirement, provided that both have given their consent.

Consent to jurisdiction under the system was originally foreseen as deriving principally from express references to it in the arbitration clauses of investment contracts. However, the sources of consent have been significantly widened by the development of recourse to ICSID on the basis of legislation and provisions in inter-State bilateral investment treaties as well as by multilateral arrangements such as the North American Free Trade Agreement and the Energy Charter Treaty. Nowadays the vast majority of cases are brought to ICSID on the basis of offers of consent in treaties which are accepted by investors, typically at the time of the institution of proceedings.

The development of the ICSID system has generated a significant number of studies and articles. These are amply represented in the bibliography of the present work. For some time that literature did not include a dedicated series of reports of decisions nor a systematic and comprehensive analysis of the Convention making full use of the *travaux préparatoires*. In 1993 the Research Centre for International Law in the University of Cambridge (as it was then called) introduced the *ICSID Reports* which seek to publish all available reports of ICSID decisions, together with a detailed and valuable index.

Soon after the work on the *Reports* was begun, the Research Centre was fortunate in persuading Professor Schreuer to undertake the complementary task of preparing this much-needed systematic Commentary, the first edition of which was published in 2001. This ground-breaking and exemplary effort has since received much acclaim by academic international lawyers and by arbitration professionals.

The time since the publication of the first edition of this work has seen an enormous increase in the number of cases before ICSID tribunals. This Commentary has become a daily staple for all those who work on these cases and who write about them. This work has become the most widely quoted source of reference on the ICSID Convention for academics and professionals alike.

The rapidly increasing practice has necessitated a second edition to keep pace with the ever-growing jurisprudence emanating from numerous tribunals and *ad hoc* committees operating under the Convention. The community of lawyers who work with the ICSID Convention is much indebted to Professor Schreuer and to his associates who have worked on this new edition.

Elihu Lauterpacht

Lauterpacht Centre for International Law
University of Cambridge
October 2008

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition

Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair

Frontmatter

[More information](#)

AUTHORS' PREFACE TO THE SECOND EDITION

The Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the ICSID Convention) entered into force on 14 October 1966. It provides for the settlement of disputes between host States and foreign investors through arbitration or conciliation. These procedures are administered through the International Centre for Settlement of Investment Disputes (ICSID, or the Centre).

The ICSID Convention was conceived by the Directors of the World Bank as an instrument of international economic development. Dispute settlement under the Convention offers advantages to the host State as well as to the investor.

By offering arbitration, the host State improves its investment climate and is likely to attract more international investment. In addition, by consenting to ICSID arbitration the host State protects itself against other forms of foreign or international litigation. The host State also effectively shields itself against diplomatic protection by the State of the investor's nationality.

The investor gains direct access to an effective international forum should a dispute arise. Thus, the possibility of going to arbitration is an important element of the legal security required for an investment decision.

During its early years the use of the dispute settlement procedure created by the ICSID Convention remained scant. Yet, over the years ICSID's case load has increased dramatically. This has been due particularly to consent to arbitration based on treaties. At the time of writing, ICSID's website listed 153 concluded and 120 pending cases.

More significant than the number of cases is the amount of investment covered. The mere availability of a mechanism for the orderly settlement of disputes is likely to improve a country's investment climate and to have a moderating influence on the parties' conduct. Numerous investment agreements between States and foreign investors contain consent clauses submitting disputes between the parties to the Centre. Hundreds of bilateral investment treaties offer binding dispute settlement under the ICSID Convention to investors from the respective countries. A number of multilateral treaties also offer ICSID dispute settlement to investors. In addition, legislation on foreign investments in a number of countries offers ICSID arbitration and conciliation to foreign investors. In this way, a large portion of world-wide private foreign investment is protected through the Convention's mechanisms.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition

Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair

Frontmatter

[More information](#)

The material covered by this Commentary covers the *travaux préparatoires* to the Convention, the case law to the extent that it is accessible, the rules and regulations adopted by the Centre's Administrative Council, Model Clauses published by the Centre, treaty practice and national legislation relevant to the Convention, agreements between host States and investors and a wealth of scholarly writings relating to the Convention.

The idea for this Commentary was first conceived by Professor Sir Elihu Lauterpacht, CBE, QC, the former director of the Research Centre for International Law at the University of Cambridge (now the Lauterpacht Centre for International Law). Professor Schreuer gratefully accepted the invitation to write such a commentary under the auspices of the Research Centre. The current director of the Lauterpacht Centre, Professor James Crawford, has continued to support the project vigorously. He has made numerous helpful suggestions and has played an important role in paving the way for its publication.

The first edition of this Commentary was published in 2001. An earlier version of large portions was published in 8 instalments in the *ICSID Review – Foreign Investment Law Journal* stretching from Volume 11 in 1996 to Volume 15 in 2000. The first edition was well received and has been quoted in numerous decisions of ICSID tribunals and *ad hoc* committees.

After only a few years it became clear that the rapidly growing number of decisions would necessitate a second edition to capture novel developments in both the case law and the scholarly debate surrounding it. It was felt that this task would be best tackled by a small team of experienced experts in the field. Hence, the present edition is the joint product of four authors coordinated by the author of the first edition.

The wealth of ever increasing case law and doctrine, especially in the form of new decisions issued on an almost weekly basis, has necessitated a cut-off point for the inclusion of new material. The authors have endeavoured to cover developments until the beginning of 2008 comprehensively and have selectively included some decisions issued after that date.

Considerable assistance was received from the ICSID Secretariat in preparing the first edition of this work. In this second edition, the authors wish to record that the analysis given and opinions advanced are theirs alone and that they do not reflect the position of ICSID and its staff. All the Commentary's shortcomings are the authors' sole responsibility.

In preparing the first edition the author received much support from Susanne Klozenbücher, Isabelle Talpain-Long, Christian Campbell, Christian Ebner and Daria Maca. In preparing the second edition the authors were greatly assisted by Clara Reiner who gave support in numerous ways and without whose help this endeavour would hardly have been possible. Maureen McGlashan contributed her valuable expertise in preparing the indexes. Johanna Willmann and Nadia Kalb helped with the proofreading.

Vienna, London and Paris

October 2008

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

TABLE OF CASES

Electronic sources

ICSID homepage: Homepage of the International Centre for Settlement of Investment Disputes: <http://icsid.worldbank.org/ICSID/Index.jsp>

ITA: Investment Treaty Arbitration homepage: <http://ita.law.uvic.ca/>

IC: Investment Claims homepage: <http://www.investmentclaims.com/>

NOTE: Bold numbers refer to Articles of the ICSID Convention. Lean numbers refer to paragraphs.

ICSID and Additional Facility cases

AAPL v. Sri Lanka

Asian Agricultural Products Limited v. Democratic Socialist Republic of Sri Lanka (Case No. ARB/87/3)

Award and Dissenting Opinion, 27 June 1990. Reported: 6 ICSID Review – FILJ (1991); 30 ILM 577 (1991); 6 International Arbitration Report, No. 5, at Sec. A (May 1991); 17 Y.B. Com. Arb. 106 (1992) (excerpts); 4 ICSID Reports 250; 119 Journal du droit international 217 (1992) (excerpts); ICSID homepage; ITA; IC. **25**, 24, 43, 70, 432; **42**, 60, 61, 70–76, 99, 172; **44**, 52; **46**, 37; **49**, 21.

ADC v. Hungary

ADC Affiliate Limited and ADC & ADMC Management Limited v. Republic of Hungary (Case No. ARB/03/16)

Award, 2 October 2006. Reported: ICSID homepage; ITA; IC. **25**, 736; **42**, 93, 186; **43**, 114; **44**, 110; **46**, 50; **56**, 25; **61**, 20.

ADF v. United States (AF)

ADF Group Inc. v. United States (Case No. ARB(AF)/00/1)

Procedural Order No. 2, 11 July 2001. Reported: 6 ICSID Reports 453; ICSID homepage; ITA; IC.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

xiv

Table of cases

Procedural Order No. 3, 4 October 2001. Reported: 6 ICSID Reports 461; ITA.

Award, 9 January 2003. Reported: 18 ICSID Review – FILJ 195 (2003); 6 ICSID Reports 470; ICSID homepage; ITA; IC.
43, 17, 74; **46**, 32, 81.

Adriano Gardella v. Côte d'Ivoire

Adriano Gardella S.p.A. v. Côte d'Ivoire (Case No. ARB/74/1)

Award, 29 August 1977. Reported: 1 ICSID Reports 287 (excerpts).
42, 57, 100, 207; **56**, 30.

AES v. Argentina

AES Corporation v. Argentine Republic (Case No. ARB/02/17)

Decision on Jurisdiction, 26 April 2005. Reported: 12 ICSID Reports 312; ITA; IC.
25, 109; **26**, 101, 217; **42**, 10, 184.

AES Summit Generation v. Hungary

AES Summit Generation Limited v. Republic of Hungary (Case No. ARB/01/4)

Order Noting Discontinuance, 3 January 2002.

African Holding v. DR Congo

African Holding Company of America, Inc. and Société Africaine de Construction au Congo S.A.R.L. v. Democratic Republic of the Congo (ICSID Case No. ARB/05/21)

Award and Dissenting Opinion, 29 July 2008. Reported: ICSID homepage; ITA; IC.

AGIP v. Congo

AGIP S.p.A. v. People's Republic of the Congo (Case No. ARB/77/1)

Award, 30 November 1979. Reported: 1 ICSID Reports 309; 64 *Rivista di diritto internazionale* 863 (1981); 71 *Revue critique de droit international privé* 92 (1982); 21 *ILM* 726 (1982); 8 *Y.B. Com. Arb.* 133 (1983) (excerpts); 67 *ILR* 318 (1984).
25, 47, 75, 328, 517; **42**, 33, 97, 98, 120, 220, 258; **43**, 31, 61, 66; **45**, 50; **47**, 34, 40, 81.

Aguas del Tunari v. Bolivia

Aguas del Tunari S.A. v. Republic of Bolivia (Case No. ARB/02/3)

Decision on Jurisdiction, 21 October 2005. Reported: ICSID homepage; ITA; IC.
25, 765, 773, 831, 847, 859–863; **27**, 47; **43**, 15–16, 79, 102; **44**, 124.

Order Noting Discontinuance, 28 March 2006.

Ahmonseto v. Egypt

Ahmonseto, Inc. and others v. Arab Republic of Egypt (Case No. ARB/02/15)

Award, 18 June 2007.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

Table of cases

xv

AIG v. Kazakhstan

AIG Capital Partners, Inc. and CJSC Tema Real Estate Company v. Republic of Kazakhstan (Case No. ARB/01/6)

Award, 7 October 2003. Reported: 11 ICSID Reports 3.

41, 41; **54**, 61, 62; **55**, 38, 70, 118.

Alcoa Minerals v. Jamaica

Alcoa Minerals of Jamaica, Inc. v. Jamaica (Case No. ARB/74/2)

Decision on Jurisdiction, 6 July 1975. Reported: 4 Y.B. Com. Arb. 206 (1979) (excerpts).

25, 607–608, 938; **42**, 14, 49, 80.

Order Noting Discontinuance, 27 February 1997.

25, 608.

Amco v. Indonesia

Amco Asia Corporation and others v. Republic of Indonesia (Case No. ARB/81/1)

Decision on Disqualification, 24 June 1982. Reported: *Reisman W.M./Craig W.L./Park W./Paulsson J.*, International Commercial Arbitration 624–631 (1997).

Decision on Jurisdiction, 25 September 1983. Reported: 1 ICSID Reports 389; 23 ILM 351 (1984); 10 Y.B. Com. Arb. 61 (1985) (excerpts); 89 ILR 379 (1992); 1985 Revue de l'arbitrage 259 (excerpts); 113 Journal du droit international 202 (1986).

Preamble, 13; **25**, 217, 264, 324, 339, 340, 389, 414, 468, 581, 587, 703, 765, 780, 799, 816, 833, 841, 842, 875; **26**, 137; **52**, 67; **57**, 21.

Decision on Provisional Measures, 9 December 1983. Reported: 1 ICSID Reports 410; 24 ILM 365 (1985); 11 Y.B. Com. Arb. 159 (1986) (excerpts); 89 ILR 402 (1992).

26, 184; **44**, 114; **47**, 40, 137, 149, 160.

Award, 20 November 1984. Reported: 1 ICSID Reports 413; 24 ILM 1022 (1985) (excerpts); 1 International Arbitration Report 601 (1986); 89 ILR 405 (1992); 114 Journal du droit international 145 (1987) (excerpts).

26, 138; **42**, 16, 77, 144, 163, 210, 261; **46**, 26, 80; **49**, 21; **52**, 67, 227, 239, 240, 252, 506; **61**, 33.

Decision on Annulment, 16 May 1986. Reported: 1 ICSID Reports 509; 25 ILM 1439 (1986); 1 International Arbitration Report 649 (1986); 12 Y.B. Com. Arb. 129 (1987); 89 ILR 514 (1992); 114 Journal du droit international 175 (1987) (excerpts).

25, 71, 341, 490; **26**, 209; **42**, 16, 152, 194, 212, 216, 261, 269; **46**, 27; **48**, 62; **49**, 71; **52**, 13, 17, 23, 67, 88, 90, 97, 152, 198, 212, 227, 228, 241, 252, 253, 267–269, 324, 351, 369, 392, 405, 408, 415, 423, 442, 469, 488, 493, 498, 506, 520, 526, 555, 597, 629, 652, 658, 675; **61**, 39.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition

Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair

Frontmatter

[More information](#)

xvi

Table of cases

Resubmitted Case: Decision on Jurisdiction, 10 May 1988. Reported: 1 ICSID Reports 543; 3 ICSID Review – FILJ 166 (1988); 27 ILM 1281 (1988); 3 International Arbitration Report, No. 6, at Sec. A (June 1988); 14 Y.B. Com. Arb. 92 (1989) (excerpts); 89 ILR 552 (1992); 116 Journal du droit international 143 (1989) (excerpts); ICSID homepage.

25, 97, 341; 42, 158; 46, 27, 66, 91; 52, 658, 664, 671, 673, 690, 694.

Resubmitted Case: Award, 5 June 1990. Reported: 1 ICSID Reports 569; 5 International Arbitration Report, No. 11, at Sec. D (November 1990); 17 Y.B. Com. Arb. 73 (1992) (excerpts); 89 ILR 580 (1992); 118 Journal du droit international 172 (1991) (excerpts).

26, 139; 42, 235; 49, 42; 52, 306, 687, 694; 61, 24.

Resubmitted Case: Decision on Supplementation and Rectification, 17 October 1990. Reported: 1 ICSID Reports 638; 89 ILR 658 (1992).

49, 42, 43, 85; 52, 78, 303, 306.

Interim Order No. 1 on Stay of Enforcement, 2 March 1991. Reported: 9 ICSID Reports 59.

Resubmitted Case: Decision on Annulment, 3 December 1992. Reported: 9 ICSID Reports 9.

48, 65; 49, 42; 52, 18, 19, 24, 29, 42, 44, 47, 78, 165, 200, 270, 292, 303, 306, 307, 353, 370, 470, 496, 600, 615, 631, 658, 675, 676.

AMT v. Zaire

American Manufacturing & Trading, Inc. v. Republic of Zaire (Case No. ARB/93/1)

Award and Individual Opinions, 21 February 1997. Reported: 36 ILM 1534 (1997); 12 International Arbitration Reports No. 4, at Sec. A (Apr. 1997); 5 ICSID Reports 14; 22 Y.B. Com. Arb. 60 (1997) (excerpts); 125 Journal du droit international 243 (1998); ITA; IC.

25, 452; 45, 37, 53, 60, 64, 75, 89; 49, 21; 51, 3, 29, 32; 61, 29, 56.

Archer Daniels v. Mexico (AF)

Archer Daniels Midland Company and Tate & Lyle Ingredients Americas, Inc. v. United Mexican States (Case No. ARB(AF)/04/5)

Order of the Consolidation Tribunal, 20 May 2005. Reported: ICSID homepage; ITA; IC.

Award, 21 November 2007. Reported: ITA.

Decision on Rectification, 8 January 2008.

Astaldi v. Honduras

Astaldi S.p.A. & Columbus Latinoamericana de Construcciones S.A. v. Republic of Honduras (Case No. ARB/99/8)

Award, 19 October 2000.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

Table of cases

xvii

Atlantic Triton v. Guinea

Atlantic Triton Company Limited v. People's Revolutionary Republic of Guinea
 (Case No. ARB/84/1)

Award, 21 April 1986. Reported: 115 *Journal du droit international* 181 (1988) (excerpts); 3 ICSID Reports 13.

26, 170, 171; **41**, 37; **42**, 26, 255, 268, 278; **46**, 19, 48, 63, 69, 93; **47**, 28, 40, 103–105, 162; **49**, 19.

Autopista v. Venezuela

Autopista Concesionada de Venezuela, C.A. v. Bolivarian Republic of Venezuela
 (Case No. ARB/00/5)

Decision on Jurisdiction, 27 September 2001. Reported: ICSID Review – FILJ 469 (2001); 6 ICSID Reports 419; ICSID homepage; IC.

25, 474, 747, 765, 771, 804, 805, 824, 845, 848, 881; **27**, 8, 45.

Award, 23 September 2003. Reported: 10 ICSID Reports 314; ICSID homepage; IC.

26, 142, 143; **42**, 39, 68, 110, 134, 156, 224; **46**, 46.

Azinian v. Mexico (AF)

Robert Azinian and others v. United Mexican States (Case No. ARB(AF)/97/2)

Award, 1 November 1999. Reported: 14 ICSID Review – FILJ 538 (1999); 39 ILM 537 (2000); 121 ILR 2 (2002); 5 ICSID Reports 272; ICSID homepage; ITA; IC.

43, 93, 111; **61**, 35.

Azurix v. Argentina

Azurix Corp. v. Argentine Republic (Case No. ARB/01/12)

Decision on Provisional Measures, 6 August 2003.

47, 44, 54, 66, 77, 83, 144, 164, 175.

Decision on Jurisdiction, 8 December 2003. Reported: 43 ILM 262 (2004); 10 ICSID Reports 416; 131 *Journal du droit international* 275 (2004) (excerpts); ICSID homepage; ITA; IC.

26, 69, 89.

Award, 14 July 2006. Reported: ICSID homepage; ITA; IC.

42, 196, 242; **43**, 41; **49**, 20.

Decision on Continued Stay of Enforcement, 28 December 2007. Reported: ICSID homepage; ITA; IC.

52, 120, 580, 607, 623, 643–646.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

xviii

*Table of cases****Banro v. DR Congo***

Banro American Resources, Inc. and Société Aurifère du Kivu et du Maniema S.A.R.L. v. Democratic Republic of the Congo (Case No. ARB/98/7)

Award and Dissenting Opinion, 1 September 2000. Reported: 17 ICSID Review – FILJ 382 (2002) (excerpts); ICSID homepage (excerpts); IC (excerpts).
25, 351, 355, 748; **27**, 7, 12.

Bayindir v. Pakistan

Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan (Case No. ARB/03/29)

Decision on Jurisdiction, 14 November 2005. Reported: ICSID homepage; ITA; IC.
26, 104, 119; **41**, 89; **43**, 118; **47**, 44, 55, 97.

Bayview v. Mexico (AF)

Bayview Irrigation District et al. v. United Mexican States (Case No. ARB(AF)/05/1)

Award, 19 June 2007. Reported: ICSID homepage; ITA; IC.
25, 196.

Benvenuti & Bonfant v. Congo

S.A.R.L. Benvenuti & Bonfant v. People's Republic of the Congo (Case No. ARB/77/2)

Award, 15 August 1980. Reported: 21 ILM 740 (1982), with correction at 21 ILM 1478 (1982); 8 Y.B. Com. Arb. 144 (1983); 67 ILR 345 (1984); 1 ICSID Reports 335.
25, 70; **26**, 133, 208; **42**, 59, 133, 143, 149, 208, 259, 267, 277, 279; **43**, 39; **45**, 26, 51, 60, 62, 63, 73, 84, 87; **46**, 24, 48, 89; **54**, 50; **55**, 43, 117; **61**, 13.

Biwater Gauff v. Tanzania

Biwater Gauff (Tanzania) Ltd. v. United Republic of Tanzania (Case No. ARB/05/22)

Procedural Order No. 1, 31 March 2006. Reported: 22 ICSID Review – FILJ 155 (2007); ICSID homepage; ITA; IC.
43, 62, 80; **47**, 22, 44, 56, 68, 78, 85–89.

Procedural Order No. 2, 24 May 2006. Reported: ITA.
43, 72.

Procedural Order No. 3, 29 September 2006. Reported: 22 ICSID Review – FILJ 181 (2007); ICSID homepage; ITA; IC.
44, 116–120.

Procedural Order No. 5, 2 February 2007. Reported: 22 ICSID Review – FILJ 217 (2007); ICSID homepage; ITA; IC.
44, 106, 119, 127.

Procedural Order No. 6, 25 April 2007. Reported: ITA; IC.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

Table of cases

xix

Award, Concurring and Dissenting Opinion, 24 July 2008. Reported: ICSID homepage; ITA; IC.

BP America v. Argentina

BP America Production Co. & others v. Argentine Republic (Case No. ARB/04/8)

Decision on Preliminary Objections, 27 July 2006. Reported: ITA; IC.

Cable TV v. St. Kitts and Nevis

Cable Television of Nevis, Ltd. and Cable Television of Nevis Holdings, Ltd. v. Federation of St. Kitts and Nevis (Case No. ARB/95/2)

Award, 13 January 1997. Reported: 13 ICSID Review – FILJ 328 (1998); 5 ICSID Reports 108; ICSID homepage.

25, 219, 249, 381, 765, 786, 822, 858, 906; 26, 173; 36, 39, 40; 49, 21; 61, 12.

Camuzzi v. Argentina I

Camuzzi International S.A. v. Argentine Republic (Case No. ARB/03/2)

Decision on Jurisdiction, 11 May 2005. Reported: ICSID homepage; ITA; IC.

25, 297, 706, 835–837; 26, 129; 27, 9.

Camuzzi v. Argentina II

Camuzzi International S.A. v. Argentine Republic (Case No. ARB/03/7)

Decision on Jurisdiction, 10 June 2005. Reported: ICSID homepage; IC.

Casado v. Chile* see *Pey Casado v. Chile

CDC v. Seychelles

CDC Group plc v. Republic of Seychelles (Case No. ARB/02/14)

Award, 17 December 2003. Reported: 11 ICSID Reports 211; ICSID homepage; IC.

25, 273, 715; 42, 29.

Decision on Continued Stay of Enforcement, 14 July 2004. Reported: 11 ICSID Reports 225.

52, 602, 611, 618, 625, 636.

Decision on Annulment, 29 June 2005. Reported: 11 ICSID Reports 237; IC.

43, 21; 48, 53; 49, 23; 52, 19, 33, 38, 104, 136, 138, 219, 286, 288, 304, 322, 330, 337, 356, 378, 397, 411, 416, 425, 454, 475, 484, 523; 57, 13; 61, 40.

Cemex v. Indonesia

Cemex Asia Holdings Ltd. v. Republic of Indonesia (Case No. ARB/04/3)

Award, 23 February 2007.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

xx

*Table of cases****Champion Trading v. Egypt***

Champion Trading Company, Ameritrade International, Inc., James T. Wahba, John B. Wahba, Timothy T. Wahba v. Arab Republic of Egypt (Case No. ARB/02/9)

Decision on Jurisdiction, 21 October 2003. Reported: 19 ICSID Review – FILJ 275 (2004); 10 ICSID Reports 400; ICSID homepage; ITA; IC.
25, 669–671, 673; **26**, 68.

Award, 27 October 2006. Reported: ITA; IC.
43, 33; **44**, 69; **49**, 19.

City Oriente v. Ecuador

City Oriente Limited v. Republic of Ecuador and Empresa Estatal Petróleos del Ecuador (Petroecuador) (Case No. ARB/06/21)

Interim Protection Orders, 24 October 2007. Reported: IC.

Decision on Provisional Measures, 19 November 2007. Reported: IC.

Decision on Revocation of Provisional Measures, 13 May 2008. Reported: IC.
47, 62.

CMS v. Argentina

CMS Gas Transmission Company v. Argentine Republic (Case No. ARB/01/8)

Decision on Jurisdiction, 17 July 2003. Reported: 42 ILM 788 (2003); 7 ICSID Reports 494; 131 Journal du droit international 236 (2004) (excerpts); ICSID homepage; ITA; IC.
25, 91, 107, 578, 704, 706, 792; **26**, 65, 66, 86; **42**, 7, 12; **46**, 83.

Award, 12 May 2005. Reported: 44 ILM 1205 (2005); ICSID homepage; ITA; IC.
42, 127, 197, 240; **43**, 54; **46**, 55; **52**, 360; **53**, 17.

Decision on Continued Stay of Enforcement, 1 September 2006. Reported: ICSID homepage; ITA; IC.

52, 584, 588, 606, 611, 620, 642, 651.

Decision on Annulment, 25 September 2007. Reported: ICSID homepage; ITA; IC.
52, 15, 40, 44, 185, 225, 231, 360, 361, 385–387, 454, 490, 491, 504, 529, 606, 655, 684.

Colt Industries v. Korea

Colt Industries Operating Corporation v. Republic of Korea (Case No. ARB/84/2)

Order Noting Discontinuance, 3 August 1990.

Compagnie Française v. Côte d'Ivoire

Compagnie Française pour le Développement des Fibres Textiles v. Côte d'Ivoire (Case No. ARB/97/8)

Award, 4 April 2000.

Table of cases

xxi

Compañía de Aguas del Aconquija see ***Vivendi v. Argentina***

Compañía del Desarrollo de Santa Elena see ***Santa Elena v. Costa Rica***

Consortium R.F.C.C. see ***RFCC v. Morocco***

Continental Casualty v. Argentina

Continental Casualty Company v. Argentine Republic (Case No. ARB/03/9)

Decision on Jurisdiction, 22 February 2006. Reported: ITA; IC.
 25, 65, 110; 26, 70.

Award, 5 September 2008. Reported: ITA; IC.

Corn Products v. Mexico (AF)

Corn Products International, Inc. v. United Mexican States (Case No. ARB(AF)/04/1)

Order of the Consolidation Tribunal, 20 May 2005. Reported: ICSID homepage;
 ITA; IC.

CSOB v. Slovakia

Ceskoslovenska obchodni banka, a.s. v. Slovak Republic (Case No. ARB/97/4)

Procedural Order No. 2, 9 September 1998. Reported: ICSID homepage; IC.
 47, 13, 111.

Procedural Order No. 3, 5 November 1998. Reported: ICSID homepage; IC.
 47, 141.

Procedural Order No. 4, 11 January 1999. Reported: ICSID homepage; IC.
 26, 141; 47, 29, 113.

Decision on Jurisdiction, 24 May 1999. Reported: 14 ICSID Review – FILJ 251 (1999);
 5 ICSID Reports 335; ICSID homepage; ITA; IC.
 Preamble, 14; 25, 39, 72, 100, 125, 131, 149, 164, 192, 272, 373, 390, 429, 435, 562,
 582, 619, 936; 41, 35; 42, 5; 47, 40, 51.

Procedural Order No. 5, 1 March 2000. Reported: ICSID homepage; IC.
 47, 29, 51, 114, 156.

Decision on Further and Partial Objection to Jurisdiction, 1 December 2000.
 Reported: 15 ICSID Review – FILJ 544 (2000); 26 Y.B. Com. Arb. 87 (2001) (excerpts);
 5 ICSID Reports 358; ICSID homepage; ITA; IC.
 25, 563; 41, 35.

Award, 29 December 2004. Reported: 13 ICSID Reports 181; ITA; IC.
 25, 801, 805; 41, 35; 42, 35, 92.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

xxii

*Table of cases****Desert Line v. Yemen***

Desert Line Projects LLC v. Republic of Yemen (Case No. ARB/05/17)

Award, 6 February 2008. Reported: ITA.

41, 33.

Duke Energy v. Ecuador

Duke Energy Electroquil Partners & Electroquil S.A. v. Republic of Ecuador (Case No. ARB/04/19)

Award, 18 August 2008. Reported: ICSID homepage; ITA; IC.

Duke Energy v. Peru

Duke Energy International Peru Investments No. 1 Ltd. v. Republic of Peru (Case No. ARB/03/28)

Decision on Jurisdiction, 1 February 2006. Reported: ITA; IC.

25, 564; **26**, 15, 16; **42**, 111, 128; **43**, 57, 82; **47**, 134.

Award and Partial Dissenting Opinion, 18 August 2008. Reported: ITA; IC.

El Paso v. Argentina

El Paso Energy International Company v. Argentine Republic (Case No. ARB/03/15)

Decision on Jurisdiction, 27 April 2006. Reported: 21 ICSID Review – FILJ 488 (2006); ICSID homepage; ITA; IC.

25, 358, 449.

Enron v. Argentina

Enron Corporation and Ponderosa Assets, L.P. v. Argentine Republic (Case No. ARB/01/3)

Decision on Jurisdiction, 14 January 2004. Reported: 11 ICSID Reports 273; ITA; IC.
25, 45; **46**, 29; **54**, 78.

Decision on Jurisdiction (Ancillary Claim), 2 August 2004. Reported: 11 ICSID Reports 295; ICSID homepage; ITA; IC.

25, 546, 706; **26**, 70; **46**, 29.

Award, 22 May 2007. Reported: ITA; IC.

25, 359; **42**, 79, 197; **43**, 88; **46**, 29; **56**, 44.

Decision on Rectification, 25 October 2007. Reported: ITA.

Fedax v. Venezuela

Fedax N.V. v. Republic of Venezuela (Case No. ARB/96/3)

Decision on Jurisdiction, 11 July 1997. Reported: 37 ILM 1378 (1998); 5 ICSID Reports 186; 24a Y.B. Com. Arb. 24 (1999) (excerpts); 126 Journal du droit international 276 (1999) (excerpts); ITA; IC.

25, 88, 149, 154, 191, 349, 935; **37**, 33.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

Table of cases

xxiii

Award, 9 March 1998. Reported: 37 ILM 1391 (1998); 5 ICSID Reports 200; 24a Y.B. Com. Arb. 39 (1999) (excerpts); 126 Journal du droit international 294 (1999) (excerpts); ITA; IC.
44, 67; 46, 44; 48, 76; 49, 19.

Feldman v. Mexico (AF)

Feldman v. United Mexican States (Case No. ARB(AF)/99/1)

Decision on Jurisdiction, 6 December 2000. Reported: 18 ICSID Review – FILJ 469 (2003); 7 ICSID Reports 327; 40 ILM 615 (2001); ICSID homepage; ITA; IC.

Award and Dissenting Opinion, 16 December 2002. Reported: 18 ICSID Review – FILJ 488 (2003); 42 ILM 625 (2003); 7 ICSID Reports 341; ICSID homepage; ITA; IC.
26, 221; 43, 46.

Decision on Correction and Interpretation, 13 June 2003. Reported: 18 ICSID Review – FILJ 595 (2003); 7 ICSID Reports 418; ICSID homepage; ITA; IC.

Fireman's Fund v. Mexico (AF)

Fireman's Fund Insurance Company v. United Mexican States (Case No. ARB (AF)/02/1)

Decision on Jurisdiction, 17 July 2003. Reported: 10 ICSID Reports 214; ICSID homepage; ITA; IC.

Award, 17 July 2006. Reported: ICSID homepage (redacted version); ITA (redacted version); IC.

43, 76, 92; 48, 117; 61, 37.

Fraport v. Philippines

Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines (Case No. ARB/03/25)

Award, 16 August 2007. Reported: ITA; IC.

26, 122, 148; 41, 85; 43, 34, 48, 67; 44, 96; 61, 38.

F-W Oil Interests v. Trinidad & Tobago

F-W Oil Interests, Inc. v. Republic of Trinidad & Tobago (Case No. ARB/01/14)

Award, 3 March 2006.

Gabon v. Société Serete S.A.

Republic of Gabon v. Société Serete S.A. (Case No. ARB/76/1)

Order Noting Discontinuance, 27 February 1978.

Gas Natural v. Argentina

Gas Natural SDG, S.A. v. Argentine Republic (Case No. ARB/03/10)

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

xxiv

Table of cases

Decision on Jurisdiction, 17 June 2005. Reported: ITA; IC.
25, 570; **42**, 185.

Generation Ukraine v. Ukraine

Generation Ukraine, Inc. v. Ukraine (Case No. ARB/00/9)

Award, 16 September 2003. Reported: 44 ILM 404 (2005); 10 ICSID Reports 240; ITA; IC.

25, 220, 448, 473; **26**, 214, 223; **43**, 56, 107; **44**, 78; **56**, 25; **58**, 13; **61**, 26.

Genin v. Estonia

Genin, Eastern Credit Limited, Inc. and A.S. Baltoil v. Republic of Estonia (Case No. ARB/99/2)

Award, 25 June 2001. Reported: 17 ICSID Review – FILJ 395 (2002); 6 ICSID Reports 241; ICSID homepage; ITA; IC.

25, 773; **26**, 59, 60; **42**, 147; **46**, 70.

Decision on Supplementation and Rectification, 4 April 2002. Reported: 17 ICSID Review – FILJ 493 (2002); 6 ICSID Reports 304; ICSID homepage; ITA; IC.

49, 51, 52.

Goetz v. Burundi

Goetz and others v. Republic of Burundi (Case No. ARB/95/3)

Award, 10 February 1999. Reported: 15 ICSID Review – FILJ 457 (2000); 6 ICSID Reports 5; 26 Y.B. Com. Arb. 24 (2001) (excerpts); ICSID homepage; ITA; IC.

25, 280; **41**, 55; **42**, 82, 228; **43**, 25; **45**, 16, 20, 31–36, 54, 60, 75, 81, 90; **48**, 77; **54**, 77–79.

Gruslin v. Malaysia

Gruslin v. Malaysia (Case No. ARB/99/3)

Award, 27 November 2000. Reported: 5 ICSID Reports 484; ITA; IC.

25, 487, 604.

Guadalupe Gas v. Nigeria

Guadalupe Gas Products Corporation v. Nigeria (Case No. ARB/78/1)

Award, 22 July 1980.

Helnan v. Egypt

Helnan International Hotels A/S v. Arab Republic of Egypt (Case No. ARB/05/19)

Decision on Jurisdiction, 17 October 2006. Reported: ICSID homepage; ITA; IC.

25, 56, 505.

Award, 3 July 2008. Reported: ICSID homepage; ITA.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
Frontmatter

[More information](#)

Table of cases

xxv

Holiday Inns v. Morocco

Holiday Inns S.A. and others v. Kingdom of Morocco (Case No. ARB/72/1)

Decision on Provisional Measures, 2 July 1972. Unpublished. For a detailed description see *Lalive, P.*, The First ‘World Bank’ Arbitration (*Holiday Inns v. Morocco*) – Some Legal Problems, 51 *British Year Book of International Law* 123, 132–137 (1980) and 1 *ICSID Reports* 645, pp. 653–659.
47, 101, 136, 159.

Decision on Jurisdiction, 12 May 1974. Unpublished. For a detailed description see *Lalive, P.*, The First ‘World Bank’ Arbitration (*Holiday Inns v. Morocco*) – Some Legal Problems, 51 *British Year Book of International Law* 123 (1980) and 1 *ICSID Reports* 645.

25, 95, 216, 288, 320–323, 337, 380, 472, 552, 586, 601, 778, 779, 798; 26, 49, 135, 166; 41, 13; 46, 76; 47, 33, 40, 49, 100; 52, 65; 56, 29, 43; 57, 36.

Order Noting Discontinuance, 17 October 1978.

Houston Industries v. Argentina

Houston Industries Energy, Inc. and others v. Argentine Republic (Case No. ARB/98/1)

Award and Separate Opinion, 24 August 2001.

IBM v. Ecuador

IBM World Trade Corporation v. Republic of Ecuador (Case No. ARB/02/10)

Decision on Jurisdiction and Dissenting Opinion, 22 December 2003. Reported: 13 *ICSID Reports* 105; ITA; IC.
25, 629; 26, 216; 39, 31.

Award, 22 July 2004.

Impregilo v. Pakistan

Impregilo S.p.A. v. Islamic Republic of Pakistan (Case No. ARB/03/3)

Decision on Jurisdiction, 22 April 2005. Reported: 12 *ICSID Reports* 245; *ICSID homepage*; ITA; IC.
25, 334, 506, 692; 26, 102, 103; 36, 41; 41, 88; 43, 47.

Order Noting Discontinuance, 26 September 2005.

Inceysa v. El Salvador

Inceysa Vallisoletana S.L. v. Republic of El Salvador (Case No. ARB/03/26)

Award, 2 August 2006. Reported: ITA; IC.
25, 391, 396, 397, 415, 521, 534; 41, 7; 42, 179.

Decision on Rectification, 16 November 2006.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

xxvi

Table of cases

Industria Nacional de Alimentos see ***Lucchetti v. Peru***

Jan de Nul v. Egypt

Jan de Nul N.V. and Dredging International N.V. v. Arab Republic of Egypt
 (Case No. ARB/04/13)

Decision on Jurisdiction, 16 June 2006. Reported: ITA; IC.
25, 54, 504; **26**, 226; **44**, 68.

Award, 6 November 2008. Reported: ITA; IC.

Joy Mining v. Egypt

Joy Mining Machinery Limited v. Arab Republic of Egypt (Case No. ARB/03/11)

Award, 6 August 2004. Reported: 19 ICSID Review – FILJ 486 (2004); 44 ILM 73 (2005); 13 ICSID Reports 123; 132 Journal du droit international 163 (2005) (excerpts); ICSID homepage; ITA; IC.
25, 103, 126, 160; **26**, 41; **37**, 22.

Order Noting Discontinuance, 16 December 2005.
52, 26.

Kaiser Bauxite v. Jamaica

Kaiser Bauxite Company v. Jamaica (Case No. ARB/74/3)

Decision on Jurisdiction, 6 July 1975. Reported: 1 ICSID Reports 298; 114 ILR 144 (1999).
25, 99, 132, 699, 938; **40**, 9; **41**, 53; **42**, 34, 46, 119; **45**, 14, 25, 49, 60, 80.

Order Noting Discontinuance, 27 February 1977.

Kardassopoulos v. Georgia

Ioannis Kardassopoulos v. Republic of Georgia (Case No. ARB/05/18)

Decision on Jurisdiction, 6 July 2007. Reported: IC.
25, 536; **41**, 83; **42**, 87.

Klöckner v. Cameroon

Klöckner Industrie-Anlagen GmbH and others v. United Republic of Cameroon and Société Camerounaise des Engrais (Case No. ARB/81/2)

Award and Dissenting Opinion, 21 October 1983. Reported: 1984 Revue de l'arbitrage 19 (excerpts); 111 Journal du droit international 409 (1984) (excerpts); 10 Y.B. Com. Arb. 71 (1985) (excerpts); 2 ICSID Reports 9 (excerpts); 114 ILR 157 (1999) (excerpts).
25, 260, 279, 317, 327, 492–497, 553–557, 765, 783, 817, 853, 854, 884; **26**, 25–29; **41**, 84; **42**, 15, 18–19, 150, 165, 181, 209, 262, 263; **43**, 37; **46**, 77, 90; **52**, 163, 175, 234, 249.

Decision on Annulment, 3 May 1985. Reported: 114 Journal du droit international 163 (1987) (excerpts); 1 ICSID Review – FILJ 89 (1986); 11 Y.B. Com. Arb. 162 (1986) (excerpts); 2 ICSID Reports 95; 114 ILR 243 (1999); ICSID homepage.

Table of cases

xxvii

26, 30; **42**, 15, 18–19, 150, 165, 168, 181, 214, 262, 263; **48**, 50, 59, 103; **49**, 70; **52**,
 13, 17, 21–23, 29, 108, 143, 152, 157, 177–180, 197, 211, 214, 237, 245, 248, 266, 290,
 294, 310, 319, 350, 364, 368, 390, 407, 414, 420, 428, 467, 470, 492, 495, 514, 517,
 525, 585; **61**, 39.

Resubmitted Case: Award, 26 January 1988.
52, 375.

Resubmitted Case: Decision on Annulment, 17 May 1990.
52, 23, 24, 31, 42, 92, 321, 326, 336, 374, 375, 659.

Lanco v. Argentina

Lanco International Inc. v. Argentine Republic (Case No. ARB/97/6)

Decision on Jurisdiction, 8 December 1998. Reported: 40 ILM 457 (2001); 5 ICSID
 Reports 369; ITA; IC.
26, 75, 192, 210.

Order Noting Discontinuance, 17 October 2000.

Lemire v. Ukraine (AF)

Lemire v. Ukraine (Case No. ARB(AF)/98/1)

Award, 18 September 2000. Reported: 15 ICSID Review – FILJ 530 (2000); 6 ICSID
 Reports 60; ICSID homepage; ITA; IC.

LESI & Astaldi v. Algeria

LESI, S.p.A. and Astaldi, S.p.A. v. People's Democratic Republic of Algeria (Case No.
 ARB/05/3)

Decision on Jurisdiction, 12 July 2006. Reported: ICSID homepage; ITA; IC.
25, 195.

LESI-DIPENTA v. Algeria

Consortium Groupement L.E.S.I.-DIPENTA v. People's Democratic Republic of Algeria
 (Case No. ARB/03/8)

Award, 10 January 2005. Reported: 19 ICSID Review – FILJ 426 (2004); ICSID
 homepage; ITA; IC.
25, 195, 691.

LETCO v. Liberia

Liberian Eastern Timber Corporation v. Republic of Liberia (Case No. ARB/83/2)

Decision on Jurisdiction, 24 October 1984. Reported: 2 ICSID Reports 349.
25, 133, 218, 265, 342, 765, 784, 819, 855, 876; **45**, 15.

Award, 31 March 1986. Reported: 2 ICSID Reports 346; 26 ILM 647 (1987); 13 Y.B.
 Com. Arb. 35 (1988) (excerpts); 89 ILR 313 (1992); 115 Journal du droit international
 167 (1988) (excerpts).

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition

Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair

Frontmatter

[More information](#)

xxviii

Table of cases

25, 342; **26**, 134; **41**, 54; **42**, 64, 76, 100, 106, 122, 134, 215; **43**, 24; **45**, 18–19, 25, 44, 52, 60, 74, 84, 88; **46**, 92; **48**, 118; **49**, 19; **54**, 56; **55**, 35, 65; **61**, 22.

Decision on Rectification, 10 June 1986. Reported: 2 ICSID Reports 380; 26 ILM 677 (1987); 89 ILR 352.

49, 44; **61**, 69.

LG&E v. Argentina

LG&E Energy Corp., LG&E Capital Corp. and LG&E International Inc. v. Argentine Republic (Case No. ARB/02/1)

Decision on Jurisdiction, 30 April 2004. Reported: 11 ICSID Reports 414; 21 ICSID Review – FILJ 155 (2006); ICSID homepage; ITA; IC.

26, 70; **46**, 85; **48**, 27.

Decision on Liability, 3 October 2006. Reported: 21 ICSID Review – FILJ 203 (2006); ICSID homepage; ITA; IC.

42, 94, 197, 203, 226, 238; **53**, 17.

Award, 25 July 2007. Reported: ITA; IC.

49, 66, 67.

Decision on Supplementation, 8 July 2008. Reported: ITA.

49, 67.

Libananco v. Turkey

Libananco Holdings Co. Limited v. Republic of Turkey (Case No. ARB/06/8)

Decision on Preliminary Issues, 23 June 2008. Reported: ITA; IC.

22, 10.

Loewen v. United States (AF)

Loewen Group, Inc. and Raymond L. Loewen v. United States of America (Case No. ARB(AF)/98/3)

Decision on Jurisdiction, 9 January 2001. Reported: 7 ICSID Reports 425; 129 Journal du droit international 217 (2002); ITA; IC.

44, 109.

Award, 26 June 2003. Reported: 42 ILM 811 (2003); 7 ICSID Reports 442; 131 Journal du droit international 219 (2004) (excerpts); ITA; IC.

25, 756; **26**, 222.

Decision on Supplementation, 13 September 2004. Reported: 44 ILM 836 (2005); 10 ICSID Reports 444; ITA; IC.

Lucchetti v. Peru

Empresas Lucchetti, S.A. and Lucchetti Peru, S.A. v. Republic of Peru (Case No. ARB/03/4)

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
Frontmatter

[More information](#)

Table of cases

xxix

Award, 7 February 2005. Reported: 19 ICSID Review – FILJ 359 (2004); 12 ICSID Reports 219; ICSID homepage; ITA; IC.
25, 53, 502, 773, 793; **26**, 118.

Decision on Annulment and Dissenting Opinion, 5 September 2007. Reported: ICSID homepage; ITA; IC.
52, 114, 151, 170, 202, 316, 332, 384, 454, 564, 585.

Decision on Rectification, 30 November 2007. Reported: ICSID homepage; ITA.

Maffezini v. Spain

Emilio Augustín Maffezini v. Kingdom of Spain (Case No. ARB/97/7)

Decision on Provisional Measures, 28 October 1999. Reported: 16 ICSID Review – FILJ 207 (2001); 5 ICSID Reports 393; 124 ILR 6 (2003); ICSID homepage; ITA; IC.
47, 18, 41, 64, 94, 161, 169.

Decision on Jurisdiction, 25 January 2000. Reported: 16 ICSID Review – FILJ 212 (2001); 5 ICSID Reports 396; 124 ILR 9 (2003); 40 ILM 1129 (2001); ICSID homepage; ITA; IC.
25, 51, 500, 568, 569; **26**, 211–213.

Award, 13 November 2000. Reported: 16 ICSID Review – FILJ 248 (2001); 5 ICSID Reports 419; 124 ILR 35 (2003); 40 ILM 1148 (2001); ICSID homepage; ITA; IC.

Decision on Rectification, 31 January 2001. Reported: 16 ICSID Review – FILJ 279 (2001); 5 ICSID Reports 440; 124 ILR 58 (2003); ICSID homepage; ITA; IC.
49, 49.

Malaysian Historical Salvors v. Malaysia

Malaysian Historical Salvors, SDN, BHD v. Malaysia (Case No. ARB/05/10)

Award, 17 May 2007. Reported: ICSID homepage; ITA; IC.
25, 157, 167; **44**, 108.

Manufacturers Hanover Trust v. Egypt

Manufacturers Hanover Trust Company v. Arab Republic of Egypt and General Authority for Investment and Free Zones (Case No. ARB/89/1)

Order Noting Discontinuance, 24 June 1993.
25, 405.

MCI v. Ecuador

MCI Power Group L.C. and New Turbine, Inc. v. Republic of Ecuador (Case No. ARB/03/6)

Award, 31 July 2007. Reported: ITA; IC.
42, 148, 227.

Cambridge University Press

978-0-521-88559-1 - The Icsid Convention: A Commentary: A Commentary on the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States: Second Edition
 Christoph H. Schreuer with Loretta Malintoppi, August Reinisch and Anthony Sinclair
 Frontmatter

[More information](#)

xxx

*Table of cases****Metalclad v. Mexico (AF)***

Metalclad Corporation v. United Mexican States (Case No. ARB(AF)/97/1)

Award, 30 August 2000. Reported: 16 ICSID Review – FILJ 168 (2001); 40 ILM 36 (2001); 26 Y.B. Com. Arb. 99 (2001) (excerpts); 119 ILR 618 (2002); 5 ICSID Reports 212; 129 Journal du droit international 233 (2002) (excerpts); ICSID homepage; ITA; IC.

44, 115; **46**, 23; **53**, 9.

Metalpar v. Argentina

Metalpar S.A. and Buen Aire S.A. v. Argentine Republic (Case No. ARB/03/5)

Decision on Jurisdiction, 27 April 2006. Reported: ITA; IC.

Award, 6 June 2008. Reported: ITA; IC.

Micula v. Romania

Ioan Micula, Viorel Micula, S.C. European Food S.A., S.C. Starmill S.R.L. and S.C. Multipack S.R.L. v. Romania (Case No. ARB/05/20)

Decision on Jurisdiction, 24 September 2008. Reported: ITA.

25, 645.

Middle East Cement v. Egypt

Middle East Cement Shipping and Handling Co. S.A. v. Arab Republic of Egypt (Case No. ARB/99/6)

Award, 12 April 2002. Reported: 18 ICSID Review – FILJ 602 (2003); 7 ICSID Reports 178; ICSID homepage; ITA; IC.

26, 61; **42**, 83, 90; **43**, 101, 106; **46**, 20, 39.

Mihaly v. Sri Lanka

Mihaly International Corporation v. Democratic Republic of Sri Lanka (Case No. ARB/00/2)

Award and Concurring Opinion, 15 March 2002. Reported: 17 ICSID Review – FILJ 142 (2002); 41 ILM 867 (2002); 6 ICSID Reports 310; ICSID homepage; IC.

25, 176, 352, 361, 749; **41**, 14.

MINE v. Guinea

Maritime International Nominees Establishment v. Republic of Guinea (Case No. ARB/84/4)

Award, 6 January 1988. Reported: 4 ICSID Reports 61; 3 International Arbitration Report, No. 1, Sec. A (Jan. 1988); 14 Y.B. Com. Arb. 82 (1989) (excerpts).

26, 9, 115, 149–153, 167, 168; **37**, 32; **41**, 46; **42**, 17; **46**, 62; **47**, 27, 35, 40, 106–109, 171; **52**, 242, 393; **61**, 23, 42, 72.