

## 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*

<b>PREAMBLE</b>	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

Table of Contents

[More information](#)

vi	<i>Contents</i>	
	<b>SECTION 4</b>	
	<b>The Panels</b>	
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
	<b>SECTION 5</b>	
	<b>Financing the Centre</b>	
Article 17 – Financing		56
	<b>SECTION 6</b>	
	<b>Status, Immunities and Privileges</b>	
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
	<b>CHAPTER II</b>	
	<b>Jurisdiction of the Centre</b>	
Article 25 – Jurisdiction		71
Article 26 – Exclusive Remedy		348
Article 27 – Diplomatic Protection		414
	<b>CHAPTER III</b>	
	<b>Conciliation</b>	
	<b>SECTION I</b>	
	<b>Request for Conciliation</b>	
Article 28 – Request for Conciliation		431
	<b>SECTION 2</b>	
	<b>Constitution of the Conciliation Commission</b>	
Article 29 – Composition of Commission		433
Article 30 – Appointment by Chairman		436
Article 31 – Qualities of Conciliators		438
	<b>SECTION 3</b>	
	<b>Conciliation Proceedings</b>	
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

Table of Contents

[More information](#)

<i>Contents</i>	vii
Article 34 – Conciliation Proceedings and Report	443
Article 35 – Non-Invocation in Subsequent Proceedings	453
 <b>CHAPTER IV</b> <b>Arbitration</b>	
 SECTION 1	
<b>Request for Arbitration</b>	
Article 36 – Request for Arbitration	455
 SECTION 2	
<b>Constitution of the Tribunal</b>	
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	
<b>Powers and Functions of the Tribunal</b>	
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	
<b>The Award</b>	
Article 48 – Award	805
Article 49 – Dispatch, Supplementation and Rectification	840
 SECTION 5	
<b>Interpretation, Revision and Annulment of the Award</b>	
Article 50 – Interpretation	866
Article 51 – Revision	878
Article 52 – Annulment	890
 SECTION 6	
<b>Recognition and Enforcement of the Award</b>	
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

Table of Contents

[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
-------------------------	------