

Cambridge University Press
978-0-521-19261-3 - ICSID REPORTS: Volume 16
Edited by James Crawford and Joanna Gomula
Frontmatter
[More information](#)

ICSID Reports

Volume 16

The *ICSID Reports* provide the only comprehensive published collection of arbitral awards and decisions given under the auspices of the World Bank's International Centre for the Settlement of Investment Disputes or pursuant to other multilateral or bilateral investment treaties, including in particular the North American Free Trade Agreement (NAFTA) and the Energy Charter Treaty (ECT). These decisions, which are fully indexed, make an important contribution to the growing body of jurisprudence on international investment. The *ICSID Reports* are an invaluable tool for practitioners and scholars working in the field of international commercial arbitration or advising foreign investors. Volume 16 of the *ICSID Reports* includes the final award on jurisdiction and merits in *Methanex v. United States*, and the awards in *F-W Oil Interests v. Trinidad and Tobago*, *Noble Ventures v. Romania* and *Berschader v. Russia*.

Cambridge University Press
978-0-521-19261-3 - ICSID REPORTS: Volume 16
Edited by James Crawford and Joanna Gomula
Frontmatter
[More information](#)

Cambridge University Press
978-0-521-19261-3 - ICSID REPORTS: Volume 16
Edited by James Crawford and Joanna Gomula
Frontmatter
[More information](#)

ICSID REPORTS

Volume
16

Cambridge University Press
978-0-521-19261-3 - ICSID REPORTS: Volume 16
Edited by James Crawford and Joanna Gomula
Frontmatter
[More information](#)

This volume may be cited as: *16 ICSID Reports*

Cambridge University Press
978-0-521-19261-3 - ICSID REPORTS: Volume 16
Edited by James Crawford and Joanna Gomula
Frontmatter
[More information](#)

ICSID REPORTS

Reports of cases decided under the Convention on the Settlement of
Investment Disputes between States and Nationals of Other States, 1965
and related decisions on international protection of investments

Volume
16

EDITED
BY

JAMES CRAWFORD, SC, FBA, LL D (Cantab.)
*Whewell Professor of International Law,
University of Cambridge*

AND

JOANNA GOMULA, LL M, PhD
*Fellow of the Lauterpacht Centre for International Law,
University of Cambridge*

CONSULTING EDITOR

Sir ELIHU LAUTERPACHT, CBE, QC, LL D
*Honorary Professor of International Law, University of Cambridge
Bencher of Gray's Inn*

A PUBLICATION OF
THE LAUTERPACHT CENTRE FOR INTERNATIONAL LAW,
UNIVERSITY OF CAMBRIDGE

GROTIUS PUBLICATIONS



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-0-521-19261-3 - ICSID REPORTS: Volume 16
Edited by James Crawford and Joanna Gomula
Frontmatter
[More information](#)

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, 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/9780521192613

© Cambridge University Press 2012

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 2012

4th printing 2015

Printed in the United Kingdom by CPI Group Ltd, Croydon CR0 4YY

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

ISBN 978-0-521-19261-3 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>Page</i>
<i>Introduction</i>	ix
<i>Editorial Note</i>	xi
<i>Acknowledgements</i>	xiii
<i>Table of Cases Reported in Volume 16</i>	xiv
<i>Table of Cases Reported in Volumes 1–16</i>	xv
<i>Digest of Cases Reported in Volume 16</i>	xxix

CASES

<i>Camuzzi International SA v. Argentine Republic</i> (ICSID Case No. ARB/03/2)	3
Decision on Objections to Jurisdiction, 11 May 2005	6
<i>Methanex Corporation v. United States of America</i>	32
Final Award on Jurisdiction and Merits, 3 August 2005	40
<i>Noble Ventures Inc. v. Romania</i> (ICSID Case No. ARB/01/11)	210
Award, 12 October 2005	216
Rectification of Award, 19 May 2006	294
<i>Aguas del Tunari SA v. Republic of Bolivia</i> (ICSID Case No. ARB/02/3)	297
Decision on Respondent's Objections to Jurisdiction, 21 October 2005	303
Declaration, 21 October 2005	379
<i>F-W Oil Interests Inc. v. Republic of Trinidad and Tobago</i> (ICSID Case No. ARB/01/14)	394
Award, 3 March 2006	398
<i>Vladimir Berschader and Moïse Berschader v. Russian Federation</i> (Case No. 080/2004)	462

viii	CONTENTS	
	Award, 21 April 2006	467
	Separate Opinion, 7 April 2006	512
	Correction of Award, 9 June 2006	518
	<i>Fireman's Fund Insurance Company v. United Mexican States</i> (ICSID Case No. ARB(AF)/02/01)	520
	Award, 17 July 2006	523
	<i>Mytilneos Holdings SA v. State Union of Serbia and Montenegro and Republic of Serbia</i>	567
	Partial Award on Jurisdiction, 8 September 2006	572
	Dissenting Opinion, 6 September 2006	612
	INDEX	
	Index, Volume 16	617

INTRODUCTION

Arbitral tribunals and *ad hoc* committees set up under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States administered by the International Centre for Settlement of Investment Disputes (ICSID) have produced a large number of awards and decisions. In recent years, through the Additional Facility mechanism, their number has increased substantially, and their contribution both to the substance of international investment law and the procedure of international arbitration grows in importance. Chapter Eleven arbitration under NAFTA will increasingly contribute its share; so too do the increasing number of *ad hoc* arbitral decisions under bilateral and multilateral investment treaties, which are also included in this series. Many of these cases raise vital issues of investment protection and relate to fundamental questions of the relations between national and international law.

Article 48(5) of the ICSID Convention provides that the Centre shall not publish an award without the consent of the parties thereto. In the absence of an official series of reports of these texts, many have appeared unofficially, from time to time, in a variety of publications in different parts of the world. For those who wish to refer to these awards and decisions in a systematic manner, this diffusion has been a source of difficulty. There is considerable value in collecting and presenting this material in a single publication accompanied by summaries, tables of cases and with a detailed index. Some of the texts in the series have previously been available only in French or Spanish.

James Crawford
Joanna Gomula

Lauterpacht Centre for International Law
University of Cambridge

December 2011

Cambridge University Press
978-0-521-19261-3 - ICSID REPORTS: Volume 16
Edited by James Crawford and Joanna Gomula
Frontmatter
[More information](#)

EDITORIAL NOTE

The *ICSID Reports* contain decisions rendered by arbitral tribunals and *ad hoc* committees set up within the framework of the Centre established pursuant to the ICSID Convention (including those rendered by ICSID tribunals established pursuant to bilateral investment treaties) and other decisions, whether judicial or arbitral, relating to such proceedings. These are accompanied by a full scholarly apparatus and index.

Volume 1 contains, in addition to the Basic Texts of the ICSID system, decisions in cases commenced during the period 1972 to 1981. Volume 2 contains material relating to proceedings commenced between 1981 and 1983, and Volume 3 contains the first three proceedings commenced in 1984. Volume 4 contains the texts of decisions and awards relating to ICSID cases commenced between 1984 and 1992. Volume 5 contains available texts of decisions and awards for proceedings commenced between 1992 and 2000, and Volume 6 contains those commenced between 1995 and 2001. Volume 7 contains decisions and awards for arbitration proceedings commenced between 1997 and 2002. Volume 8 contains decisions and awards for arbitration proceedings commenced between 1996 and 2002. Volume 9 contains decisions and awards for proceedings commenced between 1990 and 2003. Volume 10 contains decisions and awards for proceedings commenced between 1998 and 2004. Volume 11 contains those for proceedings commenced between 2000 and 2002. Volume 12 contains decisions and awards for proceedings commenced between 2001 and 2003. Volume 13 contains decisions and awards for proceedings commenced between 1997 and 2004. Volume 14 contains decisions and awards for proceedings commenced between 1985 and 2004. Volumes 15 and 16 contain decisions and awards for proceedings commenced between 2001 and 2004. To the extent possible, cases are printed in chronological order according to the date of the main award or the date of the first reported stage of proceeding. All the proceedings relating to any given case are, so far as possible, assembled together in their own chronological order.

The awards and decisions in these *Reports* are reproduced, to the greatest extent possible, in the form in which they were handed down. Editorial intervention is limited to minor editorial corrections, the introduction of a summary and of a bold-letter rubric at the head of each case. These are followed by the full text of the original decision, if available, or its translation. No attempt has been made to tamper with the texts by purporting to correct any errors of substance or to clarify obscurities of expression.

Attempts have been made to obtain the full text of all awards and decisions. Where only excerpts are available these have been reproduced. Any omission of material is indicated either by a series of dots or by the insertion of a sentence in square brackets stating the nature of the passage which has been omitted. Should the full text of a previously excerpted or omitted decision or award subsequently become available it will be published in a later volume in the series.

Bold-letter headings preceding each case indicate the main points of law involved in the decision. These entries are also collected in a digest at the beginning of the volume.

The source of the material in this volume is indicated at the end of each case. Where the material has been published in more than one language, one publication in each language is listed. The language of the original decision is also mentioned.

Various tables are printed at the beginning of each volume: an alphabetical table of cases reported in the volume, a consolidated alphabetical table of all the cases so far reported and a digest of the cases reported in the volume.

Earlier volumes contained a consolidated index. This has become impossible due to space considerations, and thus from volume 11 the index is confined to the volume in question. The consolidated index for volumes 1–10 is to be found at 10 *ICSID Reports* 453.

ACKNOWLEDGEMENTS

The permissions granted for the publication of the following texts are gratefully acknowledged.

Summaries were written by Dr Tiina Pajuste and Dr Joanna Gomula. The Editors are also very grateful to Ms Tara Grant who provided general assistance.

The Index was prepared by Miss Maureen MacGlashan CMG and the Tables were prepared by the Editors.

Thanks are due to the Secretary-General and staff of ICSID for their assistance in many ways, including the provision of texts of decisions where this could be done consistent with ICSID rules. Responsibility for the summaries and other contents of this volume remains, however, solely with the Editors.

TABLE OF CASES REPORTED IN VOLUME 16

[ALPHABETICAL]

	<i>Page</i>
<i>Aguas del Tunari SA v. Republic of Bolivia</i> (ICSID Case No. ARB/02/3)	297
Decision on Respondent's Objections to Jurisdiction, 21 October 2005	303
Declaration, 21 October 2005	379
<i>Berschader, Vladimir and Moise v. Russian Federation</i> (Case No. 080/2004)	462
Award, 21 April 2006	467
Separate Opinion, 7 April 2006	512
Correction of Award, 9 June 2006	518
<i>Camuzzi International SA v. Argentine Republic</i> (ICSID Case No. ARB/03/2)	3
Decision on Objections to Jurisdiction, 11 May 2005	6
<i>F-W Oil Interests Inc. v. Republic of Trinidad and Tobago</i> (ICSID Case No. ARB/01/14)	394
Award, 3 March 2006	398
<i>Fireman's Fund Insurance Company v. United Mexican States</i> (ICSID Case No. ARB(AF)/02/01)	520
Award, 17 July 2006	523
<i>Methanex Corporation v. United States of America</i>	32
Final Award on Jurisdiction and Merits, 3 August 2005	40
<i>Mytilneos Holdings SA v. State Union of Serbia and Montenegro and Republic of Serbia</i>	567
Partial Award on Jurisdiction, 8 September 2006	572
Dissenting Opinion, 6 September 2006	612
<i>Noble Ventures Inc. v. Romania</i> (ICSID Case No. ARB/01/11)	210
Award, 12 October 2005	216
Rectification of Award, 19 May 2006	294

TABLE OF CASES REPORTED IN VOLUMES 1–16

[ALPHABETICAL]

	<i>Vol., Page</i>
<i>ADC Affiliate Limited and ADC & ADMC Management Limited v. Republic of Hungary</i> (ICSID Case No. ARB/03/16)	15, 534
Award, 2 October 2006	15, 539
<i>ADF Group Inc. v. United States of America</i> (ICSID Case No. ARB(AF)/00/1)	6, 449
Procedural Order No. 2 Concerning Place of Arbitration, 11 July 2001	6, 453
Procedural Order No. 3 Concerning Production of Documents, 4 October 2001	6, 461
Award, 9 January 2003	6, 470
<i>Adriano Gardella SpA v. Government of Côte d'Ivoire</i> (ICSID Case No. ARB/74/1)	1, 283
Award, 29 August 1977 (excerpts)	1, 287
<i>AES Corporation v. Argentine Republic</i> (ICSID Case No. ARB/02/17)	12, 308
Decision on Jurisdiction, 26 April 2005	12, 312
<i>AGIP SpA v. Government of the People's Republic of the Congo</i> (ICSID Case No. ARB/77/1)	1, 306
Award, 30 November 1979	1, 309
<i>Aguas del Tunari SA v. Republic of Bolivia</i> (ICSID Case No. ARB/02/3)	16, 297
Decision on Respondent's Objections to Jurisdiction, 21 October 2005	16, 303
Declaration, 21 October 2005	16, 379
<i>AIG Capital Partners Inc. and CJSC Tema Real Estate Company v. Republic of Kazakhstan</i> (ICSID Case No. ARB/01/6)	11, 3
Award, 7 October 2003	11, 7
United Kingdom, High Court, Queen's Bench Division, <i>AIG Capital Partners Inc. and Another v. Republic of Kazakhstan</i> , Application for Enforcement of Arbitral Award, 20 October 2005	11, 118
<i>Amco Asia Corp., Pan American Development Ltd and PT Amco Indonesia v. Republic of Indonesia</i> (ICSID Case No. ARB/81/1)	1, 376
Jurisdiction, 25 September 1983	1, 389

xvi	TABLE OF CASES REPORTED IN VOLUMES 1–16	
	Provisional Measures, 9 December 1983	1, 410
	Award, 20 November 1984	1, 413
	Annulment, 16 May 1986	1, 509
	Resubmitted Case: Jurisdiction, 10 May 1988	1, 543
	Resubmitted Case: Award, 5 June 1990	1, 569
	Resubmitted Case: Rectification, 17 October 1990	1, 638
	Resubmitted Case: Annulment, 3 December 1992	9, 9
	Annex, Interim Order No. I, Request for Stay of Enforcement of Award, 2 March 1991	9, 59
	<i>American Manufacturing and Trading Inc. v. Republic of Zaire</i> (ICSID Case No. ARB/93/1)	5, 11
	Award, 21 February 1997	5, 14
	Individual opinions, 21 February 1997	5, 37
	<i>Asian Agricultural Products Ltd [AAP] v. Democratic Socialist Republic of Sri Lanka</i> (ICSID Case No. ARB/87/3)	4, 245
	Award, 27 June 1990	4, 250
	Dissenting opinion, 27 June 1990	4, 296
	<i>Atlantic Triton Company Limited v. People's Revolutionary Republic of Guinea</i> (ICSID Case No. ARB/84/1)	3, 3
	France, Cour d'appel, Rennes, 26 October 1984	3, 4
	France, Cour de cassation, Rennes, 18 November 1986	3, 10
	Award, 21 April 1986	3, 13
	<i>Autopista Concesionada de Venezuela CA v. Bolivarian Republic of Venezuela</i> (ICSID Case No. ARB/00/5)	6, 417
	Decision on Jurisdiction, 27 September 2001	6, 419
	Award, 23 September 2003	10, 309
	<i>Azinian, Davitian and Baca v. United Mexican States</i> (ICSID Case No. ARB(AF)/97/2)	5, 269
	Award, 1 November 1999	5, 272
	<i>Azurix Corp. v. Argentine Republic</i> (ICSID Case No. ARB/01/12)	10, 412
	Decision on Jurisdiction, 8 December 2003	10, 416
	Award, 14 July 2006	14, 374
	<i>Benvenuti and Bonfant srl v. Government of the People's Republic of the Congo</i> (ICSID Case No. ARB/77/2)	1, 330
	Award, 8 August 1980	1, 335
	France, Tribunal de grande instance, Paris, 13 January 1981	1, 368
	France, Cour d'appel, Paris, 26 June 1981	1, 369
	France, Cour de cassation, Paris, 21 July 1987	1, 373

TABLE OF CASES REPORTED IN VOLUMES 1–16

xvii

<i>Berschader, Vladimir and Moïse v. Russian Federation</i>	16, 462
Award, 21 April 2006	16, 467
Separate Opinion, 7 April 2006	16, 512
Correction of Award, 9 June 2006	16, 518
<i>Bogdanov, Agurdino-Invest Ltd and Agurdino-Chimia JSC v. Republic of Moldova</i>	15, 45
Award, 22 September 2005	15, 49
<i>Cable Television of Nevis Ltd and Cable Television of Nevis Holdings Ltd v. Federation of St Kitts and Nevis (ICSID Case No. ARB/95/2)</i>	5, 106
Award, 13 January 1997	5, 108
<i>Camuzzi International SA v. Argentine Republic (ICSID Case No. ARB/03/2)</i>	16, 3
Decision on Objections to Jurisdiction, 11 May 2005	16, 6
<i>Casado and President Allende Foundation v. Republic of Chile (ICSID Case No. ARB/98/2)</i>	6, 373
Decision on Provisional Measures, 25 September 2001	6, 375
<i>CDC Group Plc v. Republic of the Seychelles (ICSID Case No. ARB/02/14)</i>	11, 206
Award, 17 December 2003	11, 211
Decision on Application for Annulment, 29 June 2005	11, 237
<i>Československá Obchodní Banka AS v. Slovak Republic (ICSID Case No. ARB/97/4)</i>	5, 330
Decision on Objections to Jurisdiction, 24 May 1999	5, 335
Decision on Further and Partial Objections to Jurisdiction, 1 December 2000	5, 358
Award, 29 December 2004	13, 181
<i>Champion Trading Company, Ameritrade International Inc., J. T., J. B. and T. T. Wahba v. Arab Republic of Egypt (ICSID Case No. ARB/02/9)</i>	10, 398
Decision on Jurisdiction, 21 October 2003	10, 400
Award, 27 October 2006	14, 485
<i>CME Czech Republic BV (The Netherlands) v. Czech Republic</i>	9, 113
Partial Award on the Merits, 13 September 2001	9, 121
Dissenting opinion	9, 243
Final Award on Damages, 14 March 2003	9, 264
Separate opinion	9, 412
Judicial Review, Sweden, Svea Court of Appeal, 15 May 2003	
<i>Czech Republic v. CME Czech Republic BV</i>	9, 439

xviii TABLE OF CASES REPORTED IN VOLUMES 1–16

<i>CMS Gas Transmission Company v. Republic of Argentina</i> (ICSID Case No. ARB/01/8)	7, 492
Decision on Objections to Jurisdiction, 17 July 2003	7, 494
Award, 12 May 2005	14, 158
Decision on Request for Continued Stay of Enforcement of Award, 1 September 2006	14, 240
Decision on Annulment, 25 September 2007	14, 251
<i>Compañía de Aguas del Aconquija SA and Compagnie Générale des Eaux / Vivendi Universal v. Argentine Republic</i> (ICSID Case No. ARB/97/3)	5, 296
Award, 21 November 2000	5, 299
Decision on the Challenge to the President of the Committee, 3 October 2001	6, 330
Decision on Annulment, 3 July 2002	6, 340
Decision on Supplementation and Rectification of Annulment Decision, 28 May 2003	8, 489
<i>Compañía del Desarrollo de Santa Elena SA v. Republic of Costa Rica</i> (ICSID Case No. ARB/96/1)	5, 153
Award, 17 February 2000	5, 157
Rectification of Award, 8 June 2000	5, 180
<i>Consortium Groupement LESI–DIPENTA v. People’s Democratic Republic of Algeria</i> (ICSID Case No. ARB/03/8)	15, 3
Award, 10 January 2005	15, 7
<i>Duke Energy International Peru Investments No. 1 Ltd v. Republic of Peru</i> (ICSID Case No. ARB/03/28)	15, 100
Decision on Jurisdiction, 1 February 2006	15, 108
Award, 18 August 2008	15, 146
Partial dissenting opinion, 25 July 2008	15, 239
Partial dissenting opinion, 22 July 2008	15, 244
<i>Empresas Lucchetti SA and Lucchetti Perú SA v. Republic of Peru</i> (ICSID Case No. ARB/03/4)	12, 218
Award, 7 February 2005	12, 219
<i>EnCana Corporation v. Republic of Ecuador</i>	12, 400
Interim Award on Request for Interim Measure of Protection, 31 January 2004	12, 408
Partial Award on Jurisdiction, 27 February 2004	12, 413
Award, 3 February 2006	12, 427
Partial dissenting opinion, 30 December 2005	12, 489

TABLE OF CASES REPORTED IN VOLUMES 1–16

xix

<i>Enron Corporation and Ponderosa Assets LP v. Argentine Republic</i> (ICSID Case No. ARB/01/3)	11, 268
Decision on Jurisdiction, 14 January 2004	11, 273
Decision on Jurisdiction (Ancillary Claim), 2 August 2004	11, 295
<i>Ethyl Corporation v. Government of Canada</i>	7, 3
Decision on the Place of Arbitration, 28 November 1997	7, 5
Award on Jurisdiction, 24 June 1998	7, 12
<i>Eureko BV v. Republic of Poland</i>	12, 331
Partial Award, 19 August 2005	12, 335
Dissenting opinion, 19 August 2005	12, 389
<i>F-W Oil Interests Inc. v. Republic of Trinidad and Tobago</i> (ICSID Case No. ARB/01/14)	16, 394
Award, 3 March 2006	16, 398
<i>Fedax NV v. Republic of Venezuela</i> (ICSID Case No. ARB/96/3)	5, 183
Decision on Objections to Jurisdiction, 11 July 1997	5, 186
Award, 9 March 1998	5, 200
<i>Feldman v. United Mexican States</i> (ICSID Case No. ARB(AF)/99/1)	7, 318
Interim Decision on Preliminary Jurisdictional Issues, 6 December 2000	7, 327
Award, 16 December 2002	7, 341
Dissenting opinion	7, 407
Decision on the Correction and Interpretation of the Award, 13 June 2003	7, 418
Canada, <i>United Mexican States v. Feldman Karpa</i>	
Judicial Review, Ontario Superior Court of Justice, 3 December 2003	8, 500
Judicial Review, Ontario Court of Appeal, 11 January 2005	9, 508
<i>Fireman's Fund Insurance Company v. United Mexican States</i> (ICSID Case No. ARB(AF)/02/01)	10, 213
Decision on the Preliminary Question, 17 July 2003	10, 214
Award, 17 July 2006	16, 523
<i>GAMI Investments Inc. v. Government of the United Mexican States</i>	13, 144
Final Award, 15 November 2004	13, 147
<i>Gas Natural SDG, SA v. Argentine Republic</i> (ICSID Case No. ARB/03/10)	14, 282
Decision on Preliminary Questions on Jurisdiction, 17 June 2005	14, 284
<i>Generation Ukraine Inc. v. Ukraine</i> (ICSID Case No. ARB/00/9)	10, 236
Award, 16 September 2003	10, 240

xx	TABLE OF CASES REPORTED IN VOLUMES 1–16	
	<i>Genin and Others v. Republic of Estonia</i> (ICSID Case No. ARB/99/2)	6, 236
	Award, 25 June 2001	6, 241
	Decision on Claimants' Request for Supplementary Decisions and Rectification, 4 April 2002	6, 304
	<i>Goetz and Others v. Republic of Burundi</i> (ICSID Case No. ARB/95/3)	6, 3
	Award, 10 February 1999	6, 5
	Part 1. Decision on Liability, 2 September 1998	6, 5
	Part 2. The Parties' Agreement, 23 December 1998	6, 46
	<i>Grand River Enterprises Six Nations Ltd and Others v. United States of America</i>	15, 503
	Decision on Objections to Jurisdiction, 20 July 2006	15, 505
	<i>Gruslin v. Malaysia</i> (ICSID Case No. ARB/99/3)	5, 483
	Award, 27 November 2000	5, 484
	<i>IBM World Trade Corporation v. Republic of Ecuador</i> (ICSID Case No. ARB/02/10)	13, 102
	Decision on Jurisdiction and Competence, 22 December 2003	13, 105
	Dissenting opinion	13, 118
	Note on Settlement	13, 120
	<i>Impregilo SpA v. Islamic Republic of Pakistan</i> (ICSID Case No. ARB/03/3)	12, 242
	Decision on Jurisdiction, 22 April 2005	12, 245
	<i>Jan de Nul NV and Dredging International NV v. Arab Republic of Egypt</i> (ICSID Case No. ARB/04/13)	15, 400
	Decision on Jurisdiction, 16 June 2006	15, 406
	Award, 6 November 2008	15, 437
	<i>Joy Mining Machinery Limited v. Arab Republic of Egypt</i> (ICSID Case No. ARB/03/11)	13, 121
	Award on Jurisdiction, 6 August 2004	13, 123
	Note on Settlement	13, 143
	<i>Kaiser Bauxite Company v. Government of Jamaica</i> (ICSID Case No. ARB/73/3)	1, 296
	Jurisdiction and Competence, 6 July 1975	1, 298
	<i>Klöckner Industrie-Anlagen GmbH, Klöckner Belge SA and Klöckner Handelsmaatschappij BV v. Republic of Cameroon and Société Camerounaise des Engrais SA</i> (ICSID Case No. ARB/81/2)	2, 3
	Award, 21 October 1983 (excerpts)	2, 9
	Dissenting opinion, 21 October 1983 (excerpts)	2, 77

TABLE OF CASES REPORTED IN VOLUMES 1–16 xxi

Annulment, 3 May 1985	2, 95
Resubmitted Case: Award, 26 January 1988	14, 8
Dissenting opinion	14, 80
Resubmitted Case: Decision on Annulment, 17 May 1990	14, 101
<i>LANCO International Inc. v. Argentine Republic</i> (ICSID Case No. ARB/97/6)	
Preliminary Decision on Jurisdiction, 8 December 1998	5, 367
Preliminary Decision on Jurisdiction, 8 December 1998	5, 369
<i>Lauder v. Czech Republic</i>	
Final Award, 3 September 2001	9, 62
Final Award, 3 September 2001	9, 66
<i>Lemire v. Ukraine</i> (ICSID Case No. ARB(AF)/98/1)	
Award embodying the Parties' Settlement Agreement, 18 September 2000	6, 59
Award embodying the Parties' Settlement Agreement, 18 September 2000	6, 60
<i>LG&E Energy Corporation and Others v. Argentine Republic</i> (ICSID Case No. ARB/02/1)	
Decision on Objections to Jurisdiction, 30 April 2004	11, 411
Decision on Objections to Jurisdiction, 30 April 2004	11, 414
<i>Liberian Eastern Timber Corporation [LETCO] v. Government of the Republic of Liberia</i> (ICSID Case No. ARB/83/2)	
Award, 31 March 1986	2, 343
Award, 31 March 1986	2, 346
Rectification, 14 May 1986	2, 380
United States, District Court, Southern District of New York, 5 September 1986	2, 383
United States, District Court, Southern District of New York, 12 December 1986	2, 385
United States District Court, District of Columbia, 16 April 1987	2, 390
<i>Link-Trading Joint Stock Company v. Department for Customs Control of the Republic of Moldova</i>	
Award on Jurisdiction, 16 February 2001	13, 3
Award on Jurisdiction, 16 February 2001	13, 6
Final Award, 18 April 2002	13, 14
<i>The Loewen Group Inc. and Raymond L. Loewen v. United States of America</i> (ICSID Case No. ARB(AF)/98/3)	
Decision on Objection to Competence and Jurisdiction, 9 January 2001	7, 421
Decision on Objection to Competence and Jurisdiction, 9 January 2001	7, 425
Award, 26 June 2003	7, 442
Decision on Respondent's Request for a Supplementary Decision, 13 September 2004	10, 444
United States District Court, District of Columbia, <i>Loewen v. United States of America</i>	
Judicial Review, 31 October 2005	10, 448

xxii	TABLE OF CASES REPORTED IN VOLUMES 1–16	
	<i>Lucchetti (Empresas) SA and Lucchetti Perú SA v. Republic of Peru</i> (ICSID Case No. ARB/03/4)	12, 218
	Award on Jurisdiction, 7 February 2005	12, 219
	<i>Maffezini v. Kingdom of Spain</i> (ICSID Case No. ARB/97/7)	5, 387
	Decision on Request for Provisional Measures (Procedural Order No. 2), 28 October 1999	5, 393
	Decision on Objections to Jurisdiction, 25 January 2000	5, 396
	Award, 13 November 2000	5, 419
	Rectification of Award, 31 January 2001	5, 440
	<i>Maritime International Nominees Establishment [MINE] v. Republic of Guinea</i> (ICSID Case No. ARB/84/4)	4, 3
	United States District Court, District of Columbia, 12 January 1981	4, 4
	United States Court of Appeals, District of Columbia, 12 November 1982	4, 8
	Belgium, Rechtbank van eerste aanleg, Antwerp, 27 September 1985	4, 32
	Switzerland, Tribunal fédéral, 4 December 1985	4, 35
	Switzerland, Tribunal de première instance, Geneva, 13 March 1986	4, 41
	Switzerland, Autorité de surveillance des offices de poursuite pour dettes et de faillite, Geneva, 7 October 1986	4, 45
	Award, 6 January 1988	4, 54
	Annulment, 22 December 1989	4, 79
	Request for Annulment, Procedural Order No. 1, 17 May 1988	4, 110
	Application for Stay of Enforcement of Award, Interim Order No. 1, 12 August 1988	4, 111
	<i>Metalclad Corporation v. United Mexican States</i> (ICSID Case No. ARB(AF)/97/1)	5, 209
	Award, 30 August 2000	5, 212
	Canada, Supreme Court of British Columbia, <i>United Mexican States v. Metalclad</i>	
	Judicial Review, 2 May 2001	5, 236
	Supplementary Reasons for Judgment, 31 October 2001	6, 52
	<i>Methanex Corporation v. United States of America</i>	7, 208
	Decision on the Place of Arbitration, 31 December 2000	7, 213
	Decision on Petitions from Third Persons to Intervene as “Amici Curiae”, 5 January 2001	7, 224
	First Partial Award (Decision on Jurisdiction and Admissibility), 7 August 2002	7, 239
	Final Award on Jurisdiction and Merits, 3 August 2005	16, 40
	<i>Middle East Cement Shipping and Handling Co. SA v. Arab Republic of Egypt</i> (ICSID Case No. ARB/99/6)	7, 173
	Award, 12 April 2002	7, 178

TABLE OF CASES REPORTED IN VOLUMES 1–16

xxiii

<i>Mihaly International Corporation v. Democratic Socialist Republic of Sri Lanka</i> (ICSID Case No. ARB/00/2)	6, 308
Award, 15 March 2002	6, 310
Individual concurring opinion, 15 March 2002	6, 323
<i>Mobil Oil Corporation, Mobil Petroleum Company Inc., Mobil Oil New Zealand v. Her Majesty the Queen in Right of New Zealand</i> (ICSID Case No. ARB/87/2)	4, 117
New Zealand, High Court, 1 July 1987	4, 119
Findings on Liability, Interpretation and Allied Issues, 4 May 1989	4, 140
<i>Mondev International Ltd v. United States of America</i> (ICSID Case No. ARB(AF)/99/2)	6, 181
Miscellaneous Procedural Orders	6, 186
Award, 11 October 2002	6, 192
<i>MTD Equity Sdn Bhd and MTD Chile SA v. Republic of Chile</i> (ICSID Case No. ARB/01/7)	12, 3
Award, 25 May 2004	12, 6
Decision on Respondent's Request for a Continued Stay of Execution, 1 June 2005	13, 493
Decision on Annulment, 21 March 2007	13, 500
<i>Myers, S. D., Inc. v. Government of Canada</i>	8, 3
Procedural Orders Nos. 10 and 18	8, 13, 15
First Partial Award on Liability, 13 November 2000	8, 18
Separate opinion, 12 November 2000	8, 66
Second Partial Award on Damages, 21 October 2002	8, 124
Final Award on Costs, 30 December 2002	8, 172
Individual dissenting opinion, 30 December 2002	8, 183
Judicial Review, Federal Court of Canada, 13 January 2004	
<i>Attorney-General of Canada v. S. D. Myers Inc.</i>	8, 194
<i>Mytilneos Holdings SA v. State Union of Serbia and Montenegro and Republic of Serbia</i>	16, 567
Partial Award on Jurisdiction, 8 September 2006	16, 572
Dissenting Opinion, 6 September 2006	16, 612
<i>Nagel v. Czech Republic (Ministry of Transportation and Telecommunications)</i> (SCC Case No. 49/2002)	13, 30
Final Award, 9 September 2003	13, 33
Judicial Review, Sweden, Svea Court of Appeal, 26 August 2005	
<i>Nagel v. Czech Republic (Ministry of Transportation and Telecommunications)</i>	13, 96

xxiv	TABLE OF CASES REPORTED IN VOLUMES 1–16	
<i>Noble Ventures Inc. v. Romania</i> (ICSID Case No. ARB/01/11)		16, 210
Award, 12 October 2005		16, 216
Rectification of Award, 19 May 2006		16, 294
<i>Nykomb Synergetics Technology Holding AB v. Republic of Latvia</i>		11, 153
Award, 16 December 2003		11, 158
<i>Occidental Exploration and Production Company v. Republic of Ecuador</i> (LCIA Case No. UN 3467)		12, 54
Final Award, 1 July 2004		12, 59
<i>Republic of Ecuador v. Occidental Exploration and Production Company</i>		12, 101
England, High Court, Queen’s Bench Division, 29 April 2005		12, 104
England, Court of Appeal (Civil Division), 9 September 2005		12, 129
<i>Olguín v. Republic of Paraguay</i> (ICSID Case No. ARB/98/5)		6, 154
Decision on Jurisdiction, 8 August 2000		6, 156
Award, 26 July 2001		6, 164
<i>Petrobart Limited v. Kyrgyz Republic</i>		13, 335
Award I, 13 February 2003		13, 337
Judicial Review, Sweden, Svea Court of Appeal, 13 April 2006		
<i>Petrobart Limited v. Kyrgyz Republic</i>		13, 369
Award II, 29 March 2005		13, 387
Judicial Review, Sweden, Svea Court of Appeal, 19 January 2007		
<i>Kyrgyz Republic v. Petrobart Limited</i>		13, 480
<i>Plama Consortium Limited v. Republic of Bulgaria</i> (ICSID Case No. ARB/03/24)		13, 268
Decision on Jurisdiction, 8 February 2005		13, 272
Order on Provisional Measures, 6 September 2005		13, 324
<i>Pope and Talbot Inc. v. Government of Canada</i>		7, 43
Ruling on Interim Measures, 7 January 2000		7, 54
Award on Preliminary Motion to Dismiss the Claim, 26 January 2000		7, 55
Award on the “Harmac Motion”, 24 February 2000		7, 64
Interim Award, 26 June 2000		7, 69
Award on Canada’s Motion regarding the “Super Fee”, 7 August 2000		7, 92
Ruling on Claim of Crown Privilege, 6 September 2000		7, 99
Award on the Merits of Phase 2, 10 April 2001		7, 102
Award on Damages, 31 May 2002		7, 148
Final Award on Costs, 26 November 2002		7, 170
<i>PSEG Global Inc. and Others v. Republic of Turkey</i> (ICSID Case No. ARB/02/5)		11, 431
Decision on Jurisdiction, 4 June 2004		11, 434

TABLE OF CASES REPORTED IN VOLUMES 1–16

xxv

<i>S. D. Myers Inc. v. Government of Canada</i>	8, 3
Procedural Orders Nos. 10 and 18	8, 13, 15
First Partial Award on Liability, 13 November 2000	8, 18
Separate opinion, 12 November 2000	8, 66
Second Partial Award on Damages, 21 October 2002	8, 124
Final Award on Costs, 30 December 2002	8, 172
Individual dissenting opinion, 30 December 2002	8, 183
Judicial Review, Federal Court of Canada, 13 January 2004	
<i>Attorney-General of Canada v. S. D. Myers Inc.</i>	8, 194
<i>Salini Costruttori SpA and Italstrade SpA v. Hashemite Kingdom of Jordan</i> (ICSID Case No. ARB/02/13)	14, 303
Decision on Jurisdiction, 29 November 2004	14, 306
Award, 31 January 2006	14, 343
Declaration	14, 365
<i>Salini Costruttori SpA and Italstrade SpA v. Kingdom of Morocco</i> (ICSID Case No. ARB/00/4)	6, 398
Decision on Jurisdiction, 23 July 2001	6, 400
<i>Saluka Investments BV v. Czech Republic</i>	15, 250
Decision on Jurisdiction over Counterclaim, 7 May 2004	15, 256
Partial Award, 17 March 2006	15, 274
Judicial Review, Switzerland, Tribunal fédéral, 7 September 2006	
<i>Czech Republic (Ministry of Finance) v. Saluka Investments BV</i>	15, 377
<i>Scimitar Exploration Limited v. Republic of Bangladesh and Bangladesh Oil, Gas and Mineral Corporation</i> (ICSID Case No. ARB/92/2)	5, 3
Award, 5 April 1994	5, 4
<i>SGS Société Générale de Surveillance SA v. Islamic Republic of Pakistan</i> (ICSID Case No. ARB/01/13)	8, 383
Pakistan, Supreme Court, <i>Société Générale de Surveillance SA v. Pakistan, through Secretary, Ministry of Finance</i>	8, 352
Order, 15 March 2002	8, 354
Judgment, 3 July 2002	8, 356
Procedural Order No. 2, 16 October 2002	8, 388
Decision on Disqualification of Arbitrator, 19 December 2002	8, 398
Decision on Objections to Jurisdiction, 6 August 2003	8, 406
Note on Settlement	8, 451
<i>SGS Société Générale de Surveillance SA v. Republic of the Philippines</i> (ICSID Case No. ARB/02/6)	8, 515
Decision on Objections to Jurisdiction, 29 January 2004	8, 518
Declaration, 29 January 2004	8, 568

xxvi	TABLE OF CASES REPORTED IN VOLUMES 1–16	
	<i>Siemens AG v. Argentine Republic</i> (ICSID Case No. ARB/02/8)	12, 171
	Decision on Jurisdiction, 3 August 2004	12, 174
	Award, 6 February 2007	14, 518
	Separate opinion, 30 January 2007	14, 603
	<i>Société d'Exploitation des Mines d'Or de Sadiola SA [Semos] v. Republic of Mali</i> (ICSID Case No. ARB/01/5)	10, 114
	Award, 25 February 2003	10, 116
	<i>Société Ouest Africaine des Bétons Industriels [SOABI] v. State of Senegal</i> (ICSID Case No. ARB/82/1)	2, 164
	Jurisdiction, 1 August 1984	2, 175
	Award, 25 February 1988	2, 190
	Dissenting opinion, 25 February 1988	2, 277
	Declaration of the President of the Tribunal, 25 February 1988	2, 333
	France, Cour d'appel, Paris, 5 December 1989	2, 337
	France, Cour de cassation, 11 June 1991	2, 341
	<i>Soufraki v. United Arab Emirates</i> (ICSID Case No. ARB/02/7)	12, 156
	Award on Jurisdiction, 7 July 2004	12, 158
	<i>Southern Pacific Properties (Middle East) Limited [SPP(ME)] v. Arab Republic of Egypt</i> (ICSID Case No. ARB/84/3)	3, 45
	ICC Award No. YD/AS No. 3493, 11 March 1983	3, 49
	France, Cour d'appel, Paris, 12 July 1984	3, 79
	Netherlands, District Court, Amsterdam, 12 July 1984	3, 92
	France, Cour de cassation, Paris, 6 January 1987	3, 96
	Jurisdiction (No. 1), 27 November 1985	3, 101
	Jurisdiction (No. 2), 14 April 1988	3, 131
	Dissenting opinion, 14 April 1988	3, 163
	Award, 20 May 1992	3, 189
	Dissenting opinion, 20 May 1992	3, 249
	<i>Tanzania Electric Supply Company Limited v. Independent Power Tanzania Limited</i> (ICSID Case No. ARB/98/8)	8, 220
	Award, 12 July 2001	8, 226
	Decision on Provisional Measures, 20 December 1999	8, 239
	Decision on Preliminary Issues, 22 May 2000	8, 243
	Decision on Tariff and Other Remaining Issues, 9 February 2001	8, 272
	Decision on All Further Remaining Issues, 24 May 2001	8, 309
	Stipulation regarding Future Disputes concerning the Construction Contingency Account	8, 317
	Stipulation and Agreement (and Annex)	8, 318

TABLE OF CASES REPORTED IN VOLUMES 1–16 xxvii

<i>Técnicas Medioambientales Tecmed SA v. United Mexican States</i> (ICSID Case No. ARB(AF)/00/2)	10 , 130
Award, 29 May 2003	10 , 134
<i>Tokios Tokelès v. Ukraine</i> (ICSID Case No. ARB/02/18)	11 , 305
Procedural Order No. 1, Claimant’s Request for Provisional Measures, 1 July 2003	11 , 310
Decision on Jurisdiction, 29 April 2004	11 , 313
Dissenting opinion	11 , 341
Procedural Order No. 3, 18 January 2005	11 , 352
<i>Tradex Hellas SA v. Republic of Albania</i> (ICSID Case No. ARB/94/2)	5 , 43
Decision on Jurisdiction, 24 December 1996	5 , 47
Award, 29 April 1999	5 , 70
<i>United Parcel Service of America Inc. v. Government of Canada</i>	7 , 285
Award on Jurisdiction, 22 November 2002	7 , 288
<i>Vacuum Salt Products Limited v. Government of Republic of Ghana</i> (ICSID Case No. ARB/92/1)	4 , 320
Provisional Measures, 14 June 1992	4 , 323
Award, 16 February 1994	4 , 329
“ <i>Vivendi</i> ” / <i>Compañía de Aguas del Aconquija SA and Compagnie Générale des Eaux / Vivendi Universal v. Argentine Republic</i> (ICSID Case No. ARB/97/3)	5 , 296
Award, 21 November 2000	5 , 299
Decision on the Challenge to the President of the Committee, 3 October 2001	6 , 330
Decision on Annulment, 3 July 2002	6 , 340
Decision on Supplementation and Rectification of Annulment Decision, 28 May 2003	8 , 489
<i>Waste Management Inc. v. United Mexican States</i> (ICSID Case No. ARB(AF)/98/2)	5 , 443
Award, 2 June 2000	5 , 445
Dissenting opinion, 2 June 2000	5 , 462
(ICSID Case No. ARB(AF)/00/3)	6 , 538
Decision on Venue of the Arbitration, 26 September 2001	6 , 541
Decision on Preliminary Objection, 26 June 2002	6 , 549
Award, 30 April 2004	11 , 361
<i>Wena Hotels Ltd v. Arab Republic of Egypt</i> (ICSID Case No. ARB/98/4)	6 , 67
Decision on Jurisdiction, 29 June 1999	6 , 74
Award, 8 December 2000	6 , 89
Decision on Annulment, 5 February 2002	6 , 129

xxviii	TABLE OF CASES REPORTED IN VOLUMES 1–16	
	Decision on the Application by Wena Hotels Ltd for Interpretation of the Arbitral Award dated 8 December 2000, 31 October 2005	15, 71
	<i>Yaung Chi Oo Trading Pte Ltd v. Government of the Union of Myanmar</i> (ASEAN ID Case No. ARB/01/1)	8, 452
	Procedural Order No. 2, 27 February 2002	8, 456
	Award, 31 March 2003	8, 463
	<i>Zhinvali Development Limited v. Republic of Georgia</i> (ICSID Case No. ARB/00/1)	10, 3
	Award, 24 January 2003	10, 6
	Separate opinion, 14 January 2003	10, 106

DIGEST OF CASES IN VOLUME 16

Applicable Law

Absence of agreement of the parties – ICSID Convention, Article 42(1) – Whether applicable in determining jurisdiction – Scope of Article 25 of ICSID Convention – Whether only Article 25 applicable in determining jurisdiction

Camuzzi International SA v. Argentine Republic (ICSID Case No. ARB/03/2), 3

Costs

Apportionment of costs – Respectable claims on the merits to be considered in apportionment of costs

F-W Oil Interests Inc. v. Republic of Trinidad and Tobago (ICSID Case No. ARB/01/14), 394
Fireman's Fund Insurance Company v. United Mexican States, 520

Discretion of tribunal to apportion costs – Principle that losing party pays – Considerations in determining apportionment of costs

Vladimir Berschader and Moïse Berschader v. Russian Federation, 462

Principle that injured party should be compensated – “Loser pays” principle not common in international law – Considerations in the award of costs

Noble Ventures Inc. v. Romania (ICSID Case No. ARB/01/11), 210

UNCITRAL Rules, Article 40 – Whether unsuccessful party should bear all costs – Apportionment of costs – Reasonable costs

Methanex Corporation v. United States of America, 32

Diplomatic Protection

Difference between diplomatic protection and international investment protection – Whether diplomatic protection available as a residual mechanism

Camuzzi International SA v. Argentine Republic (ICSID Case No. ARB/03/2), 3

Evidence

Admissibility of evidence – Requirement to make request for disclosure of evidence in timely manner – Good faith in collecting evidence – Claimant’s indifference to the legality of evidence collected – UNCITRAL Rules, Article 15(1) – Equal treatment and procedural fairness – UNCITRAL Rules, Article 25(6) – Tribunal’s discretion to admit evidence – No value of evidence obtained unlawfully – Credibility of evidence – When tribunal may resort to inference

Methanex Corporation v. United States of America, 32

ICSID Convention, Article 43 – Discretion of tribunal in ordering production of evidence – Tribunal’s considerations in ordering the production of evidence

Aguas del Tunari SA v. Republic of Bolivia (ICSID Case No. ARB/02/3), 297

Expropriation

Determination of meaning of expropriation – NAFTA, Article 1131(1) – Tribunal to rely on NAFTA and international law – Whether tribunal permitted to rely on international case law

Fireman’s Fund Insurance Company v. United Mexican States, 520

Loss of investment due to risk not expropriation – Bilateral investment treaties not insurance against investment risk – Discriminatory treatment not tantamount to expropriation – Whether host State’s failure to conclude agreement constitutes expropriation

Fireman’s Fund Insurance Company v. United Mexican States, 520

NAFTA, Article 1110 – Measure tantamount to expropriation – Whether regulation for public purpose expropriatory and compensable

Methanex Corporation v. United States of America, 32

Whether expropriation through judicial reorganization proceedings possible – No expropriation where no viable company and no valuable assets

Noble Ventures Inc. v. Romania (ICSID Case No. ARB/01/11), 210

Foreign Investment

Contract claims as opposed to treaty claims – Umbrella clause – Whether violation of contract is violation of international law – Whether host State