<table>
<thead>
<tr>
<th>Costs</th>
<th>Article 1, 41–43</th>
</tr>
</thead>
<tbody>
<tr>
<td>equality of arms, 107–8</td>
<td>Article 2, 43–53</td>
</tr>
<tr>
<td>equality principle, and, 106–7</td>
<td>Article 3, 53–57</td>
</tr>
<tr>
<td>ICSID Convention, 106</td>
<td>Article 4, 58–67</td>
</tr>
<tr>
<td>security for, 109–10</td>
<td>Article 5, 69–71</td>
</tr>
<tr>
<td>third party funding, 108–9</td>
<td>Article 6, 72–80</td>
</tr>
<tr>
<td>counterclaims</td>
<td>Article 7, 81–83</td>
</tr>
<tr>
<td>admissibility, 73–76, 78–80</td>
<td>Article 8, 84–89</td>
</tr>
<tr>
<td>claims founded on host State law, 80</td>
<td>Article 9, 90–94</td>
</tr>
<tr>
<td>claims founded on international law, 79</td>
<td>Article 10, 95–99</td>
</tr>
<tr>
<td>context, 72–76</td>
<td>Article 11, 100–5, 106–10</td>
</tr>
<tr>
<td>ICSID Convention, 74, 77, 78, 79</td>
<td>English text, 13–21</td>
</tr>
<tr>
<td>International Court of Justice, 75, 79</td>
<td>equality principle, and, 1–3</td>
</tr>
<tr>
<td>Iran–US Claims Tribunal, 79</td>
<td>French text, 22–29</td>
</tr>
<tr>
<td>jurisdiction, 73, 74, 75, 76–78, 79</td>
<td>Preamble, 31–40</td>
</tr>
</tbody>
</table>

**Index**

- **disclosure. See evidence**
- **dispute resolution, equality principle and, 7–9**
- **documents. See evidence**
- **ECtHR. See European Convention on Human Rights**
- **ECtHR. See European Court of Human Rights**
- **English text of Resolution, 13–21**
- **equal access, de
definition of, 39**
- **equal treatment, principle of, 53**
- **equality**
- **appointment of, 53**
- **constitutional principle, as, 36**
- **dispute resolution systems, in, 7–9**
- **human right, as, 39–40**
- **ICSID Convention, and, 1, 9–12, 35, 39, 43**
- **international arbitration, and, 36**
- **International Court of Justice jurisprudence, in, 36**
- **principle of, 1–3**
- **procedural principle, as, 36**
- **reciprocity, and, 36**
- **treatment, of, 53**
- **UNCITRAL Arbitration Rules 2010, and, 10, 37, 38**
- **equality of arms**
- **costs. See costs**
- **definition of, 40**
- **generally, 84–86**
- **late submissions of evidence, 87–88**
- **submission of new evidence after hearing, 88–89**

Equality of Parties before International Investment Tribunals (Resolution)
fair trial
elements of, 12
right to, 39, 48, 54, 59
foreign nationals, access to tribunals limited to,
47–53
France, foreign nationality condition, 50–51
French text of Resolution, 22–29
Germany, foreign nationality condition, 51
good faith. See also bad faith
duty of, 19, 20, 85
Hague Conventions 1899 and 1907, 61
human rights. See also fair hearing, right to; fair
trial
equality as human right, 39–40
international human rights tribunal
jurisdiction, 48
Human Rights Committee, 33, 39, 48
IBA Guidelines on Conflicts of Interest in
International Arbitration 2014, 54, 55, 108
ICCPPR 1966
equality of parties, 33
fair hearing, right to, 38
foreign nationality, condition of, 38
ICSID
ICSID/UNCITRAL Code of Conduct for
Adjudicators in Investor-State Dispute
Settlement 2020, 56
jurisdiction, 44, 61, 74
ICSID Convention
appointment of arbitrators, 55, 59, 60
challenges to impartiality, 56
costs, 106
counterclaims, 74, 77, 78, 79
criminal proceedings, 104
enforceability of arbitral awards, 47
equality principle, and, 1, 9–12, 35, 39, 43
foreign nationality, condition of, 47, 48
investor–State arbitration, 7, 43
jurisdiction, 47
multiple claimants, 70, 71
ICSID Rules of Procedure for Arbitration
Proceedings (ICSID Arbitration Rules)
admissibility, 79
examination of witnesses, 93
security for costs, 110
third–party funding, 109

IIL. See Institute of International Law
ILA. See International Law Association
ILC Model Rules on Arbitral Procedure 1958,
10, 37
ILO Administrative Tribunal (ILOAT), 34, 35
impartiality
challenges to, 56–57
ICSID Convention, 56
independence distinguished from, 54
standard of, 54–56
improper means. See bad faith
independence. See judicial independence
Institut de Droit International. See Institute of
International Law
Institute of International Law (IIL), preparation
of Resolution, 3–6
Inter-American Court of Human Rights, 65, 67
international arbitration, equality principle
and, 36
International Centre for Settlement of Investment
Disputes. See ICSID; ICSID Convention
International Court of Justice
admissibility, 33, 75
appointment of members, 67
counterclaims, 75, 79
equality principle, and, 1
jurisdiction, 33, 34, 36, 75
State secret privilege, 102
international courts, equality in jurisprudence of,
32–38
International Covenant on Civil and Political
Rights. See ICCPR 1966
international dispute resolution. See dispute
resolution
International Labour Organization. See ILO
International Law Association, Burgh House
Principles 2004, 57
International Law Commission. See ILC
international tribunals
access to, 43–53
appointment of arbitrators, 59–60
appointment to permanent tribunals, 63–67
arbitral and permanent tribunal appointments
compared, 60–63
counterclaims, 75, 79
equality in jurisprudence of, 32–38
foreign nationals, limitation to, 47–53
jurisdiction. See jurisdiction
Index

124

international tribunals (cont.)
legal character of, 41–43
procedure. See costs; evidence; parties; pleadings
standard of impartiality, 54–56
submission of claims, 43–47
investor–State arbitration
access to, 35, 106
ICSID Convention, 7, 43
Iran–US Claims Tribunal
appointment of members, 64, 67
competence, 6
counterclaims, 79
evidence, 87
jurisdiction, 8
late submissions of evidence, 87
judicial independence
Burgh House Principles 2004, 57
conflicts of interest, and, 55
impartiality distinguished from, 54
importance of, 54
jurisdiction
consent to, 41, 43, 47
counterclaims, 73, 74, 75, 76–78, 79
exclusion of evidence, 95
good faith, and, 102
ICSID, 44, 61, 74
ICSID Convention, 47
International Court of Justice, 33, 34, 36, 75
international courts and tribunals, 37
international human rights tribunals, 48
international investment tribunals, 41, 43
Iran–US Claims Tribunal, 8
multiple claimants, 70, 71
State, 47, 48
legal professional privilege, 96
mass claims distinguished from multiple claimants, 69
multiple claimants
admissibility of claims, 71
jurisdiction, 70, 71
mass claims distinguished from, 69
New York Convention 1958, 38
Pact of San José. See American Convention on Human Rights 1969

Index

parties
counterclaims. See counterclaims
equality as human right, 39–40
equality of arms. See equality of arms
foreign nationality, condition of, 47–53
mass claims distinguished from multiple claimants, 69
multiple claimants, 69–71
third-party submissions, 81–83
Permanent Court of Arbitration, 61
Permanent Court of International Justice, 61
permanent tribunals. See international tribunals
pleadings, equality of arms. See equality of arms
procedural principle of equality, 36
proceedings. See equality of proceedings
production (disclosure) of documents. See evidence
reciprocity
admissibility, and, 36, 84
foreign nationality, condition of, 50
Resolution. See Equality of Parties before International Investment Tribunals
State consent to tribunal jurisdiction, 41, 47
State jurisdiction, 47, 48
State law, counterclaims founded on, 80
State secret privilege, 96–99
State-owned enterprises, admissibility of claims, 46
States as claimants, 43–47
texts of Resolution
English text, 13–21
French text, 22–29
third parties
admissibility of amici curiae submissions, 81, 82
funding of costs, 108–9
submissions, 81–83
tribunals. See international tribunals
UN Administrative Tribunal (UNAT), 35
UNCITRAL Arbitration Rules 2010, appointment of arbitrators, 64
costs, 108
<table>
<thead>
<tr>
<th>Counterclaims, 75</th>
<th>UNCITRAL/ICSID Code of Conduct for Adjudicators in Investor–State Dispute Settlement 2020, 56</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equality principle, and, 10, 37, 38</td>
<td>UNIDROIT. See ALI/UNIDROIT Principles of Transnational Civil Procedure 2004</td>
</tr>
<tr>
<td>Impartiality, 55, 56</td>
<td>Witnesses, attendance of, 93–94</td>
</tr>
<tr>
<td>Objections to disclosure, 100</td>
<td>World Bank, 10, 61</td>
</tr>
<tr>
<td>Third–party submissions (<em>amici curiae</em>), 82</td>
<td>WTO Dispute Settlement Understanding (DSU), 61, 67, 82</td>
</tr>
<tr>
<td>UNCITRAL Model Law on International Commercial Arbitration, 1, 38</td>
<td></td>
</tr>
<tr>
<td>UNCITRAL Rules on Transparency in Treaty-based Investor–State Arbitration 2014, 18</td>
<td></td>
</tr>
</tbody>
</table>