THE VIEW FROM ICSID

Investment Treaty Forum
November 3, 2011

MEMBERSHIP IN FY 2011

- Now have 147 members and 157 signatories

- Qatar, Cape Verde, and Moldova became Contracting States in FY2011
MEMBERSHIP – 147 CONTRACTING STATES & 157 SIGNATORIES

TOTAL CASES REGISTERED - BY CALENDAR YEAR
CASE TRENDS IN FY 2011

- 20% increase in arbitrations registered (32)
- 11 post-award proceedings commenced
- 37 cases concluded
AWARDS IN CONCLUDED ARBITRATIONS – FY 2011

- Award declining jurisdiction: 13%
- Award deciding that the claims are unequally without legal merit: 13%
- Award dismissing all claims: 28%
- Award upholding claim in part or in full: 44%

DURATION OF CASES (MONTHS)

- FY 2009: 42 (Data registered—concluded), 36 (Tribunal constituted—concluded)
- FY 2010: 43 (Data registered—concluded), 37 (Tribunal constituted—concluded)
- FY 2011: 31 (Data registered—concluded), 25 (Tribunal constituted—concluded)
ARBITRATOR PANELS

- Need for additional qualified arbitrators on the ICSID Panels due to the increasing caseload

CURRENT PRACTICE OF THE CENTRE

- The Secretary-General proposes three names, either from the Panel or from outside the Panel, and seeks the agreement of the parties on one of the names
- Parties are given a short time to respond to the ballot – no undue delay to arbitration
- Parties need not share their election with one another
- If there is no agreement by the parties, the Secretary-General proposes a person from the ICSID Panel of Arbitrators
ANNULMENT FACTS - BY DECADE

- Number of Convention cases registered
- Number of appeals being rejected
- Number of decisions allowing the application for annullment
- Number of decisions allowing the annulment in part
- Number of annulment proceedings discontinued

320 Convention arbitration cases registered
139 Convention awards rendered
47 annulment proceedings registered
18 decisions rejecting the application
9 proceedings discontinued
6 awards annulled in full
5 awards annulled in part
EFFECTIVE OCTOBER 31, 2011:

- 3% of all cases registered have ultimately resulted in annulment (in full or in part)
- 8% of all awards rendered have been annulled (in full or in part)

DIRECTIONS FOR UPCOMING YEAR

- Priority: increasing efficiency and service to facility users in on-going cases
- Continue improvements in systems
- Review publications program
- Further training, including for arbitrators
- Updating lists of arbitrators and conciliators