Public Disclosure Authorized

Public Disclosure Authorized

ICSID
INTERNATIONAL CENTRE FOR
SETTLEMENT OF INVESTMENT DISPUTES

68312

# THE ICSID CASELOAD – STATISTICS (ISSUE 2012-1)

ICSID
INTERNATIONAL CENTRE FOR
SETTLEMENT OF INVESTMENT DISPUTES

# The ICSID Caseload – Statistics

## (Issue 2012-1)

This issue of the *ICSID Caseload – Statistics* updates the profile of the ICSID caseload, historically and for the calendar year 2011. It is based on cases registered or administered by ICSID as of December 31, 2011.

As in the previous issues, this document illustrates: the number of cases registered under the ICSID Convention and Additional Facility Rules; the number of other cases administered by the ICSID Secretariat; the basis of consent to ICSID jurisdiction invoked in registered arbitration and conciliation cases; the geographic distribution of ICSID cases by the State party to the dispute; the economic sectors involved in ICSID disputes; the outcomes in ICSID arbitration and conciliation proceedings (including further information on disputes decided by arbitral tribunals); the nationality and geographic origins of arbitrators, conciliators and *ad hoc* committee members appointed in ICSID proceedings; and outcomes to date in annulment proceedings under the ICSID Convention.

The Secretariat will continue to publish the *ICSID Caseload – Statistics* on a bi-annual basis, and welcomes any comments or suggestions by email at ICSIDsecretariat@worldbank.org.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

# TABLE OF CONTENTS[1]

## PART I - ALL CASES REGISTERED AND ADMINISTERED BY ICSID

**1. Map of the ICSID Contracting States and Other Signatories to the ICSID Convention as of December 31, 2011 6**

**2. Cases Registered by ICSID 7**
Chart 1: Total Number of ICSID Cases Registered by Calendar Year 7
Chart 2: Number of Cases Registered under the ICSID Convention and Additional Facility Rules Calendar Year 8
Chart 3: Type of Cases Registered under the ICSID Convention and Additional Facility Rules 8

**3. Non-ICSID Cases Administered by the ICSID Secretariat 9**
Chart 4: Number of Non-ICSID Cases Administered by the ICSID Secretariat over the Past Ten Fiscal Years[2] 9

**4. Basis of Consent Invoked to Establish ICSID Jurisdiction in Registered ICSID Cases 10**
Chart 5: Basis of Consent Invoked to Establish ICSID Jurisdiction in Cases Registered under the ICSID Convention and Additional Facility Rules 10

**5. Geographic Distribution of All ICSID Cases by State Party Involved 11**
Chart 6: Geographic Distribution of All Cases Registered under the ICSID Convention and Additional Facility Rules by State Party Involved 11

**6. Distribution of All ICSID Cases by Economic Sector 12**
Chart 7: Distribution of All Cases Registered under the ICSID Convention and Additional Facility Rules by Economic Sector 12

**7. ICSID Arbitration and Conciliation Proceedings – Outcomes 13**
Chart 8: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – Outcomes 13
Chart 9: Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules – Outcomes 13
Chart 10: Conciliation Proceedings under the ICSID Convention – Outcomes 14
Chart 11: Conciliation Proceedings under the ICSID Convention – Commission Reports 14

**8. Annulment Proceedings under the ICSID Convention – Outcomes 15**
Chart 12: Awards Rendered and Outcomes in Annulment Proceedings under the ICSID Convention, by Decade 15

**9. Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases 16**
Chart 13: Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases – Distribution of Appointments by Geographic Region 16
Chart 14: Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases – Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators) by Geographic Region 17
Chart 15: Nationality of Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases Registered under the ICSID Convention and Additional Facility Rules 18

[1] The data is based on ICSID statistics as of December 31, 2011.
[2] The ICSID Fiscal Year covers the period July 1 to June 30.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## PART II - CASES REGISTERED AND ADMINISTERED BY ICSID IN 2011

**1. New Cases Registered by ICSID in 2011** **20**
Chart 1: Number of New Cases Registered under the ICSID Convention and Additional Facility Rules in 2011 20

**2. Non-ICSID Cases Administered by the ICSID Secretariat in 2011** **20**
Chart 2: Number of Non-ICSID Cases Administered by the ICSID Secretariat in 2011 20

**3. Basis of Consent Invoked to Establish ICSID Jurisdiction in New Cases Registered in 2011** **21**
Chart 3: Basis of Consent Invoked to Establish ICSID Jurisdiction in New Cases Registered in 2011 under the ICSID Convention and Additional Facility Rules 21

**4. Geographic Distribution of New ICSID Cases Registered in 2011, by State Party Involved** **22**
Chart 4: Geographic Distribution of New Cases Registered in 2011 under the ICSID Convention and Additional Facility Rules by State Party Involved 22

**5. Distribution of New ICSID Cases Registered in 2011, by Economic Sector** **23**
Chart 5: Distribution of New Cases Registered in 2011 under the ICSID Convention and Additional Facility Rules by Economic Sector 23

**6. ICSID Arbitration Proceedings Concluded in 2011 – Outcomes** **24**
Chart 6: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules concluded in 2011 – Outcomes 24
Chart 7: Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules in 2011 – Outcomes 24

**7. Arbitrators and *ad hoc* Committee Members Appointed in ICSID Cases in 2011** **25**
Chart 8: Arbitrators and *ad hoc* Committee Members Appointed in 2011 in Cases under the ICSID Convention and Additional Facility Rules – Distribution of Appointments by Geographic Region 25
Chart 9: Arbitrators and *ad hoc* Committee Members Appointed in 2011 in Cases under the ICSID Convention and Additional Facility Rules – Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators) by Geographic Region 26
Chart 10: Nationality of Arbitrators and *ad hoc* Committee Members Appointed in 2011 in Cases under the ICSID Convention and Additional Facility Rules 27

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

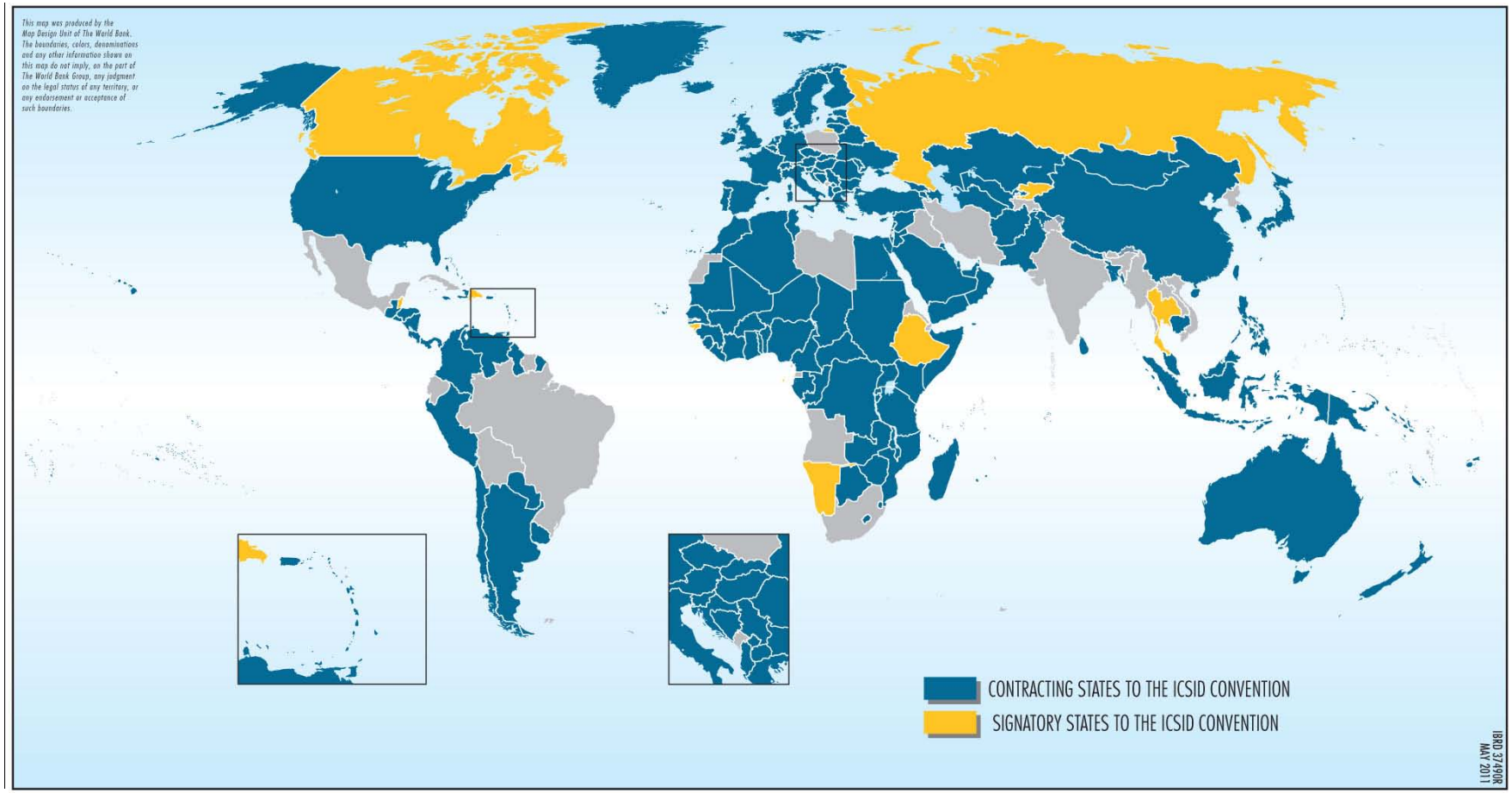
# PART I

# ALL CASES REGISTERED AND ADMINISTERED BY ICSID

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

ICSID
INTERNATIONAL CENTRE FOR
SETTLEMENT OF INVESTMENT DISPUTES

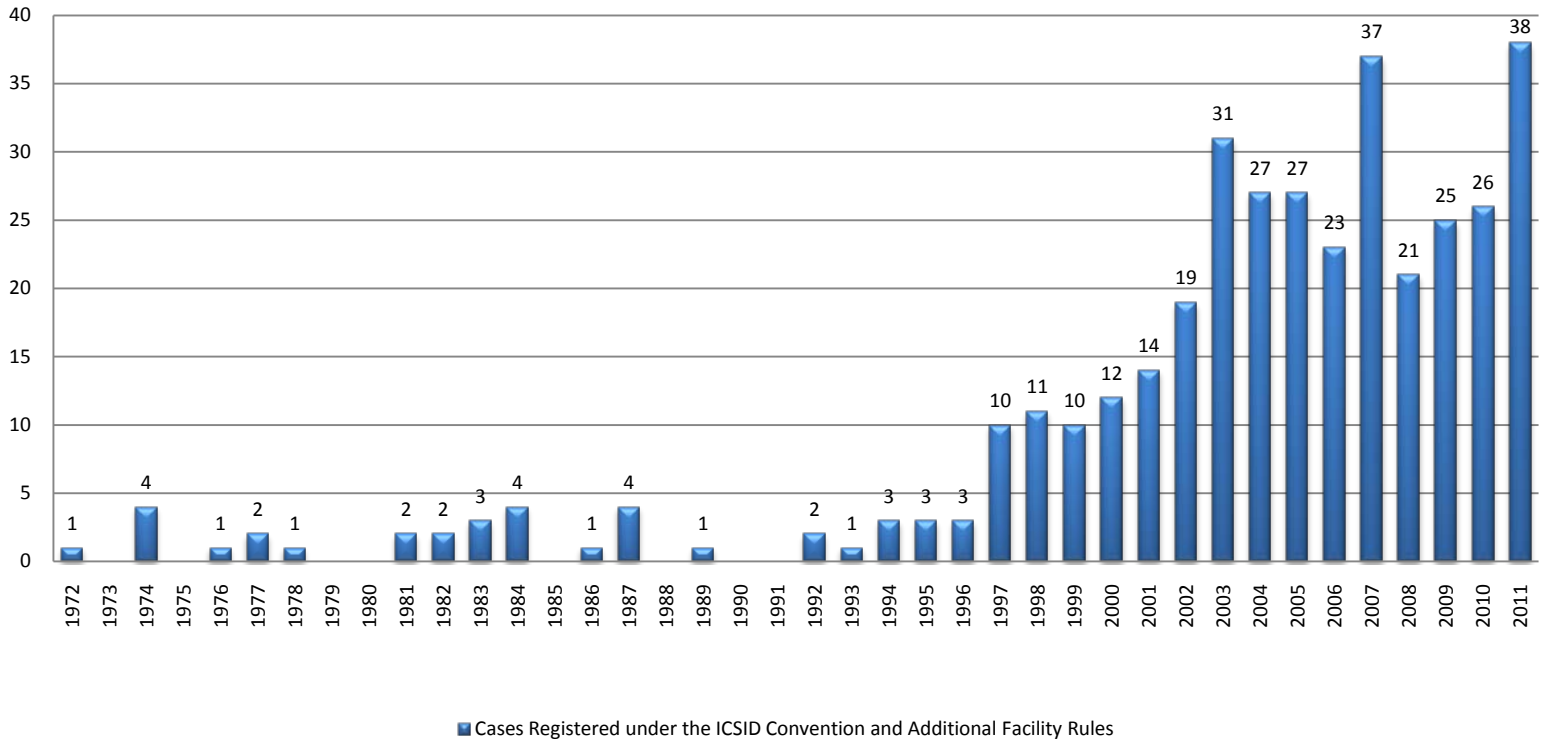
## 1. Map of the ICSID Contracting States and Other Signatories to the ICSID Convention as of December 31, 2011




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 2. Cases Registered by ICSID

**Chart 1:** Total Number of ICSID Cases Registered by Calendar Year:




As of December 31, 2011, ICSID had registered 369 cases under the ICSID Convention and Additional Facility Rules.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

**Chart 2:** Number of Cases Registered under the ICSID Convention and Additional Facility Rules by Calendar Year:

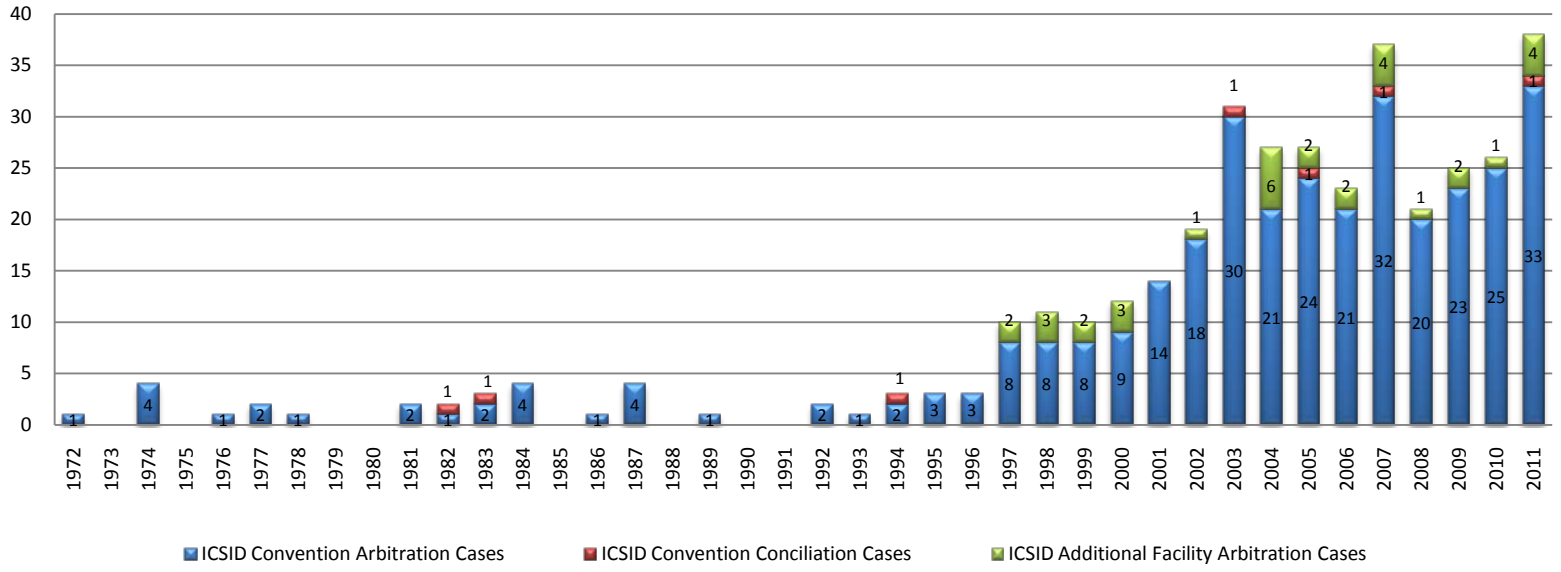
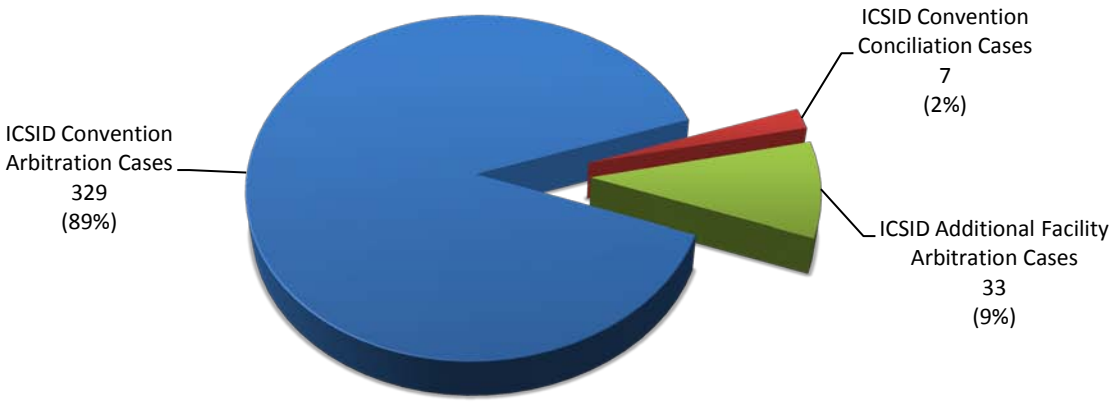


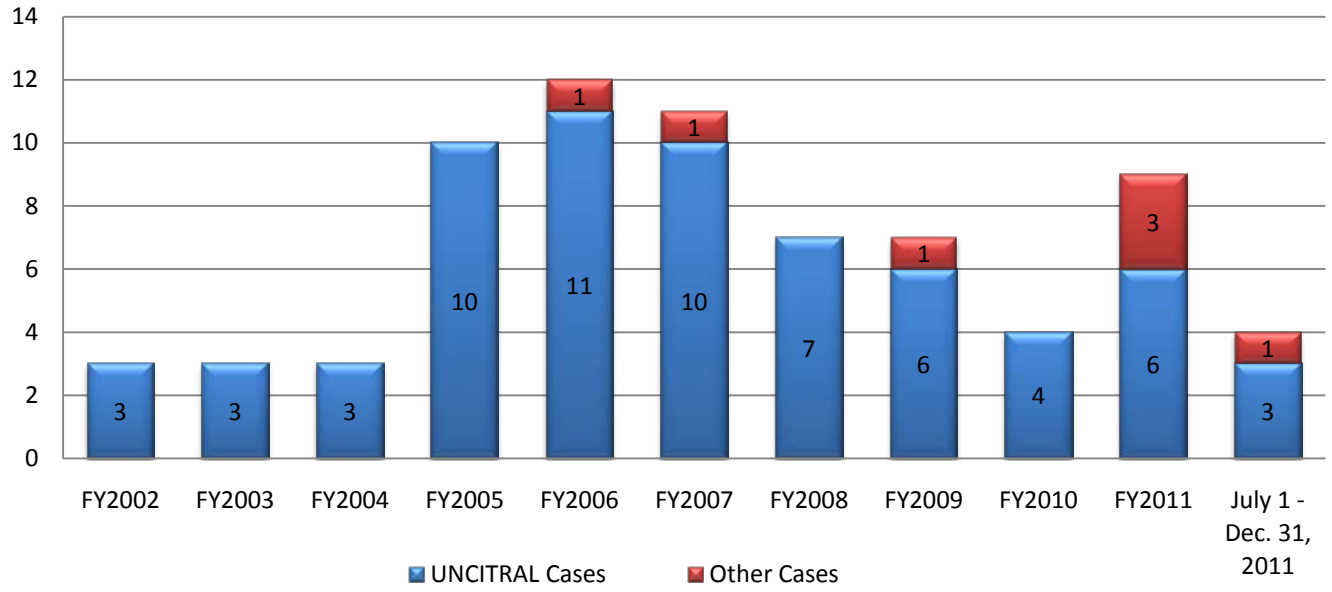

**Chart 3:** Type of Cases Registered under the ICSID Convention and Additional Facility Rules:




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 3. Non-ICSID Cases Administered by the ICSID Secretariat

**Chart 4:** Number of Non-ICSID Cases Administered by the ICSID Secretariat over the Past Ten Fiscal Years:



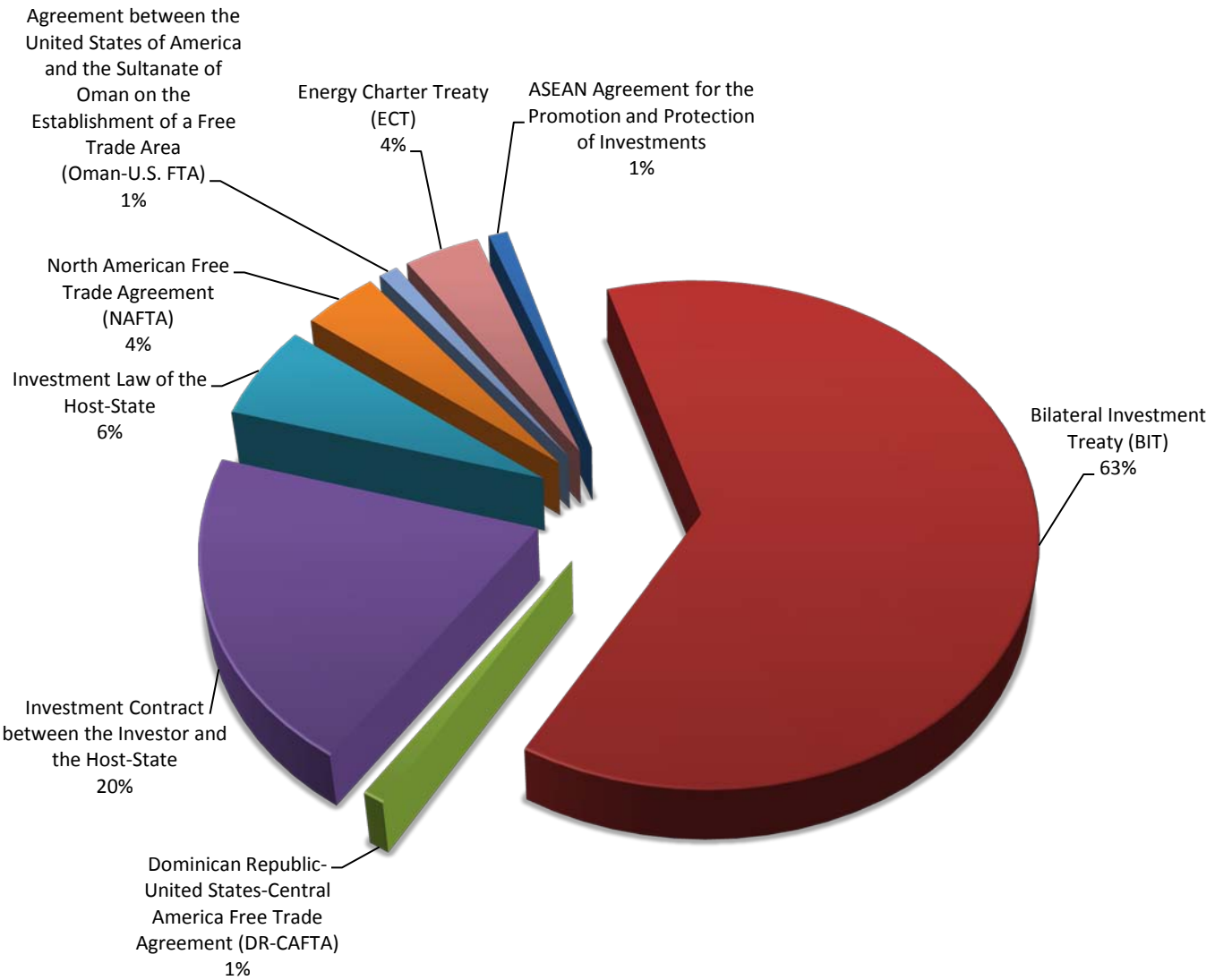

The ICSID Secretariat offers various levels of administrative and organizational support for non-ICSID dispute settlement in State-State or investor-State proceedings. Among the State-State cases administered in the past decade are the *Southern Bluefin Tuna* case (Australia and New Zealand v. Japan), an expert determination proceeding under the Indus Waters Treaty of 1960, and an arbitration under the Softwood Lumber Agreement of 2006 (United States v. Canada).

The Centre also frequently provides administrative assistance to investor-State arbitrations under the UNCITRAL Rules or other *ad hoc* dispute settlement provisions. The Centre's services in these proceedings range from support with the organization of hearings to administrative services comparable to those provided in ICSID cases. The Secretariat also acts as appointing authority, and decides proposals for disqualification of arbitrators, upon request. In addition to administering UNCITRAL arbitrations, ICSID has also assisted with the organization of hearings in arbitration proceedings conducted under the auspices of the ICC, LCIA, PCA, and other institutions.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 4. Basis of Consent Invoked to Establish ICSID Jurisdiction in Registered ICSID Cases

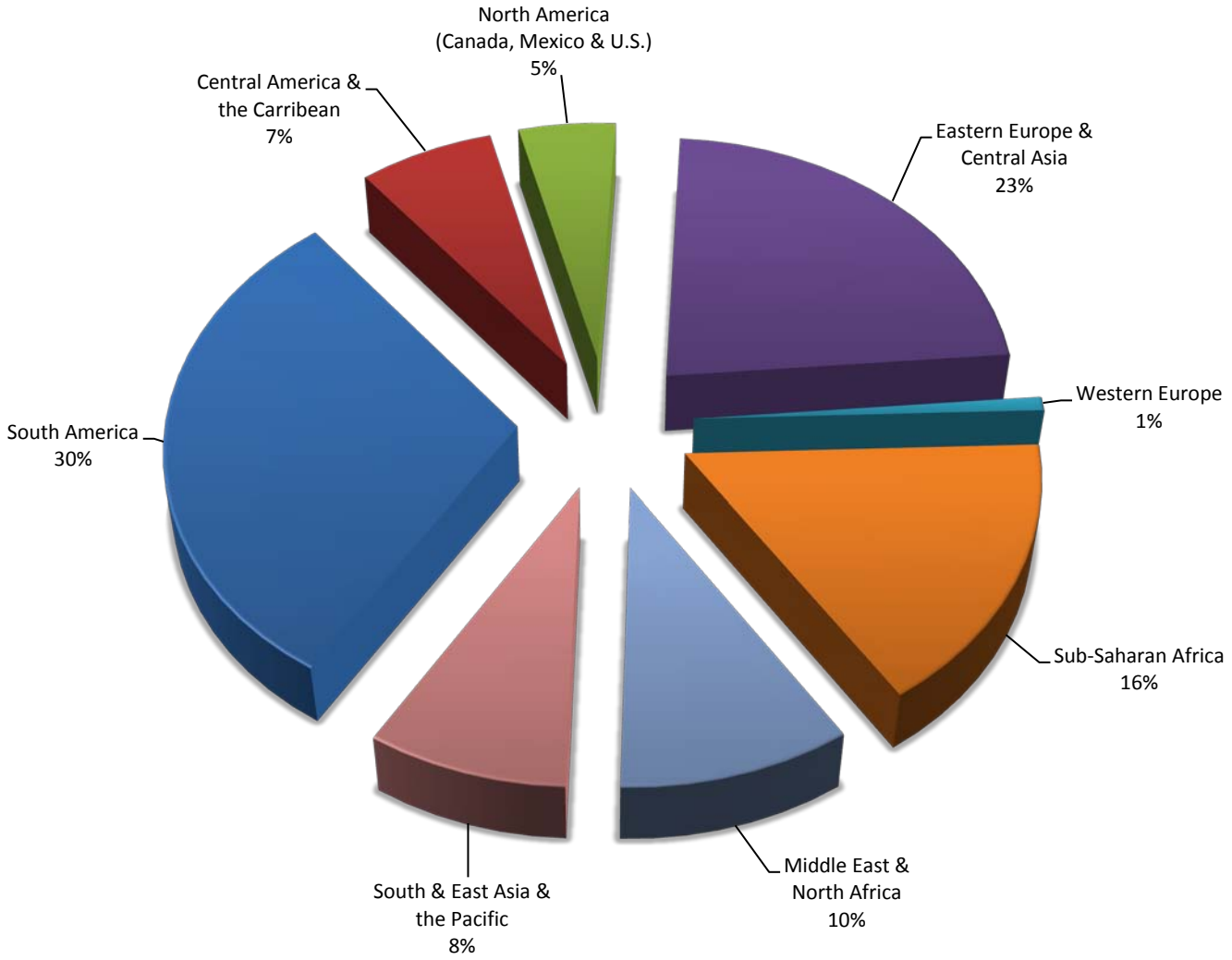
**Chart 5**: Basis of Consent Invoked to Establish ICSID Jurisdiction in Cases Registered under the ICSID Convention and Additional Facility Rules:




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 5. Geographic Distribution of All ICSID Cases by State Party Involved

**Chart 6:** Geographic Distribution of All Cases Registered under the ICSID Convention and Additional Facility Rules by State Party Involved*:

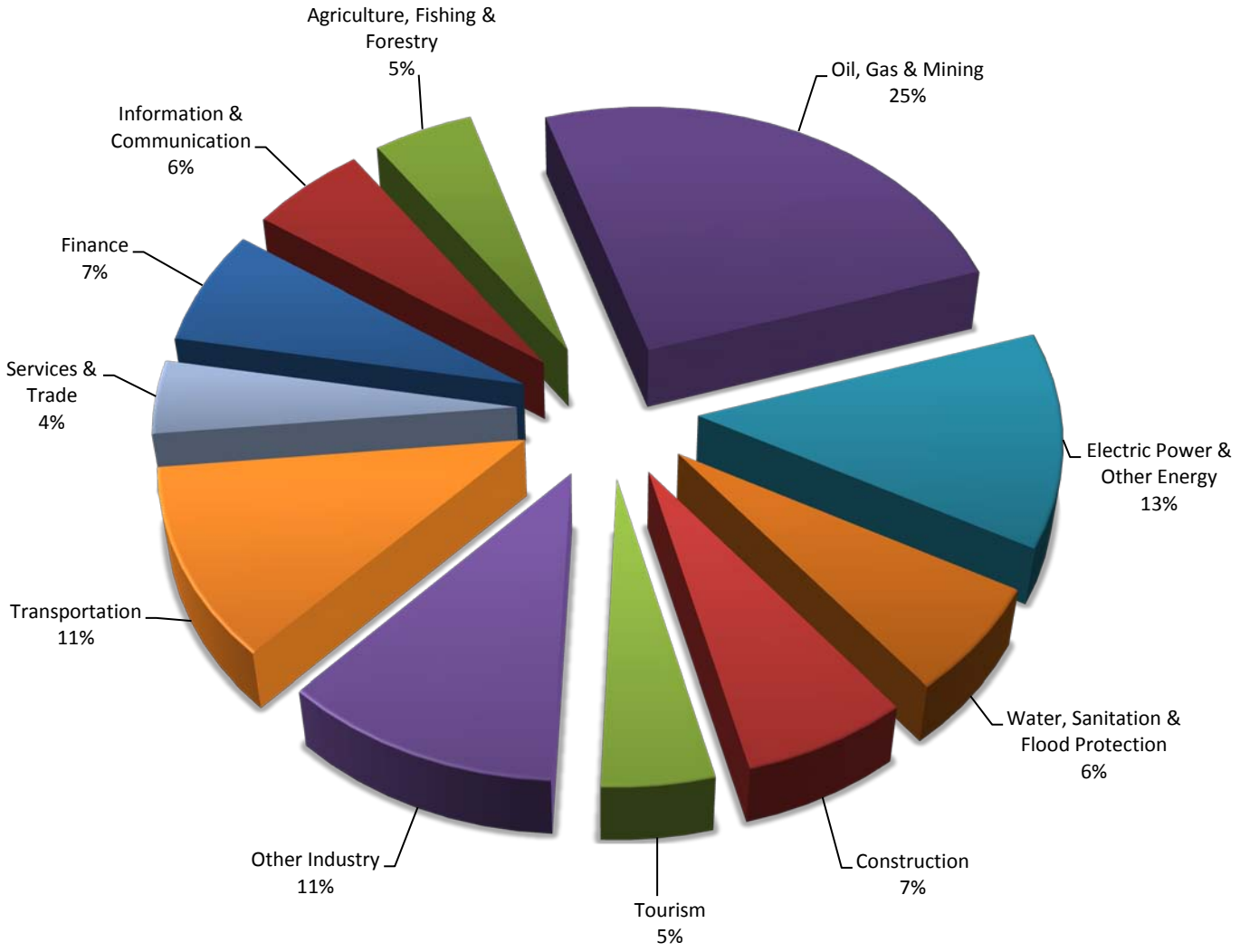



* The classification of the geographic regions above is based on the World Bank's regional system, available at http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html, and also includes World Bank donor countries.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 6. Distribution of All ICSID Cases by Economic Sector

**Chart 7:** Distribution of All Cases Registered under the ICSID Convention and Additional Facility Rules by Economic Sector*:




* This sector classification is based on the World Bank's sector codes, available at http://siteresources.worldbank.org/PROJECTS/Resources/SectorCodesLists.pdf.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 7. ICSID Arbitration and Conciliation Proceedings – Outcomes

**Chart 8:** Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – Outcomes:

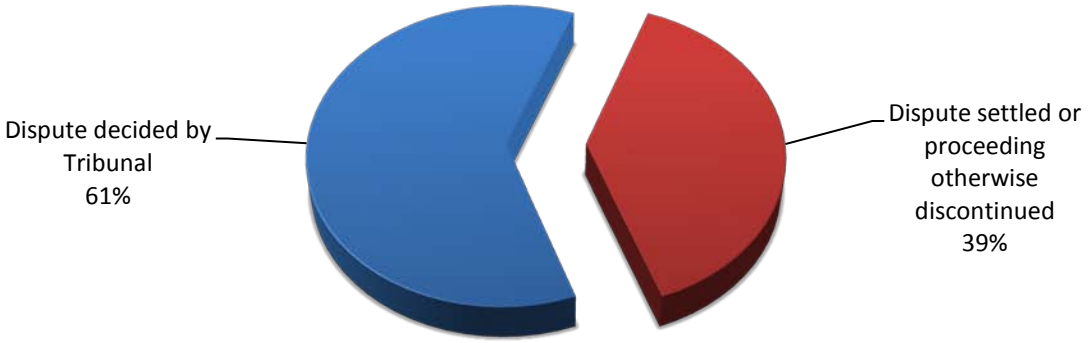
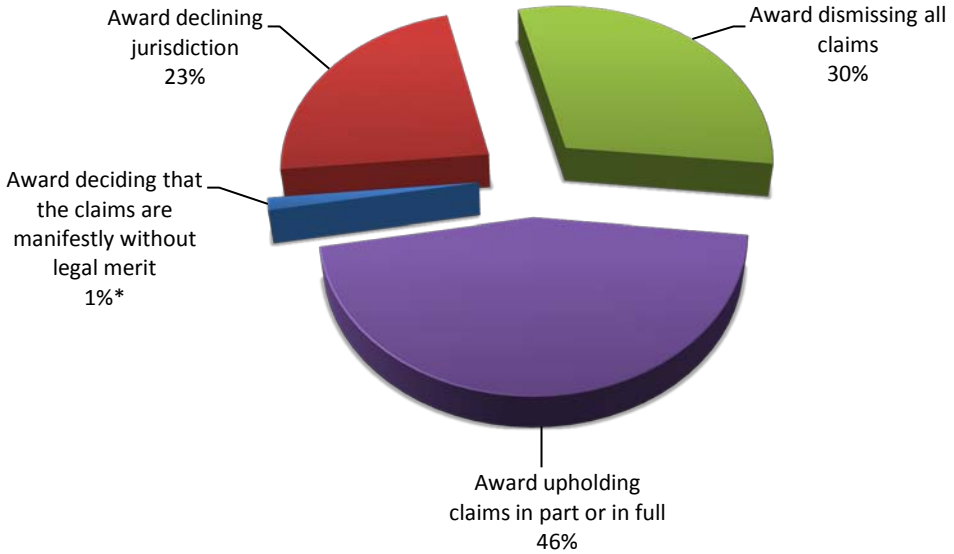



**Chart 9:** Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules – Outcomes:




* Pursuant to ICSID Arbitration Rule 41(5) and Article 45(6) of the Arbitration (Additional Facility) Rules, as adopted by the ICSID Administrative Council in 2006, a party may at an early stage of the proceeding file an objection that a claim is manifestly without merit. If the Tribunal decides that the claims are manifestly without legal merit, it shall render an award to that effect.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

**Chart 10:** Conciliation Proceedings under the ICSID Convention – Outcomes:

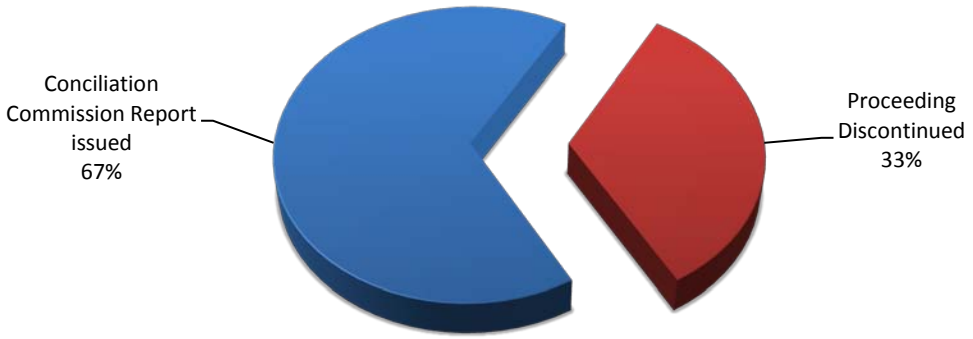
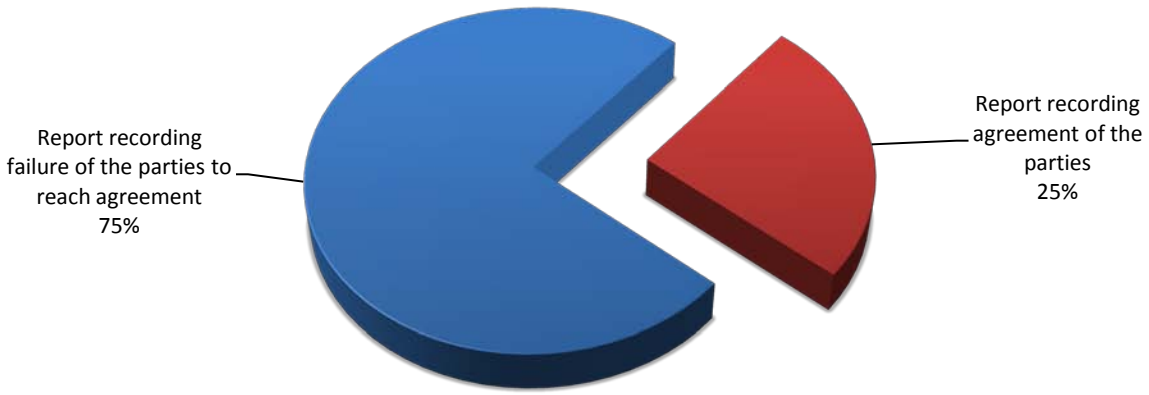


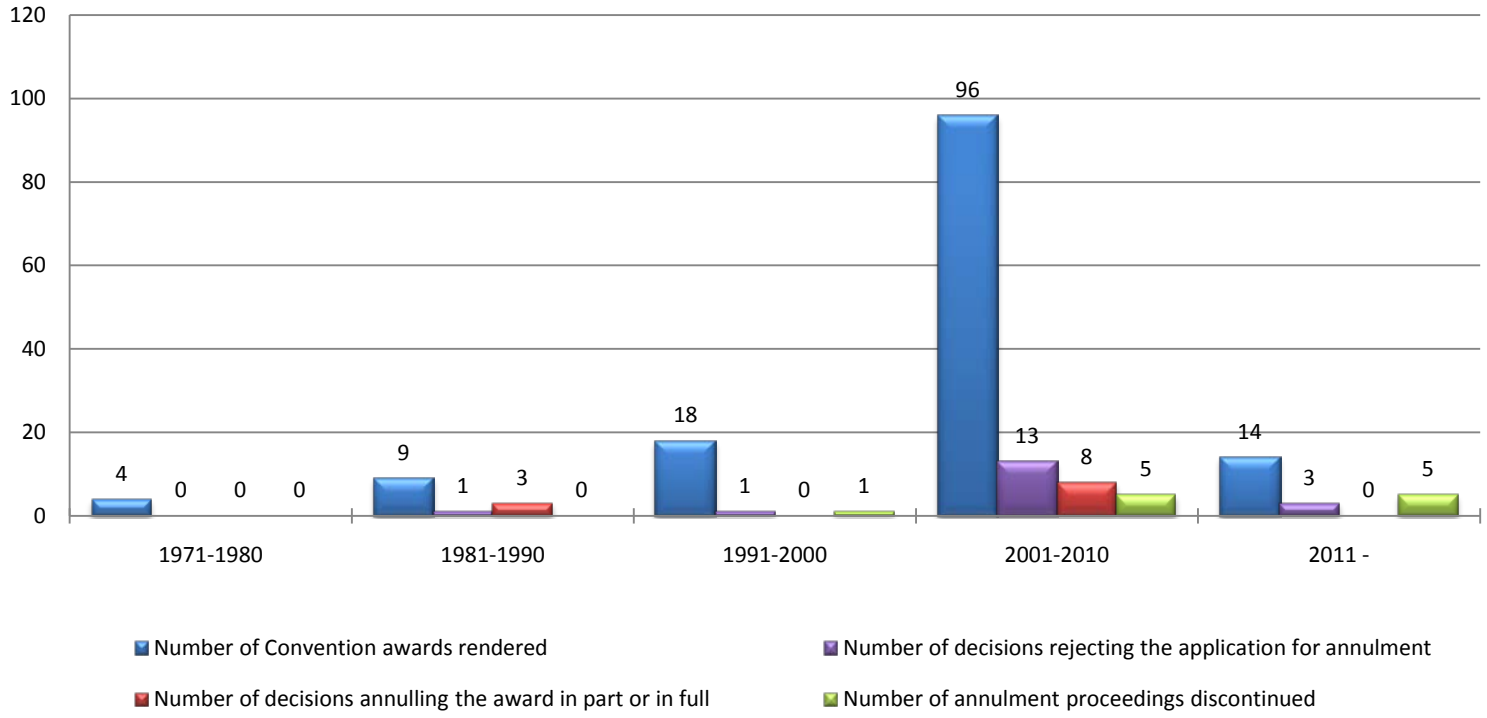

**Chart 11:** Conciliation Proceedings under the ICSID Convention – Commission Reports:




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 8. Annulment Proceedings under the ICSID Convention – Outcomes

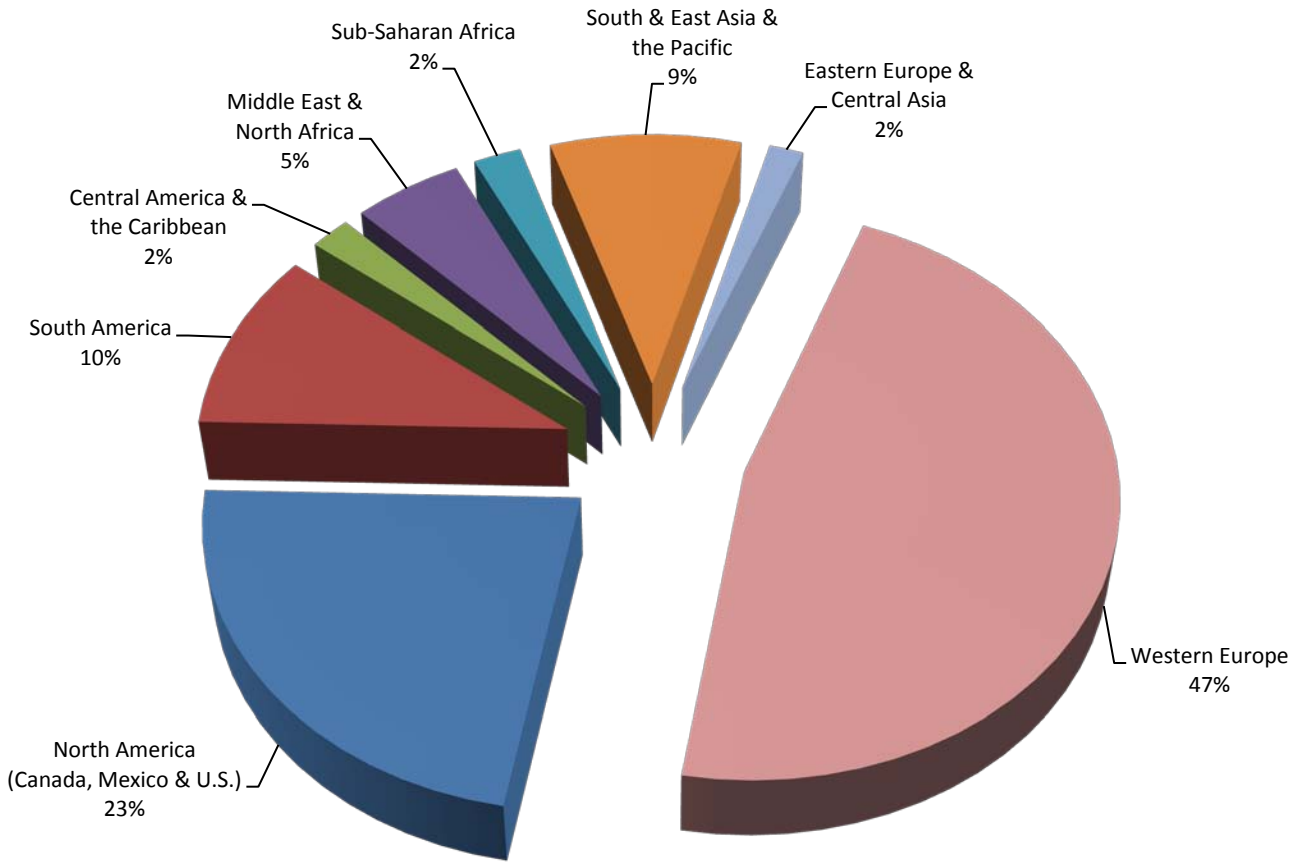
**Chart 12:** Awards Rendered and Outcomes in Annulment Proceedings under the ICSID Convention, by Decade:




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 9. Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases

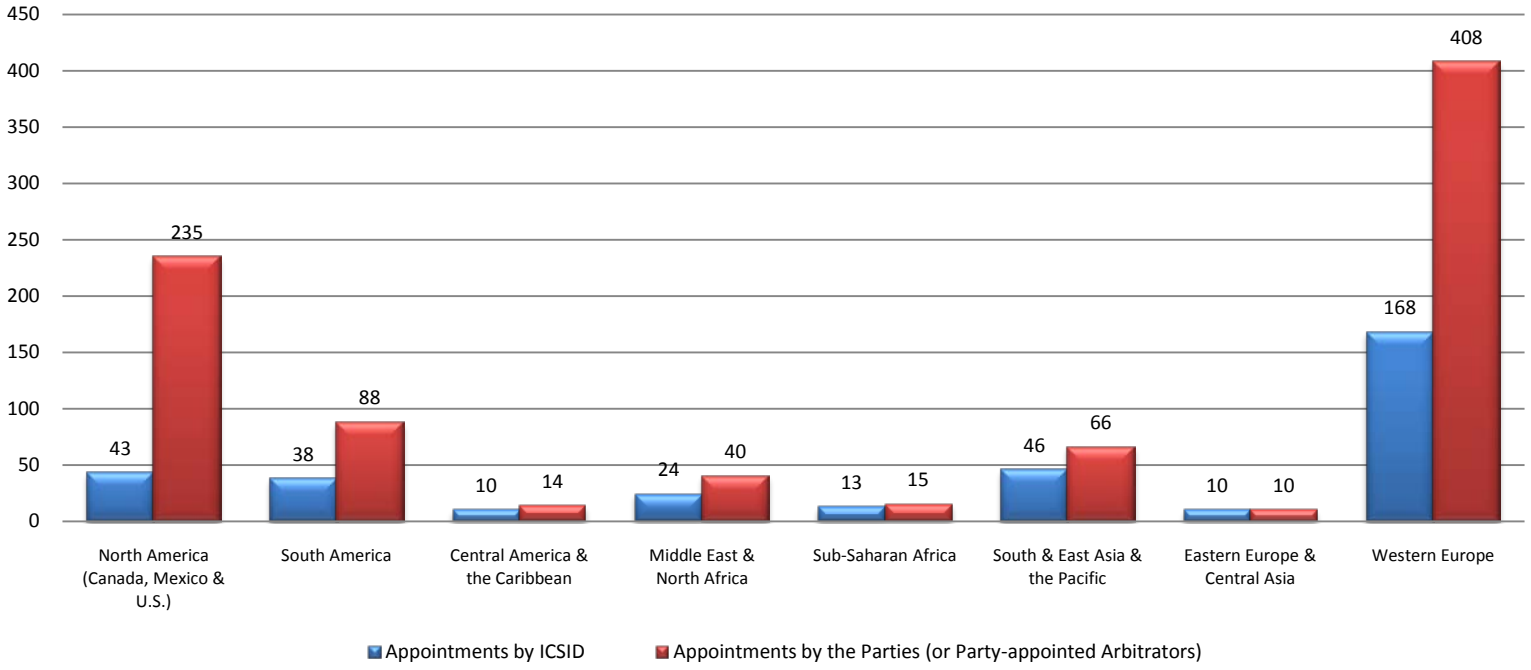
**Chart 13:** Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in Cases Registered under the ICSID Convention and Additional Facility Rules – Distribution of Appointments by Geographic Region*:




* The classification of the geographic regions above is based on the World Bank's regional system, available at http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html, and also includes World Bank donor countries. The chart reflects appointments made to Tribunals and *ad hoc* Committees constituted until December 31, 2011.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

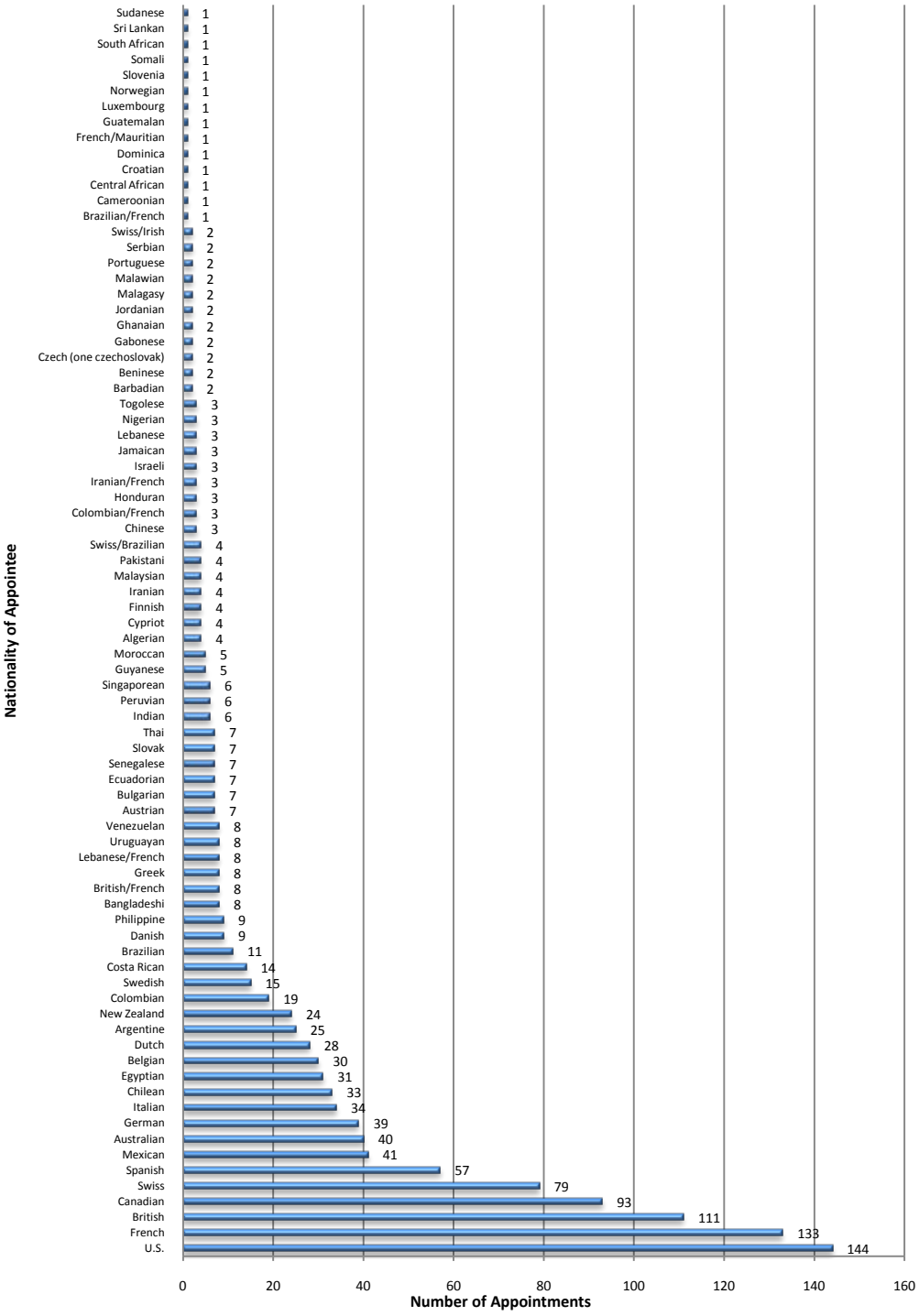
**Chart 14:** Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in Cases Registered under the ICSID Convention and Additional Facility Rules – Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators) by Geographic Region*:




* The geographical classification is based on the World Bank's regions as set forth at http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html, and also includes World Bank donor countries. The chart reflects appointments made to Tribunals and *ad hoc* Committees constituted until December 31, 2011.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

**Chart 15:** Nationality of Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in Cases Registered under the ICSID Convention and Additional Facility Rules:




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

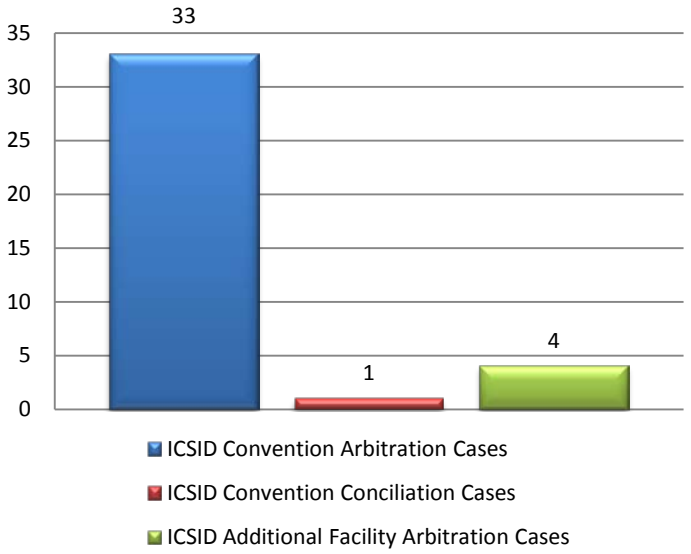
# PART II

# CASES REGISTERED AND ADMINISTERED BY ICSID IN 2011

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

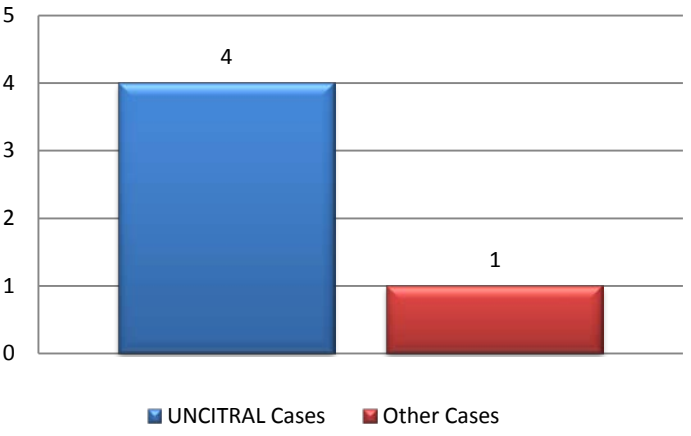
## 1. New Cases Registered by ICSID in 2011

**Chart 1:** Number of New Cases Registered under the ICSID Convention and Additional Facility Rules in 2011:




## 2. Non-ICSID Cases Administered by the ICSID Secretariat in 2011

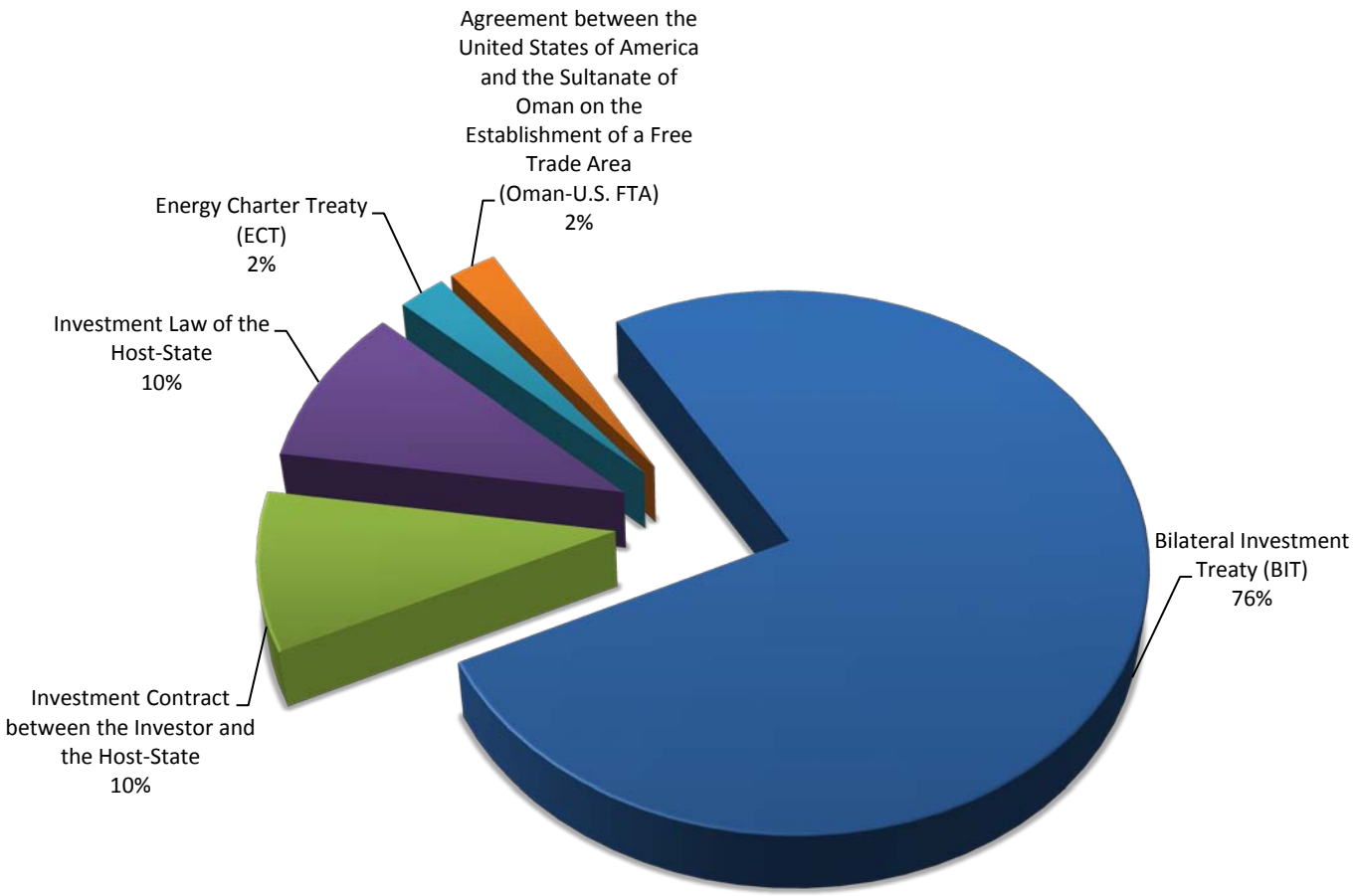
**Chart 2:** Number of Non-ICSID Cases Administered by the ICSID Secretariat in 2011:




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 3. Basis of Consent Invoked to Establish ICSID Jurisdiction in New Cases Registered in 2011

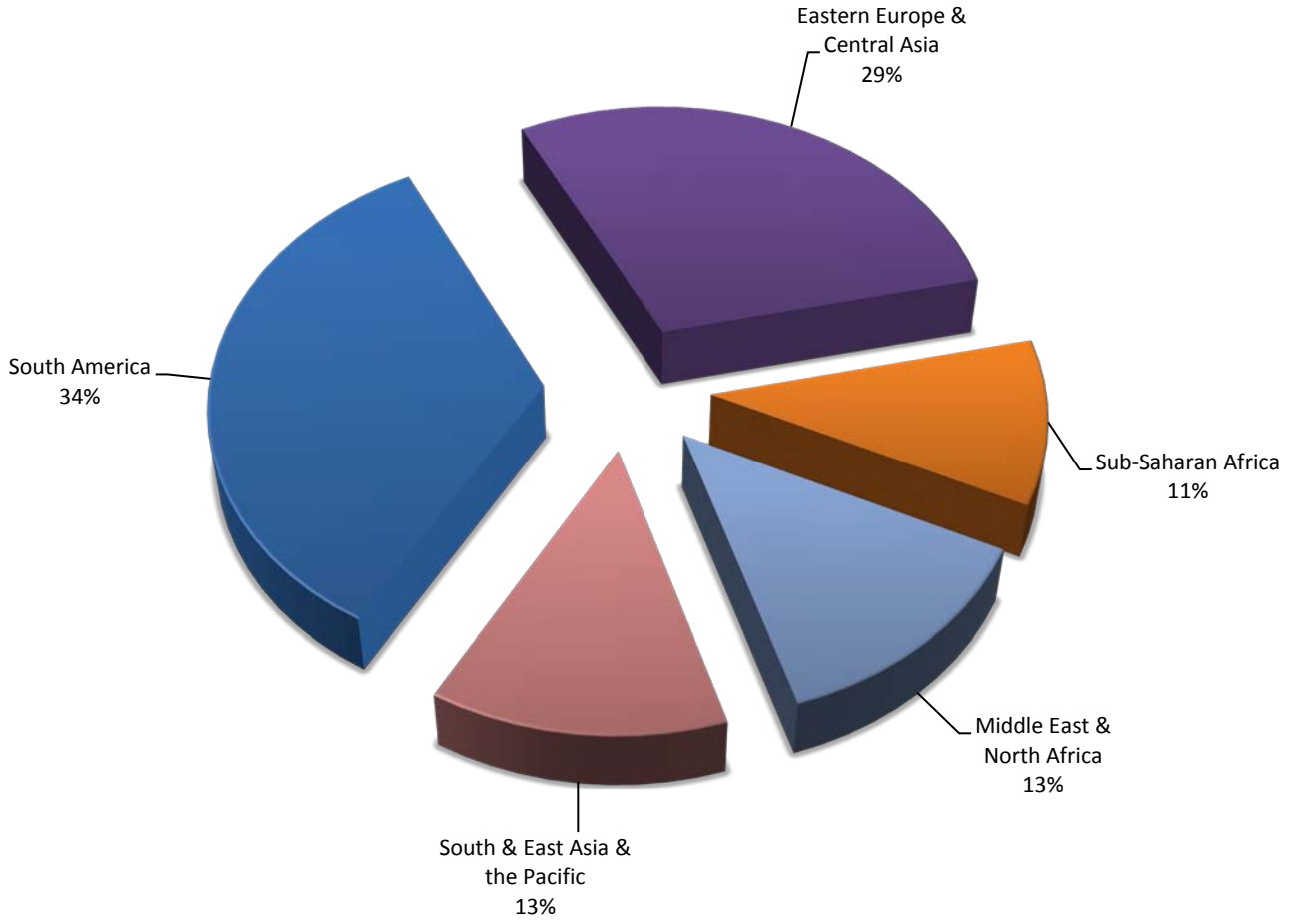
**Chart 3:** Basis of Consent Invoked to Establish ICSID Jurisdiction in New Cases Registered in 2011 under the ICSID Convention and Additional Facility Rules:




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 4. Geographic Distribution of New ICSID Cases Registered in 2011, by State Party Involved

**Chart 4:** Geographic Distribution of New Cases Registered in 2011 under the ICSID Convention and Additional Facility Rules by State Party Involved*:

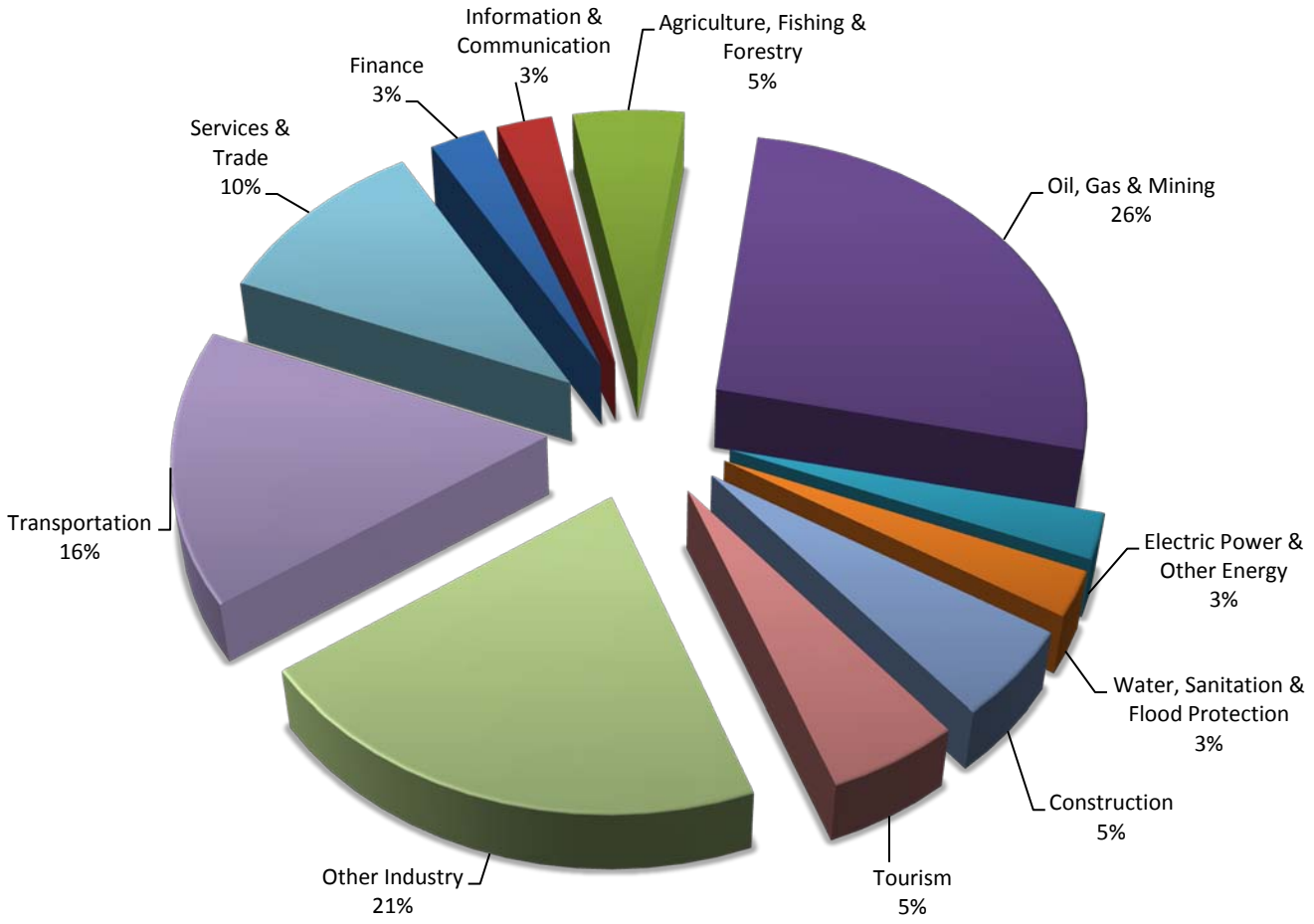



* The classification of the geographic regions above is based on the World Bank's regional system, available at http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html, and also includes World Bank donor countries.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 5. Distribution of New ICSID Cases Registered in 2011, by Economic Sector

**Chart 5:** Distribution of New Cases Registered in 2011 under the ICSID Convention and Additional Facility Rules by Economic Sector*:




* The sector classification is based on the World Bank's sector codes, available at http://siteresources.worldbank.org/PROJECTS/Resources/SectorCodesLists.pdf.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 6. ICSID Arbitration Proceedings Concluded in 2011 – Outcomes

**Chart 6:** Arbitration Proceedings under the ICSID Convention and Additional Facility Rules concluded in 2011 – Outcomes:

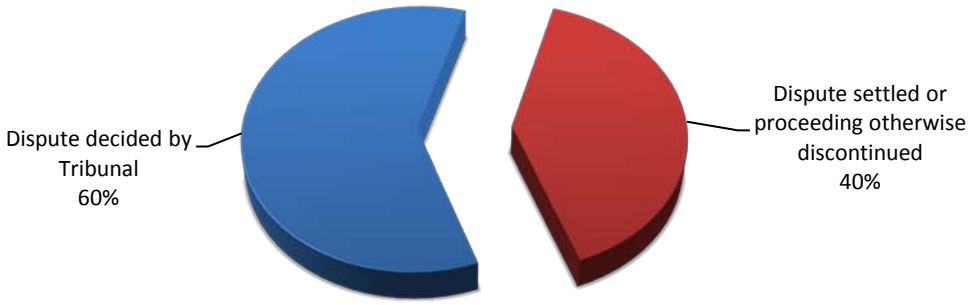
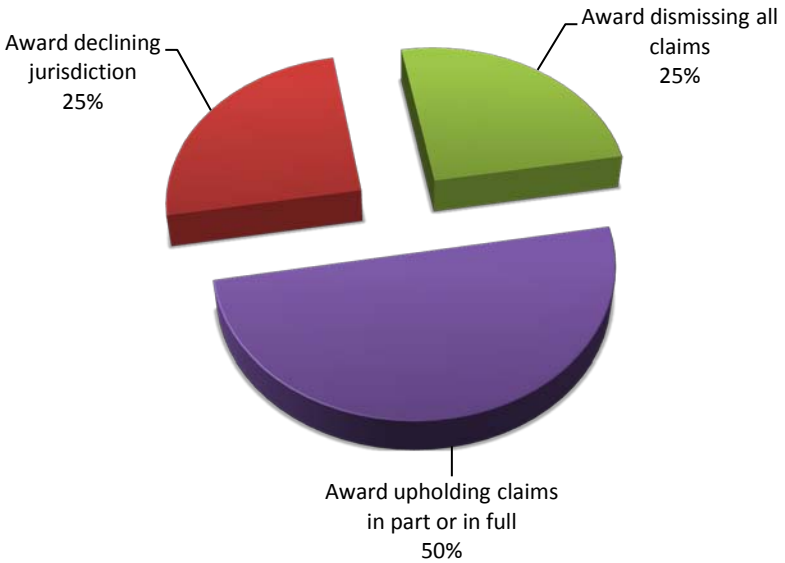


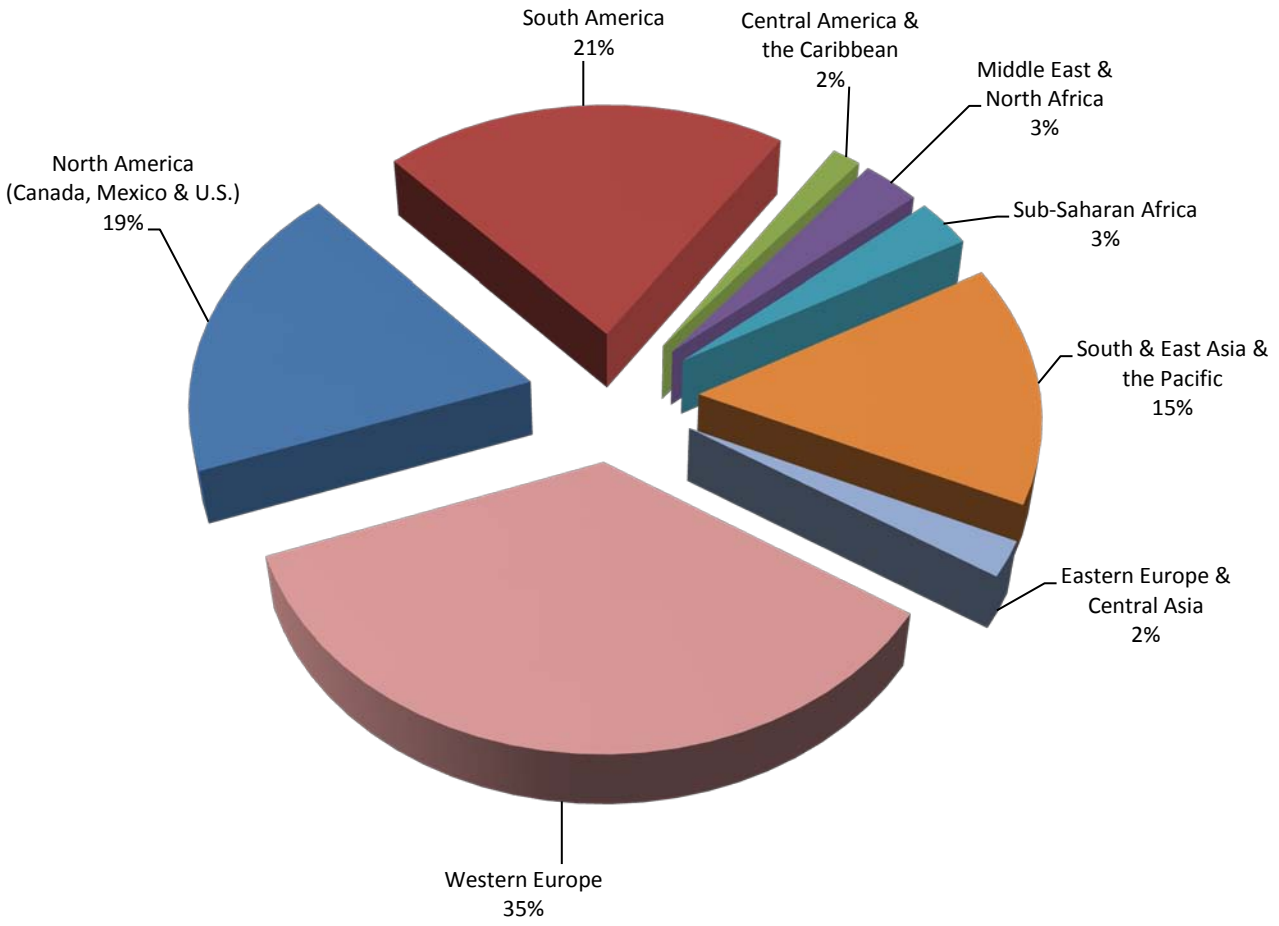

**Chart 7:** Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules in 2011 – Outcomes:




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

## 7. Arbitrators and *ad hoc* Committee Members Appointed in ICSID Cases in 2011

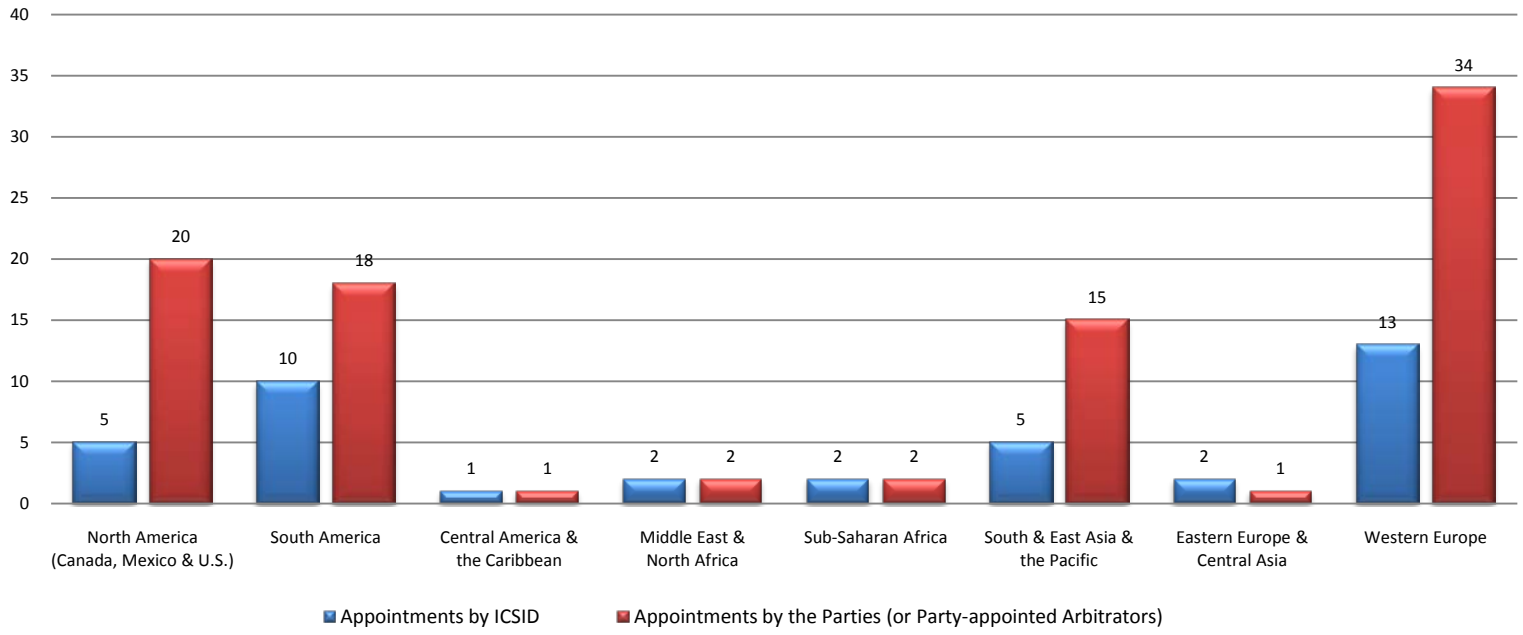
**Chart 8:** Arbitrators and *ad hoc* Committee Members Appointed in 2011 in Cases under the ICSID Convention and Additional Facility Rules – Distribution of Appointments by Geographic Region*:




* The classification of the geographic regions above is based on the World Bank's regional system, available at http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html, and also includes World Bank donor countries. The chart reflects appointments made to Tribunals and *ad hoc* Committees constituted in 2011.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

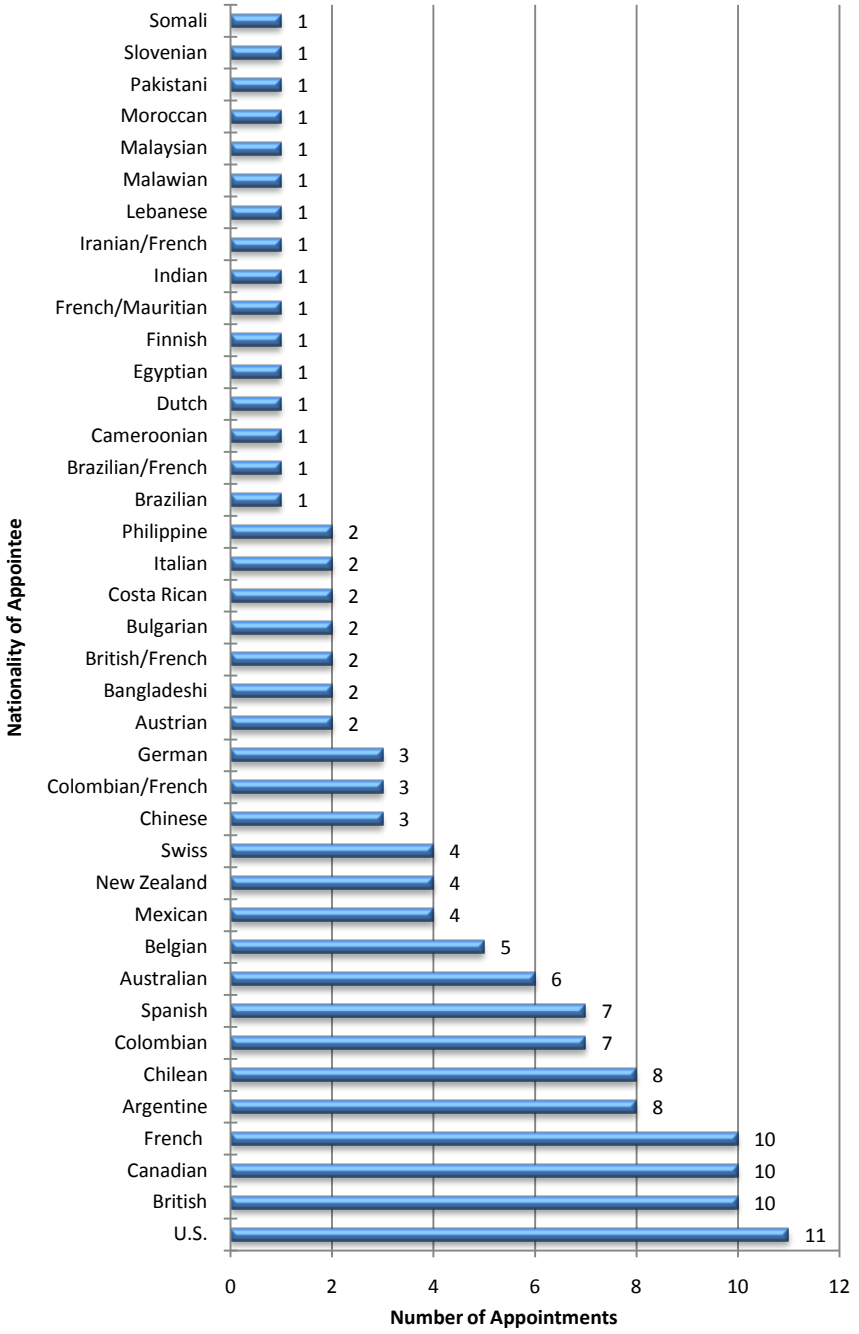
**Chart 9**: Arbitrators and *ad hoc* Committee Members Appointed in 2011 in Cases under the ICSID Convention and Additional Facility Rules– Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators) by Geographic Region*:




* The classification of the geographic regions above is based on the World Bank's regional system, available at http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html, and also includes World Bank donor countries. The chart reflects appointments made to Tribunals and *ad hoc* Committees constituted in 2011.

© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.

**Chart 10:** Nationality of Arbitrators and *ad hoc* Committee Members Appointed in 2011 in Cases under the ICSID Convention and Additional Facility Rules:




© 2012 by International Centre for Settlement of Investment Disputes.
Content may be reproduced for educational use with acknowledgement.