Table of Contents

Preface	V
	ΧV
ForewordXX	III
Introduction	1
PART 1 ICSID ADMINISTRATIVE AND FINANCIAL REGULATIONS	
A. Introduction	18
B. Commentary	19
Introductory Note	19
Chapter I. Procedures of the Administrative Council	20
Regulation 1. Date and Place of the Annual Meeting	20 20 22 23 25 26 26 31 31 32 34 35 35
Regulation 13. Incompatibility of Functions	36 38
Regulation 14. Fees, Allowances and Charges Regulation 15. Payments to the Centre Regulation 16. Consequences of Default in Payment Regulation 17. Special Services Regulation 18. Fee for Lodging Requests Regulation 19. The Budget Regulation 20. Assessment of Contributions Regulation 21. Audits Regulation 22. Administration of Proceedings Chapter IV. General Functions of the Secretariat	38 46 50 52 54 55 56 58 59
Regulation 23. List of Contracting States	60 61 64 65

VII



Regulation 27. Communications with Contracting States	66
Regulation 28. Secretary	
Regulation 29. Depositary Functions	69
Chapter V. Immunities and Privileges	71
Regulation 30. Certificates of Official Travel	71
Regulation 31. Waiver of Immunities	72
Chapter VI. Final Provisions	74
Regulation 32. Languages of Rules and Regulations	74
PART 2	
ICSID INSTITUTION RULES	
A. Introduction	77
B. Commentary	82
Introductory Note	82
Rule 1. The Request	
Rule 2. Contents of the Request	85
Rule 3. Recommended Additional Information	
Rule 4. Filing of the Request and Supporting Documents	93
Rule 5. Receipt of the Request and Routing of Written Communications	
Rule 6. Review and Registration of the Request	
Rule 7. Notice of Registration	
Rule 8. Withdrawal of the Request	100
DADT 2	
PART 3	
ICSID ARBITRATION RULES	
ICSID ARBITRATION RULES	101
Introductory Note	
Introductory Note	101
Introductory Note	101
Introductory Note	101 102
Introductory Note	101 102 103
Introductory Note	101 102 103 103
Introductory Note	101 102 103 103 106
Introductory Note	101 102 103 103 106 115
Introductory Note	101 102 103 103 106 115 125
Introductory Note	101 102 103 103 106 115 125 128
Introductory Note	101 102 103 103 106 115 125 128 131 132
Introductory Note	101 102 103 106 115 125 128 131 132
Introductory Note	101 102 103 106 115 125 128 131 132
Introductory Note	101 102 103 106 115 125 128 131 132 137 138 141
Introductory Note	101 102 103 106 115 125 128 131 132 137 138 141 142
Introductory Note	101 102 103 103 106 115 128 131 132 137 138 141 142 148
Introductory Note	101 102 103 103 106 115 128 131 132 137 138 141 142 148
Introductory Note	101 102 103 106 115 125 128 131 132 137 138 141 142 148 155
Introductory Note	101 102 103 106 115 128 131 132 137 138 141 142 148 155

Rule 14. Notice of Third-Party Funding	163
Rule 15. Method of Constituting the Tribunal	174
Rule 16. Appointment of Arbitrators to a Tribunal Constituted in Accordance with	
Article 37(2)(b) of the Convention	
Rule 17. Assistance of the Secretary-General with Appointment	
Rule 18. Appointment of Arbitrators by the Chair in Accordance	
with Article 38 of the Convention	180
Rule 19. Acceptance of Appointment	100
P. 1. 20. P. v.l. and a f. A. L. ituratara Prica to Constitution of the Tribunal	205
Rule 20. Replacement of Arbitrators Prior to Constitution of the Tribunal	
Rule 21. Constitution of the Tribunal	
Chapter III. Disqualification of Arbitrators and Vacancies	
A. Introduction	210
B. Commentary	211
Rule 22. Proposal for Disqualification of Arbitrators	211
Rule 23. Decision on the Proposal for Disqualification	
Rule 24. Incapacity or Failure to Perform Duties	
Rule 25. Resignation	
Rule 26. Vacancy on the Tribunal	
Chapter IV. Conduct of the Proceeding	
A. Commentary	264
Rule 27. Orders and Decisions	264
Rule 28. Waiver	269
Rule 29. First Session	279
Rule 30. Written Submissions	
Rule 31. Case Management Conferences	
Rule 32. Hearings	303
Rule 33. Quorum	
Rule 34. Deliberations	
Rule 35. Decisions Made by Majority Vote	
Chapter V. Evidence	
A. Introduction	
B. Commentary	318
Rule 36. Evidence: General Principles	318
Rule 37. Disputes Arising from Requests for Production of Documents	
Rule 38. Witnesses and Experts	
Rule 39. Tribunal-Appointed Experts	
Rule 40. Visits and Inquiries	
Chapter VI. Special Procedures	
A. Commentary	
Rule 41. Manifest Lack of Legal Merit	
Rule 42. Bifurcation	
Rule 43. Preliminary Objections	
Rule 44. Preliminary Objections with a Request for Bifurcation	
Rule 45. Preliminary Objections without a Request for Bifurcation	
Rule 46. Consolidation or Coordination of Arbitrations	
Rule 47. Provisional Measures	489

Rule 48. Ancillary ClaimsRule 49. Default	
Chapter VII. Costs	535
A. Commentary	535
Rule 50. Costs of the Proceeding	
Rule 51. Statement of and Submission on Costs	
Rule 52. Decisions on Costs	544
Rule 53. Security for Costs	552
Chapter VIII. Suspension, Settlement and Discontinuance	561
A. Introduction	561
B. Commentary	562
Rule 54. Suspension of the Proceeding	562
Introduction to Rules 55-57. Settlement and Discontinuance	
Rule 55. Settlement and Discontinuance by Agreement of the Parties	573
Rule 56. Discontinuance at Request of a Party	
Rule 57. Discontinuance for Failure of Parties to Act	586
Chapter IX. The Award	590
A. Introduction	590
B. Commentary	591
Rule 58. Timing of the Award	591
Rule 59. Contents of the Award	596
Rule 60. Rendering of the Award	
Rule 61. Supplementary Decision and Rectification	
Chapter X. Publication, Access to Proceedings and Non-Disputing Party Submissions	
A. Introduction	618
B. Commentary	626
Rule 62. Publication of Awards and Decisions on Annulment	
Rule 63. Publication of Orders and Decisions	630
Rule 64. Publication of Documents Filed in the Proceeding	632
Rule 65. Observation of Hearings	
Rule 66. Confidential or Protected Information	
Rule 67. Submission of Non-Disputing Parties	
Rule 68. Participation of Non-Disputing Treaty Party	
Chapter XI. Interpretation, Revision, and Annulment of Awards	
A. Introduction	
B. Commentary	
Rule 69. The Application	661
Rule 70. Interpretation or Revision: Reconstitution of the Tribunal	675
Rule 71. Annulment: Appointment of the ad hoc Committee	677
Rule 72. Procedure Applicable to Interpretation, Revision and Annulment	679
Rule 73. Stay of Enforcement of the Award	
Rule /4. Resudinission of Dispute after all Annument	000

Chapter	XII. Expedited Arbitration	691
A. Intro	duction	691
B. Com	mentary	693
Rule 75.	Consent of Parties to Expedited Arbitration	693
	Number of Arbitrators and Method of Constituting the	
	Tribunal for Expedited Arbitrations	
	Appointment of Sole Arbitrator for Expedited Arbitration	
	Appointment of Three-Member Tribunal for Expedited Arbitration	
	Acceptance of Appointment in Expedited Arbitration	
	First Session in Expedited Arbitration	
	Procedural Schedule in Expedited Arbitration	
	Procedural Schedule for Supplementary Decision and Rectification	/20
Ruie 65.	in Expedited Arbitration	721
Rule 84.	Procedural Schedule for Interpretation, Revision or Annulment	
	in Expedited Arbitration	723
Rule 85.	Resubmission of a Dispute after Annulment in Expedited Arbitration	727
	Opting Out of Expedited Arbitration	
	PART 4	
	ICSID CONCILIATION RULES	
A. Intro	duction	732
B. Com	mentary	738
	ctory Note	
	I. General Provisions	
-		
	Application of Rules	
Rule 2.	Method of Filing	
	Supporting Documents	
	Routing of Documents	
	Procedural Languages, Translation and Interpretation	
	Calculation of Time Limits	
	Costs of the Proceeding	
	Confidentiality of the Conciliation	
	Use of Information in Other Proceedings	
Chapter	II. Establishment of the Commission	745
	General Provisions, Number of Conciliators	
		745
Rule 12.	Notice of Third-Party Funding	746
	Appointment of Conciliators to a Commission Constituted in Accordance	
	with Article 29(2)(b) of the Convention	748
	Assistance of the Secretary-General with Appointment	748
Rule 15.	Appointment of Conciliators by the Chair in Accordance	
	with Article 30 of the Convention	
	Acceptance of Appointment	
	Replacement of Conciliators Prior to Constitution of the Commission	
Kule 18.	Constitution of the Commission	751

Chapter III. Disqualification of Conciliators and Vacancies	752
Rule 19. Proposal for Disqualification of Conciliators	752
Rule 20. Decision on the Proposal for Disqualification	753
Rule 21. Incapacity or Failure to Perform Duties	
Rule 22. Resignation	754
Rule 23. Vacancy on the Commission	754
Chapter IV. Conduct of the Conciliation	756
Rule 24. Functions of the Commission	756
Rule 25. General Duties of the Commission	
Rule 26. Orders, Decisions and Agreements	
Rule 27. Quorum	
Rule 28. Deliberations	
Rule 29. Cooperation of the Parties	
Rule 30. Written Statements	
Rule 31. First Session	
Rule 32. Preliminary Objections	
Chapter V. Termination of the Conciliation	
Rule 34. Discontinuance Prior to the Constitution of the Commission	
Rule 35. Report Noting the Parties' Agreement	
Rule 36. Report Noting the Failure of the Parties to Reach Agreement	769
Rule 37. Report Recording the Failure of a Party to Appear or Participate	769
Rule 38. The Report	770
Rule 39. Issuance of the Report	
PART 5 ENFORCEMENT OF ICSID AWARDS – A WALK IN THE PARK?	
A. Introduction	
B. Non-Compliance with an Award and the Requirement for Enforcement	
C. Enforcement and Execution under Article 54 ICSID Convention D. Argentina & Venezuela – A Test to the (ICSID) System	
E. A Battle of Titans – the Spain Cases or ICSID v. the EU Legal Order	
F. Outlook – is ICSID (still) the Real Deal?	
(,	
PART 6	
FRIENDS OR FOES? THE INTERPLAY BETWEEN THE ICSID AND PERMANENT INVESTMENT COURTS	
A. Introduction	792
B. The Investment Court System (ICS)	
C. The ICSID Convention and the ICS Model	794
D.The ICSID Convention and a Multilateral Investment Court (MIC)	799
E. Conclusions	801

PART 7 A LOOK INTO THE CRYSTAL BALL

A. Winds of Change – The Future of Investment Arbitration in Africa	803
B. The Once and Future ICSID	811
C. ICSID 2052: A Retrospective	835
Annex: Convention on the Settlement of Investment Disputes between States and Nationals of other States	
Index	861