

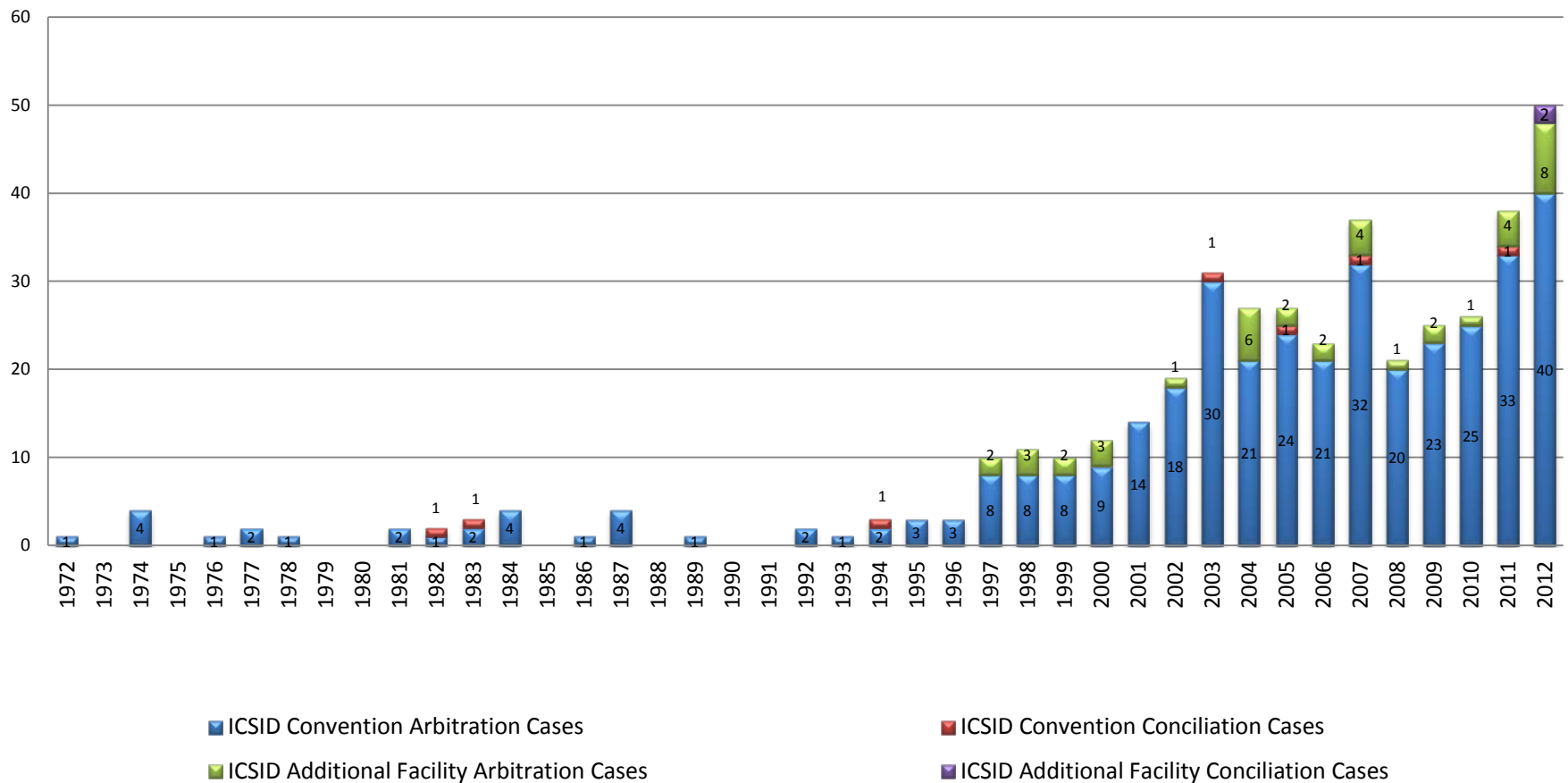
The Present and Future Challenges of ICSID

Vale Columbia Center on Sustainable International Investment

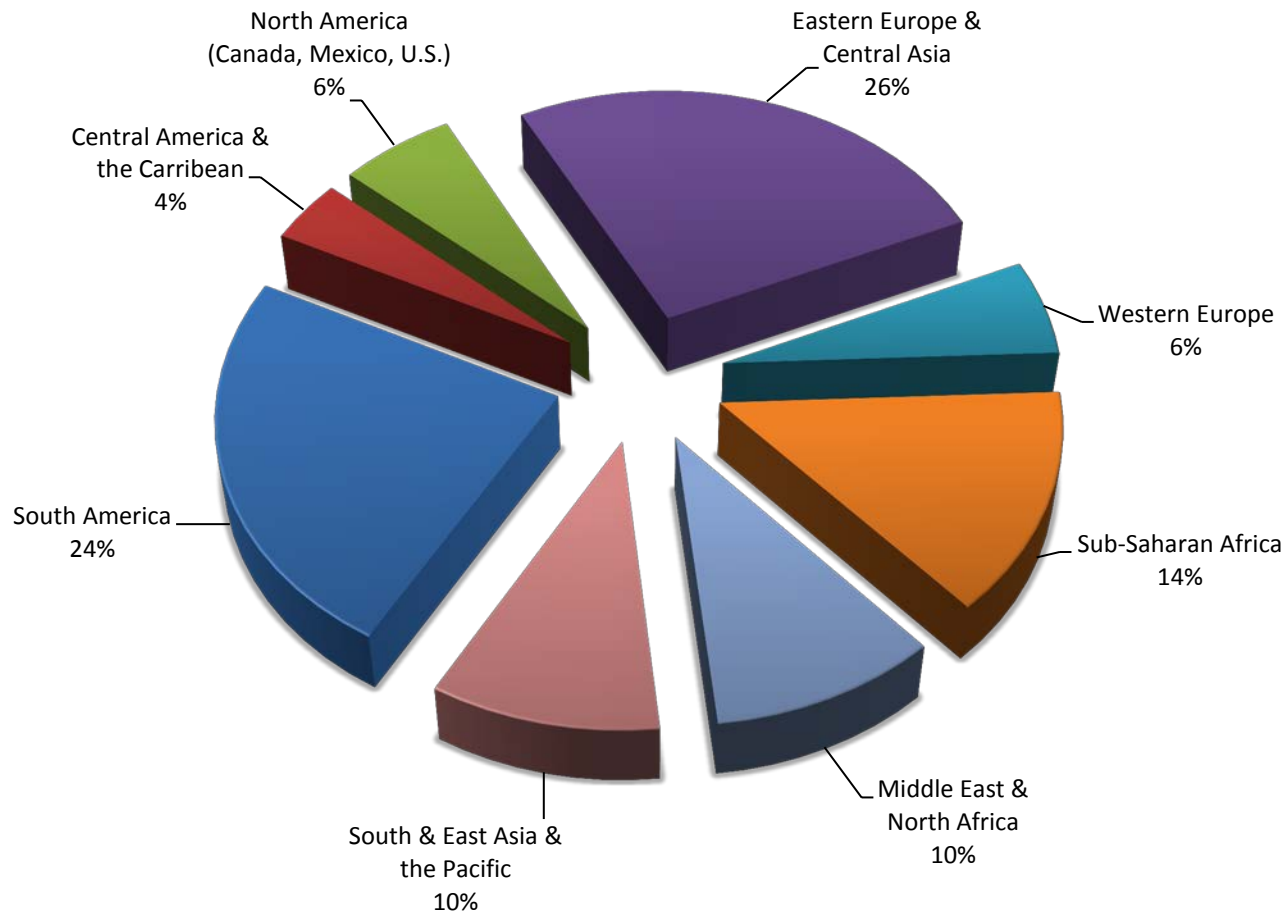
Meg Kinnear, Secretary-General, ICSID

January 31, 2013

PROFILE OF ICSID CASELOAD



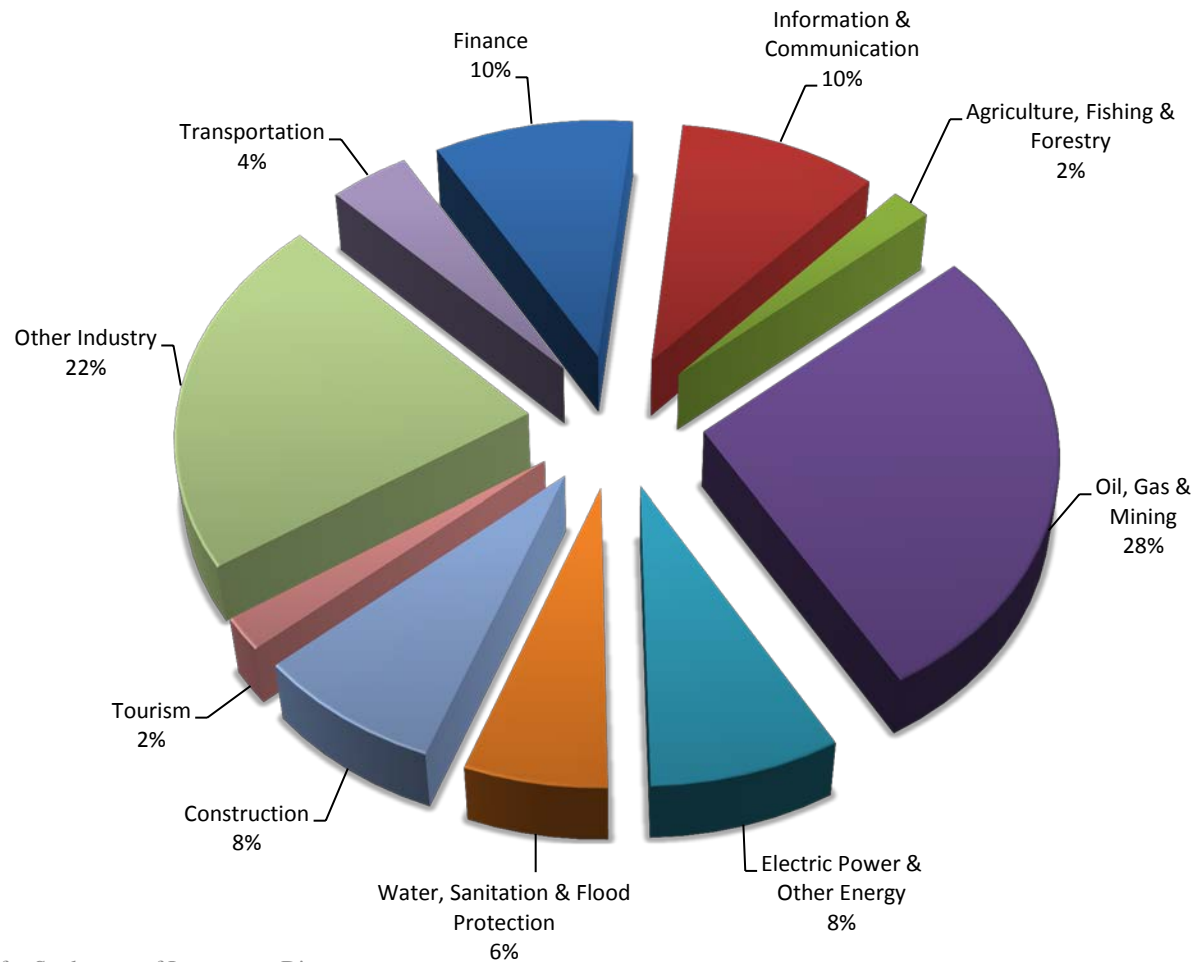
GEOGRAPHIC DISTRIBUTION OF CASES - 2012



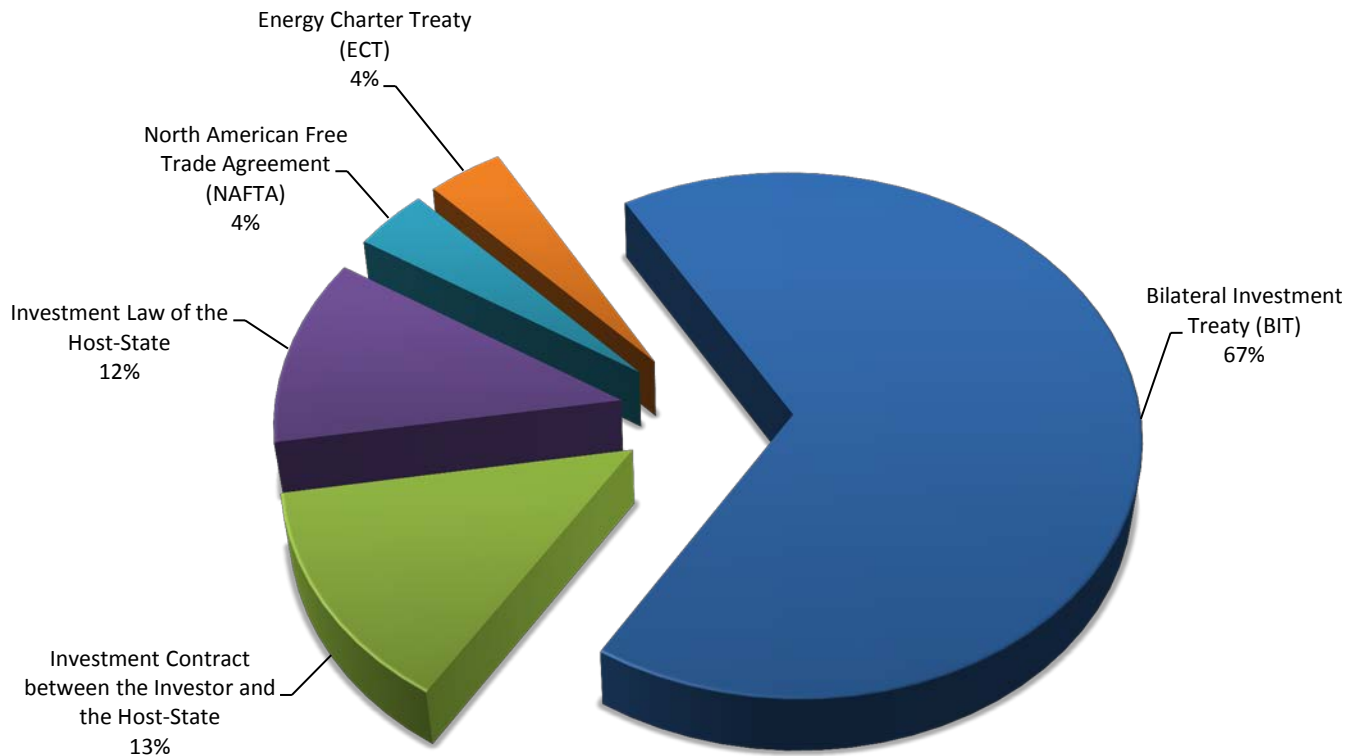
Geographic Distribution by State Party Involved – 2012

Bulgaria, 1	Argentina, 1							
Croatia, 1	Peru, 2 ³							
Georgia, 1								
Hungary, 3		Venezuela, 9						
Latvia, 1	Equatorial Guinea, 3							
Macedonia, 1								
Montenegro, 1			Algeria, 2	Indonesia, 2				
Romania, 1	Guinea, 2							
Slovak Republic, 1			Egypt, 2	Korea, 1	Canada, 1		Belgium, 1	
Turkmenistan, 1	South Sudan, 1			Laos PDR, 1	Mexico, 1	Costa Rica, 1	Germany, 1	
Uzbekistan, 1	Uganda, 1		Tunisia, 1	Pakistan, 1	United States, 1	St. Lucia, 1	Spain, 1	
Eastern Europe & Central Asia	South America		Sub-Saharan Africa	Middle East & North Africa	South & East Asia & the Pacific	North America (Canada, Mexico, U.S.)	Central America & the Caribbean	Western Europe

ECONOMIC DISTRIBUTION OF CASES - 2012

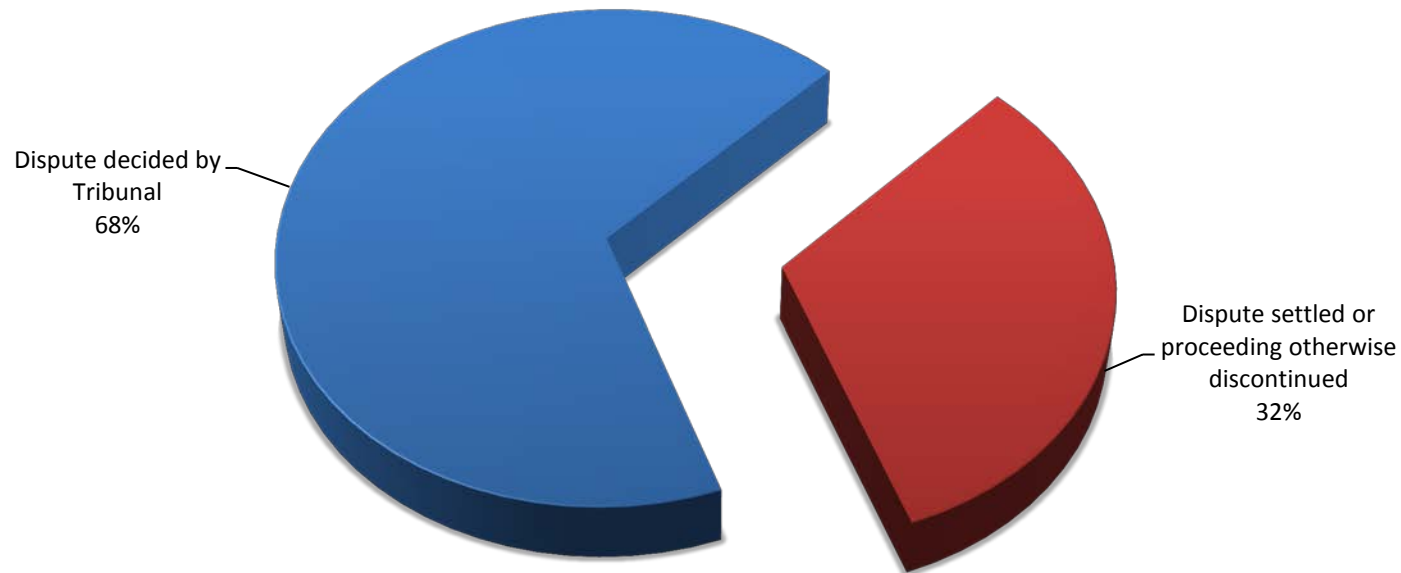


BASIS OF CONSENT – 2012

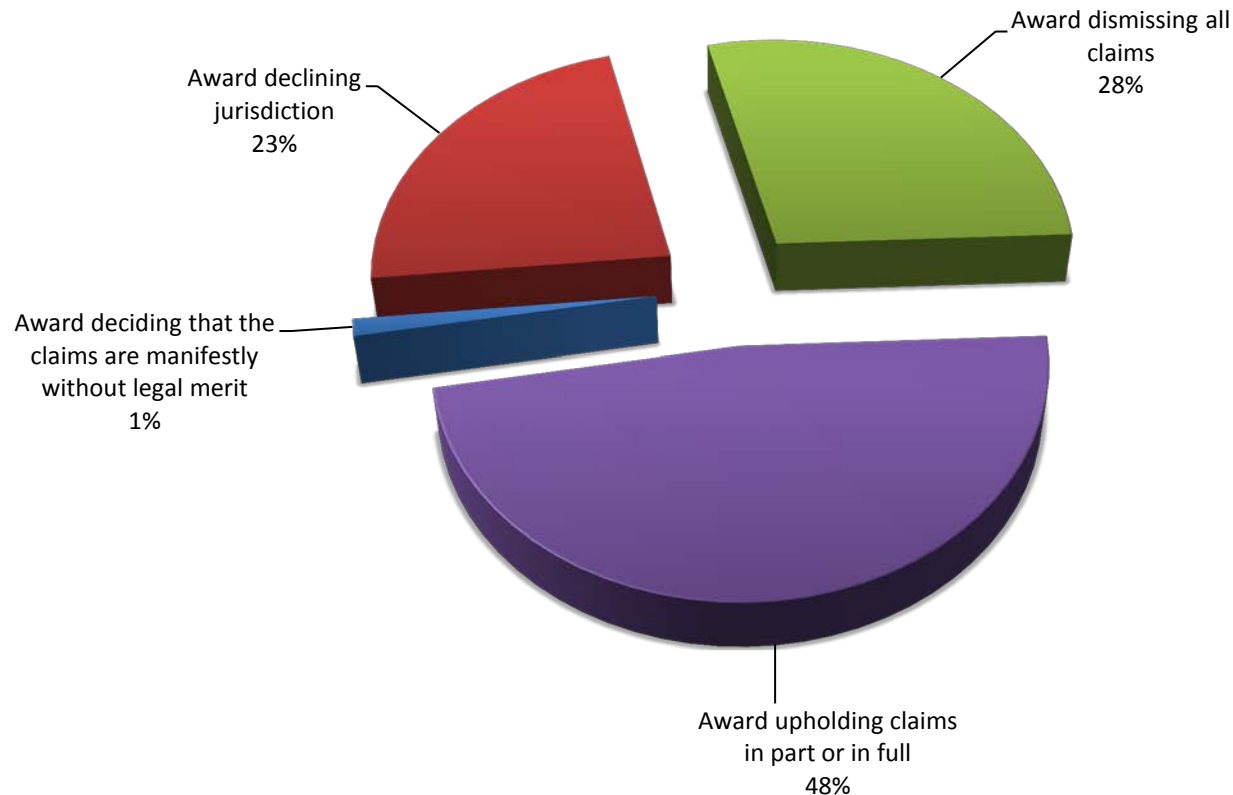


WHAT ARE THE OUTCOMES?

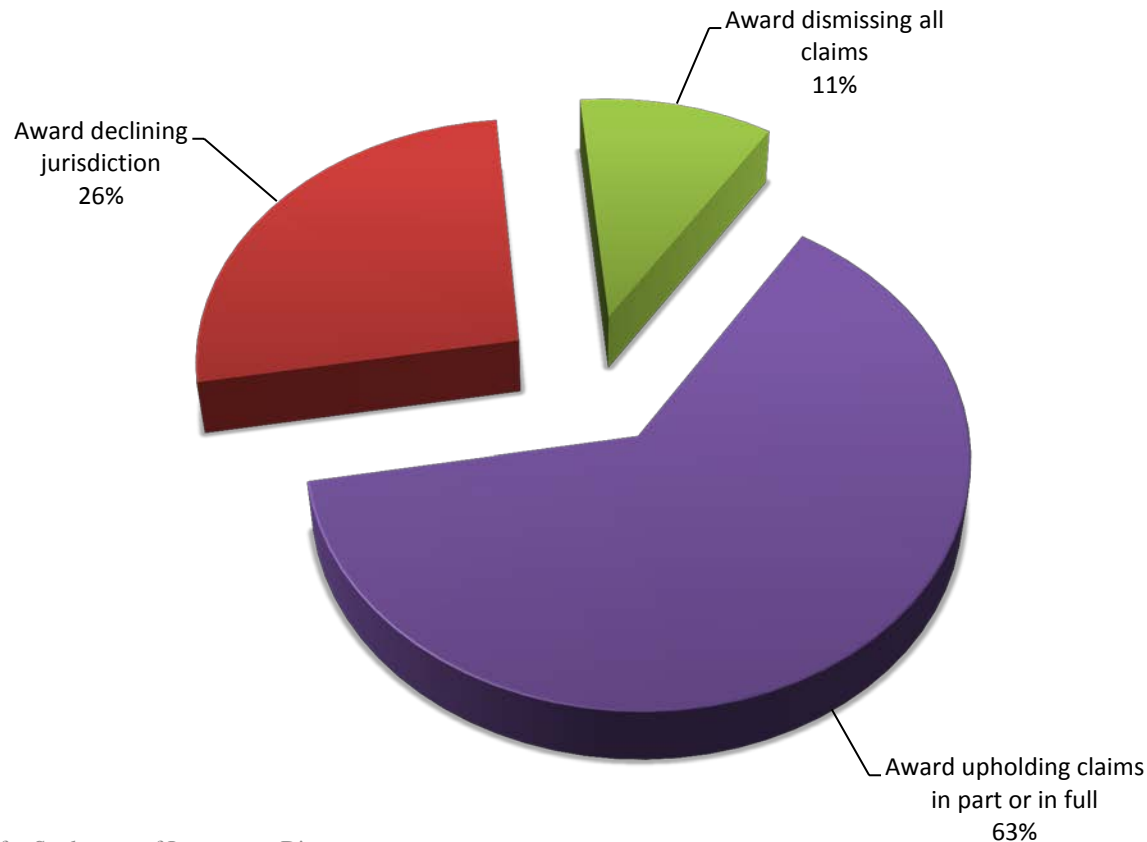
Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – 2012



Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules - Overall



Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules - 2012



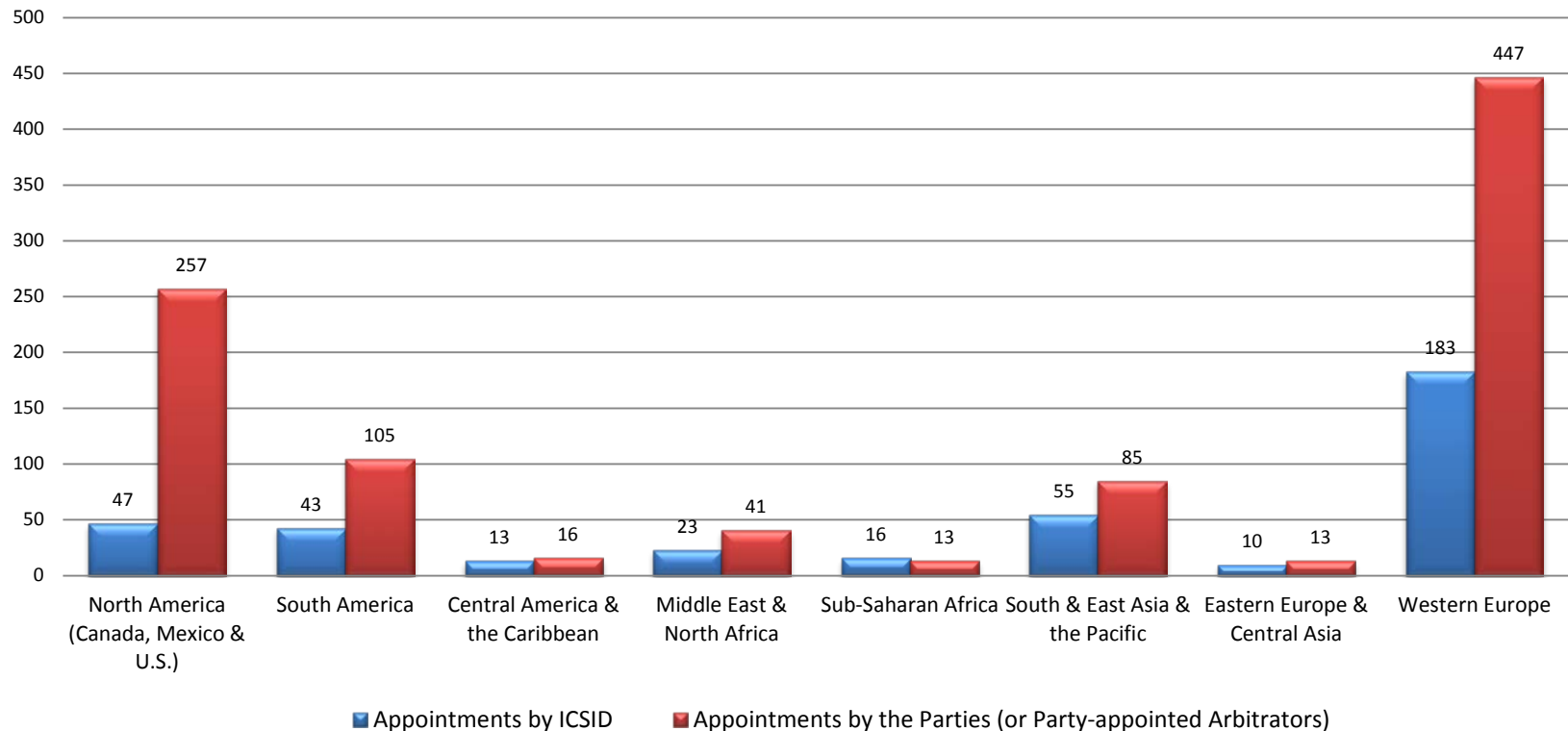
WHAT ARE THE CHALLENGES?

- very new area
- effectively 50 years old
- and case law is only 25 years old...

SOME CURRENT ISSUES

- who are the decision-makers?
 - diversity
 - the double-hat discussion
 - power of appointment

Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators by Geographic Region



SOME CURRENT ISSUES

- **consistency/predictability of awards**

SOME CURRENT ISSUES

- **time & cost questions**

SOME CURRENT ISSUES

- **alternates to arbitration**

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