

THE ICSID CASELOAD – STATISTICS (ISSUE 2018-1)

The ICSID Caseload – Statistics

(Issue 2018-1)

This issue of the *ICSID Caseload – Statistics* updates the profile of the ICSID caseload, historically and for the calendar year 2017. It is based on cases registered or administered by ICSID as of December 31, 2017.

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; and the economic sectors involved in ICSID disputes. It also contains data on outcomes in ICSID arbitration and conciliation proceedings, including further information on disputes decided by arbitral tribunals, data on discontinued ICSID arbitration proceedings, and outcomes to date in annulment proceedings under the ICSID Convention. The nationalities and geographic origins of arbitrators, conciliators and *ad hoc* committee members appointed in ICSID cases are also featured.

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.

TABLE OF CONTENTS¹

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 January 31, 2018	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, by 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 8a: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – Tribunal Rulings, Settlement & Discontinuances	14
Chart 8b: Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules – Findings	15
Chart 8c: Disputes Settled or Proceedings Otherwise Discontinued under the ICSID Convention and Additional Facility Rules – Basis	16
Chart 9: Conciliation Proceedings under the ICSID Convention and Additional Facility Rules – Outcomes	17
Chart 10: Conciliation Proceedings under the ICSID Convention and Additional Facility Rules – Commission Reports	17
8. Annulment Proceedings under the ICSID Convention – Outcomes	18
Chart 11: Awards Rendered and Outcomes in Annulment Proceedings under the ICSID Convention, by Decade	18
9. Arbitrators, Conciliators and <i>ad hoc</i> Committee Members Appointed in ICSID Cases	19
Chart 12: Arbitrators, Conciliators and <i>ad hoc</i> Committee Members Appointed in Cases Registered under the ICSID Convention and Additional Facility Rules – Distribution of Appointments by Geographic Region	19
Chart 13: Arbitrators, Conciliators and <i>ad hoc</i> 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	20
Chart 14: State of Nationality of Arbitrators, Conciliators and <i>ad hoc</i> Committee Members Appointed in Cases Registered under the ICSID Convention and Additional Facility Rules	21

¹ The data is based on ICSID statistics as of December 31, 2017.

² The ICSID Fiscal Year covers the period July 1 to June 30.

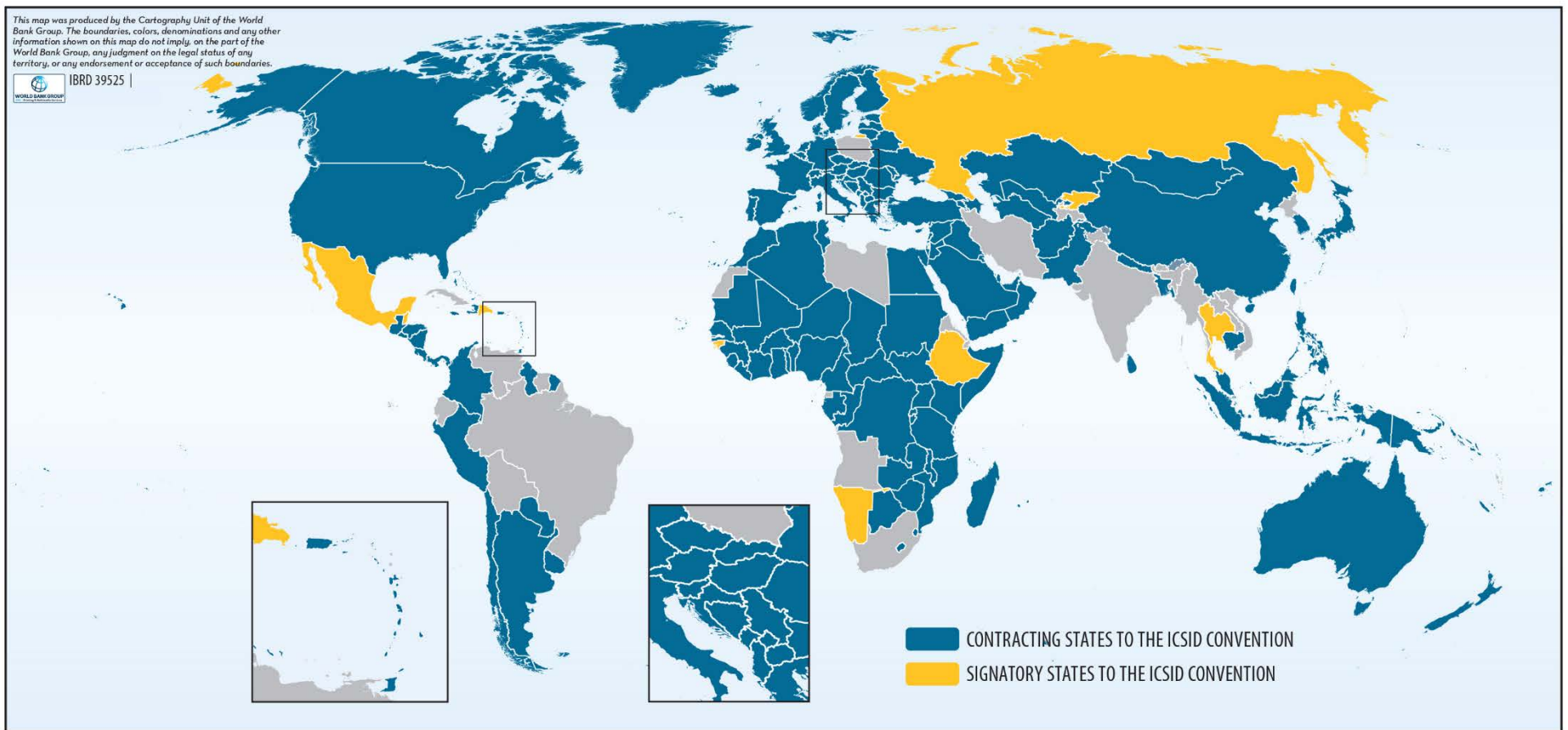
PART II - CASES REGISTERED AND ADMINISTERED BY ICSID IN 2017

1. New Cases Registered by ICSID in 2017	24
Chart 1: Number of New Cases Registered under the ICSID Convention and Additional Facility Rules in 2017	24
2. Non-ICSID Cases Administered by the ICSID Secretariat in 2017	24
Chart 2: Number of Non-ICSID Cases Administered by the ICSID Secretariat in 2017	24
3. Basis of Consent Invoked to Establish ICSID Jurisdiction in New Cases Registered in 2017	25
Chart 3: Basis of Consent Invoked to Establish ICSID Jurisdiction in New Cases Registered in 2017 under the ICSID Convention and Additional Facility Rules	25
4. Geographic Distribution of New ICSID Cases Registered in 2017, by State Party Involved	26
Chart 4: Geographic Distribution of New Cases Registered in 2017 under the ICSID Convention and Additional Facility Rules, by State Party Involved	26
Chart 5: Geographic Distribution of New Cases Registered in 2017 under the ICSID Convention and Additional Facility Rules, by State Party Involved – Further Details	27
5. Distribution of New ICSID Cases Registered in 2017, by Economic Sector	28
Chart 6: Distribution of New Cases Registered in 2017 under the ICSID Convention and Additional Facility Rules, by Economic Sector	28
6. ICSID Arbitration Proceedings Concluded in 2017 – Outcomes	29
Chart 7: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules concluded in 2017 – Outcomes	29
Chart 7a: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules concluded in 2017 – Tribunal Rulings, Settlement & Discontinuances	30
Chart 7b: Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules in 2017 – Findings	31
Chart 7c: Disputes Settled or Proceedings Otherwise Discontinued under the ICSID Convention and Additional Facility Rules in 2017 – Basis	32
7. Arbitrators, Conciliators and <i>ad hoc</i> Committee Members Appointed in ICSID Cases in 2017	33
Chart 8: Arbitrators, Conciliators and <i>ad hoc</i> Committee Members Appointed in 2017 in Cases Registered under the ICSID Convention and Additional Facility Rules – Distribution of Appointments by Geographic Region	33
Chart 9: Arbitrators, Conciliators and <i>ad hoc</i> Committee Members Appointed in 2017 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	34
Chart 10: State of Nationality of Arbitrators, Conciliators and <i>ad hoc</i> Committee Members Appointed in 2017 in Cases Registered under the ICSID Convention and Additional Facility Rules	35

PART I

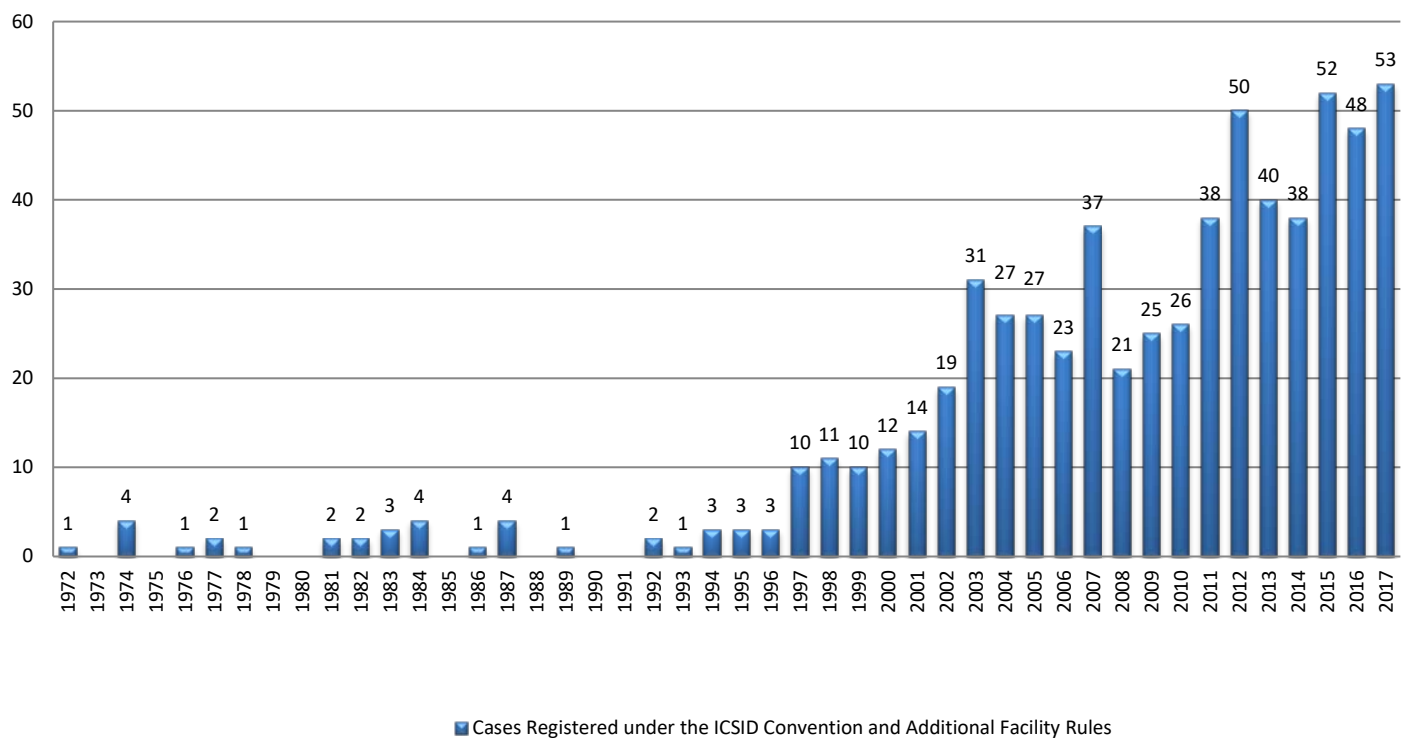
ALL CASES REGISTERED AND ADMINISTERED BY ICSID

1. Map of the ICSID Contracting States and Other Signatories to the ICSID Convention as of January 31, 2018



2. Cases Registered by ICSID

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



As of December 31, 2017, ICSID had registered 650 cases under the ICSID Convention and Additional Facility Rules.

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

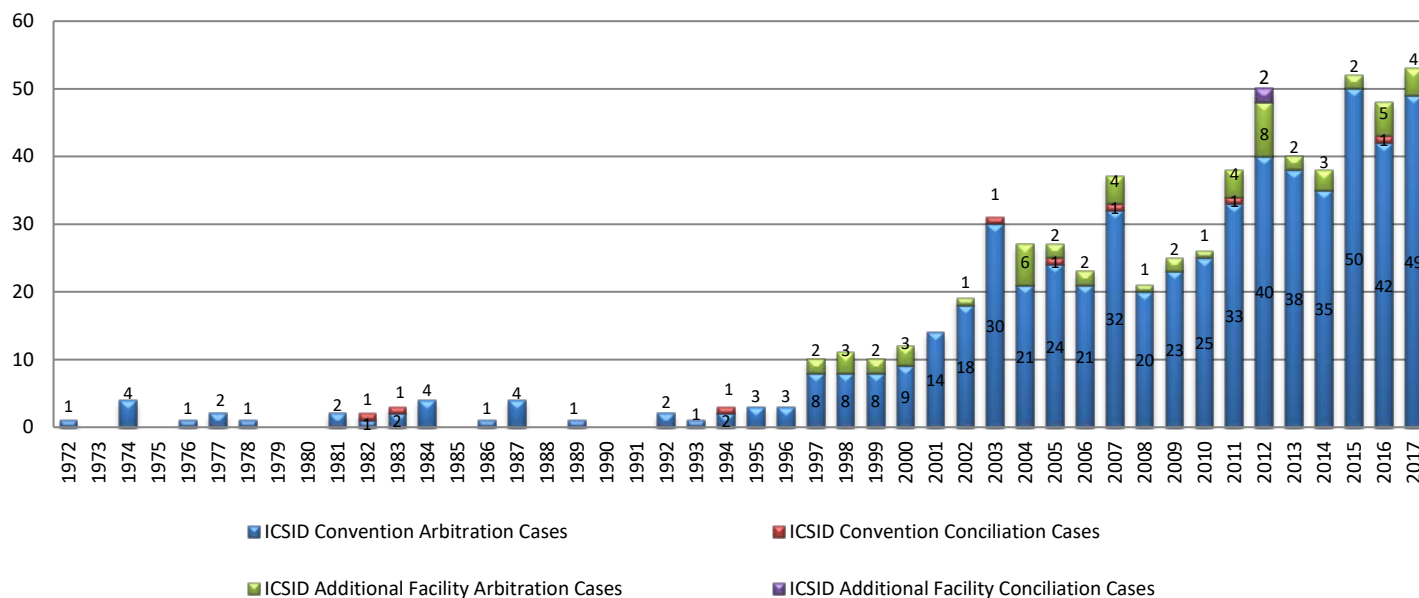
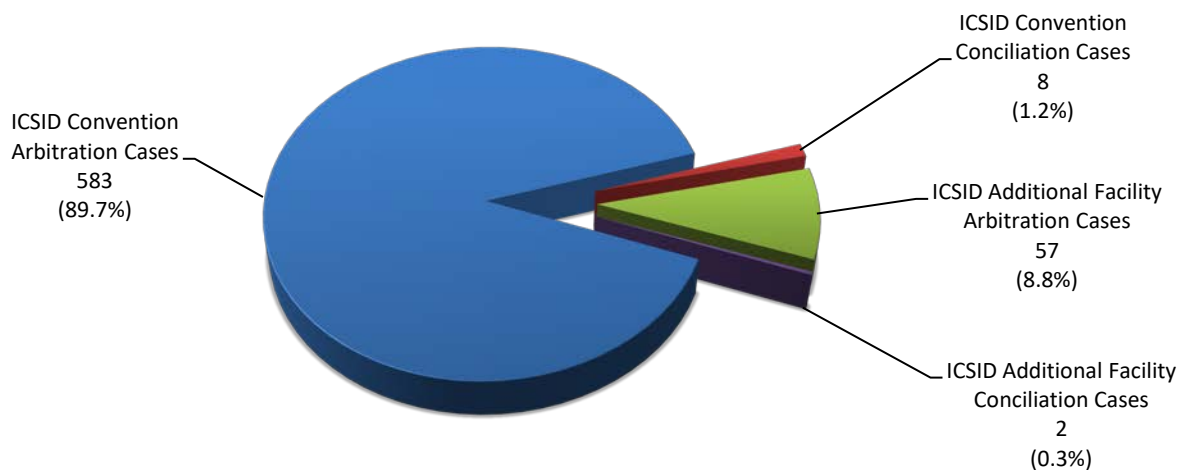
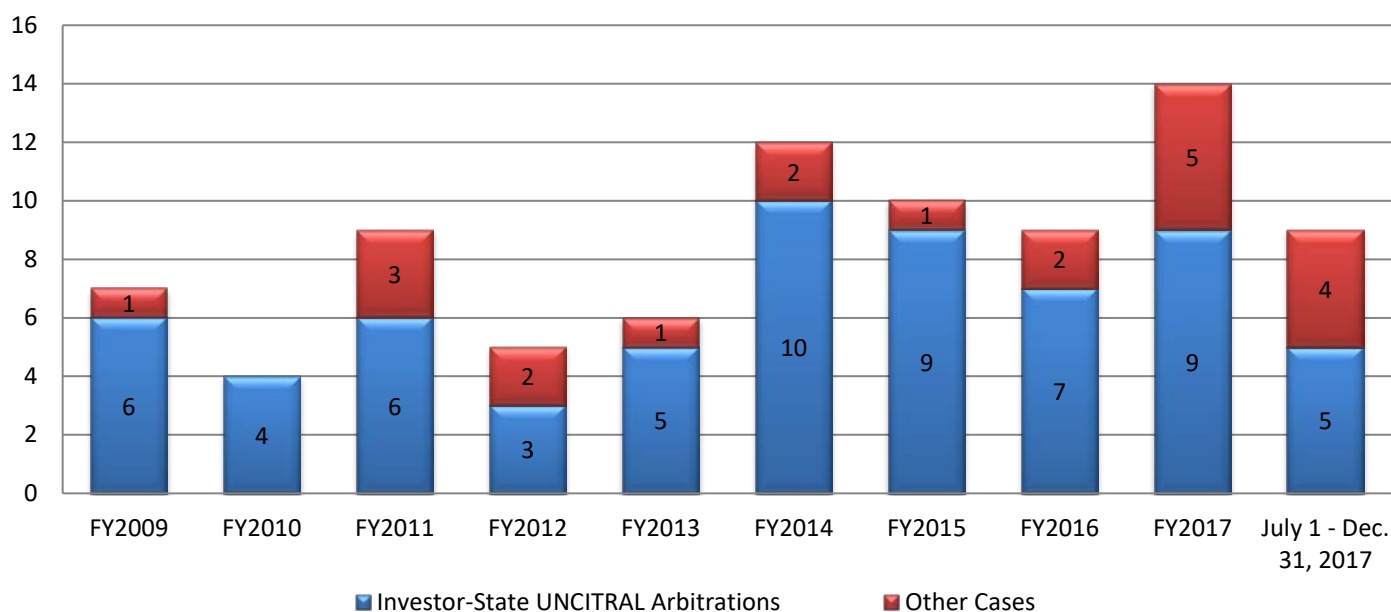


Chart 3: Type of Cases Registered under the ICSID Convention and Additional Facility Rules:



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:

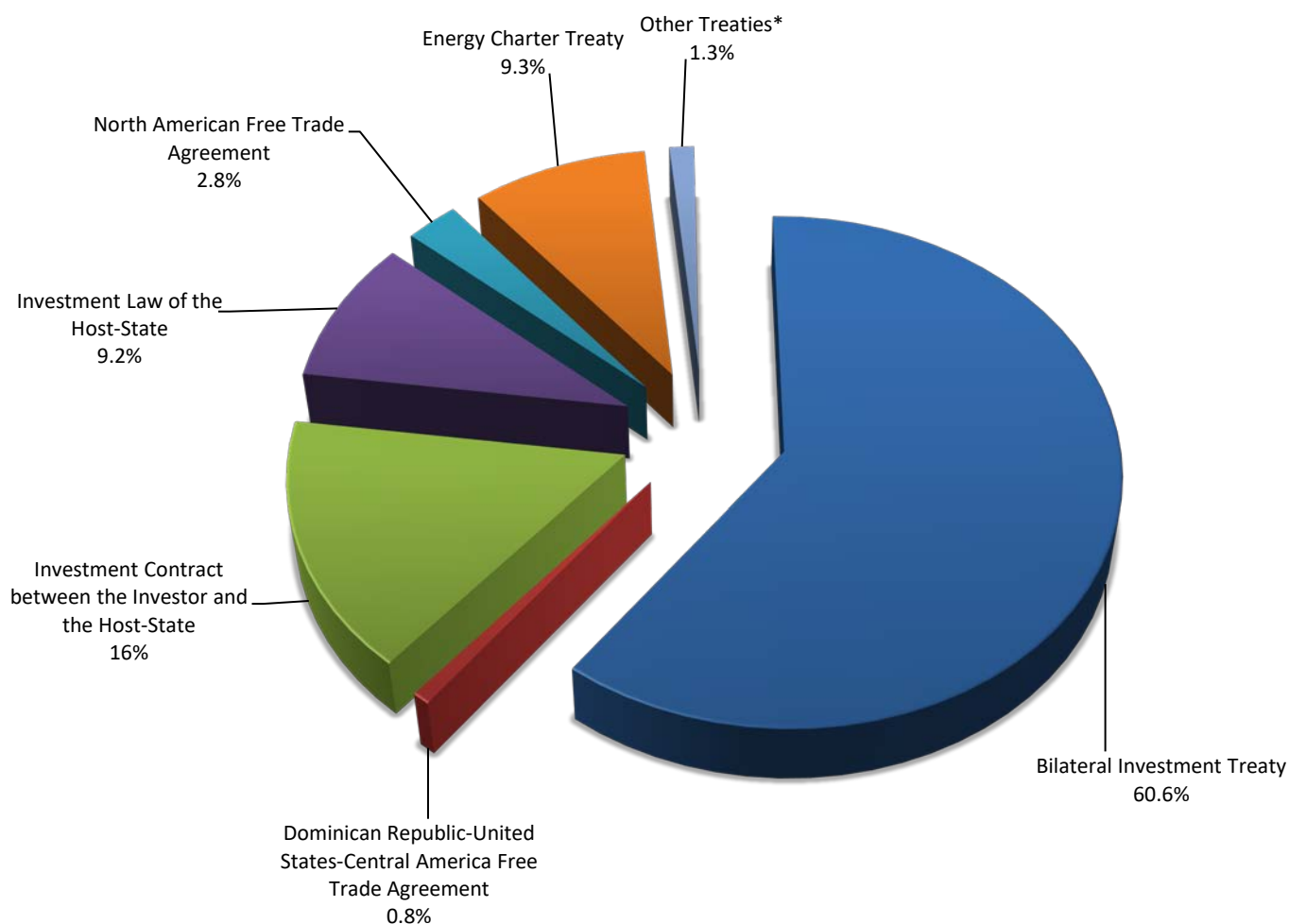


The ICSID Secretariat offers various levels of administrative and organizational support for non-ICSID dispute settlement in State-State or investor-State proceedings. Among the State-State cases administered in the past decade are the *Southern Bluefin Tuna* case (Australia and New Zealand v. Japan), 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, free trade agreements and 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.

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

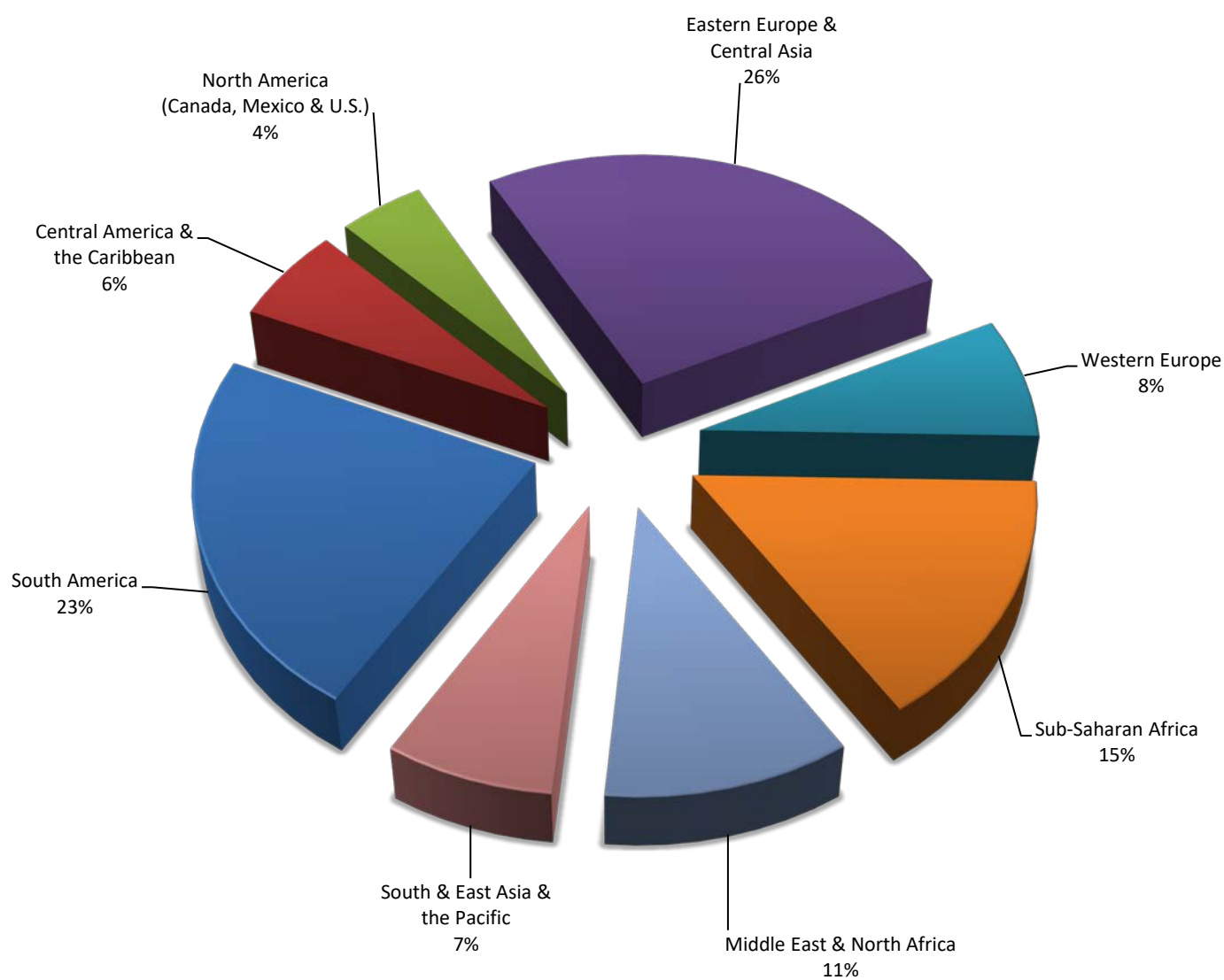
Chart 5: Basis of Consent Invoked to Establish ICSID Jurisdiction in Cases Registered under the ICSID Convention and Additional Facility Rules:



* "Other Treaties" refers to the Agreement on Promotion, Protection and Guarantee of Investments among Member States of the Organisation of the Islamic Conference; ASEAN Agreement for the Promotion and Protection of Investments; Canada-Colombia Free Trade Agreement; Canada-Peru Free Trade Agreement; Central America-Panama Free Trade Agreement; Chile-Colombia Free Trade Agreement; Colombia-Mexico Free Trade Agreement; U.S.-Panama Trade Promotion Agreement; and the Oman-U.S. Free Trade Agreement.

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

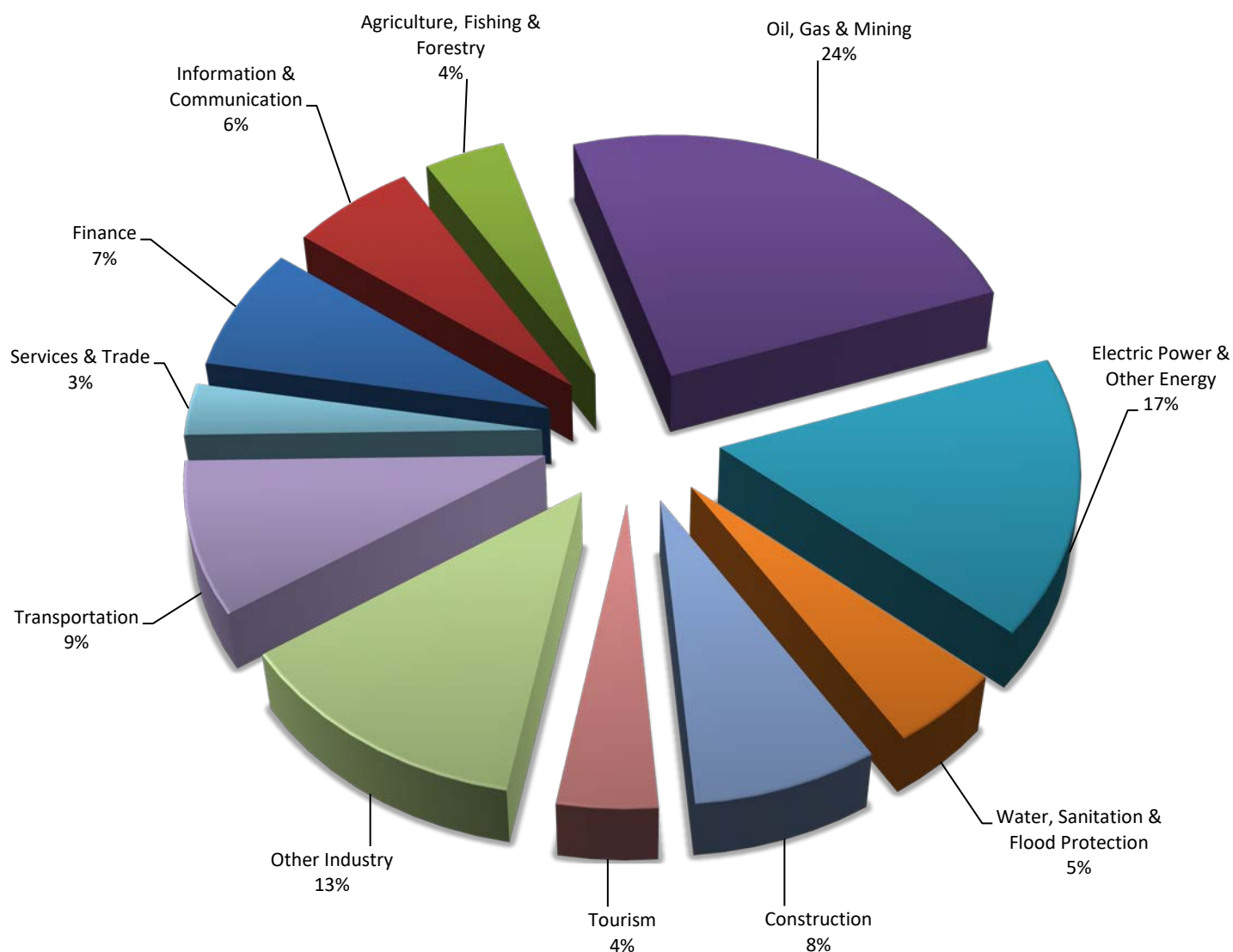
Chart 6: Geographic Distribution of All Cases Registered under the ICSID Convention and Additional Facility Rules, by State Party Involved*:



* 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.

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>.

7. ICSID Arbitration and Conciliation Proceedings – Outcomes

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

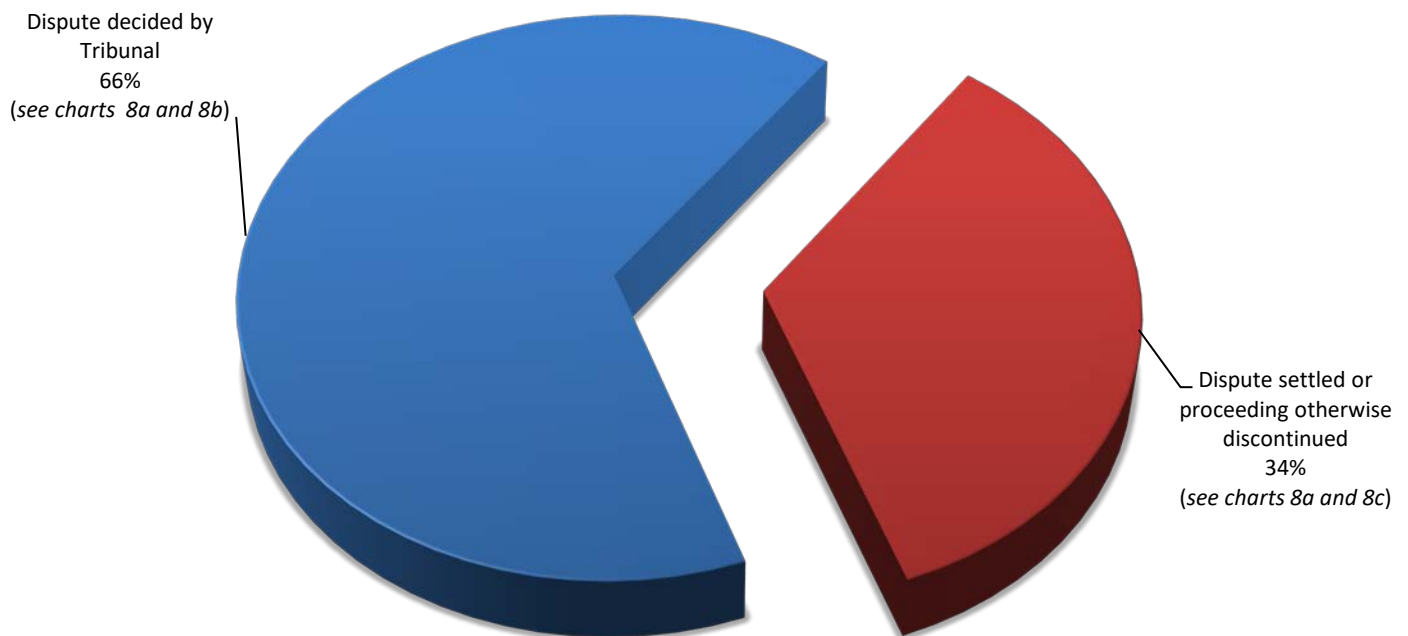
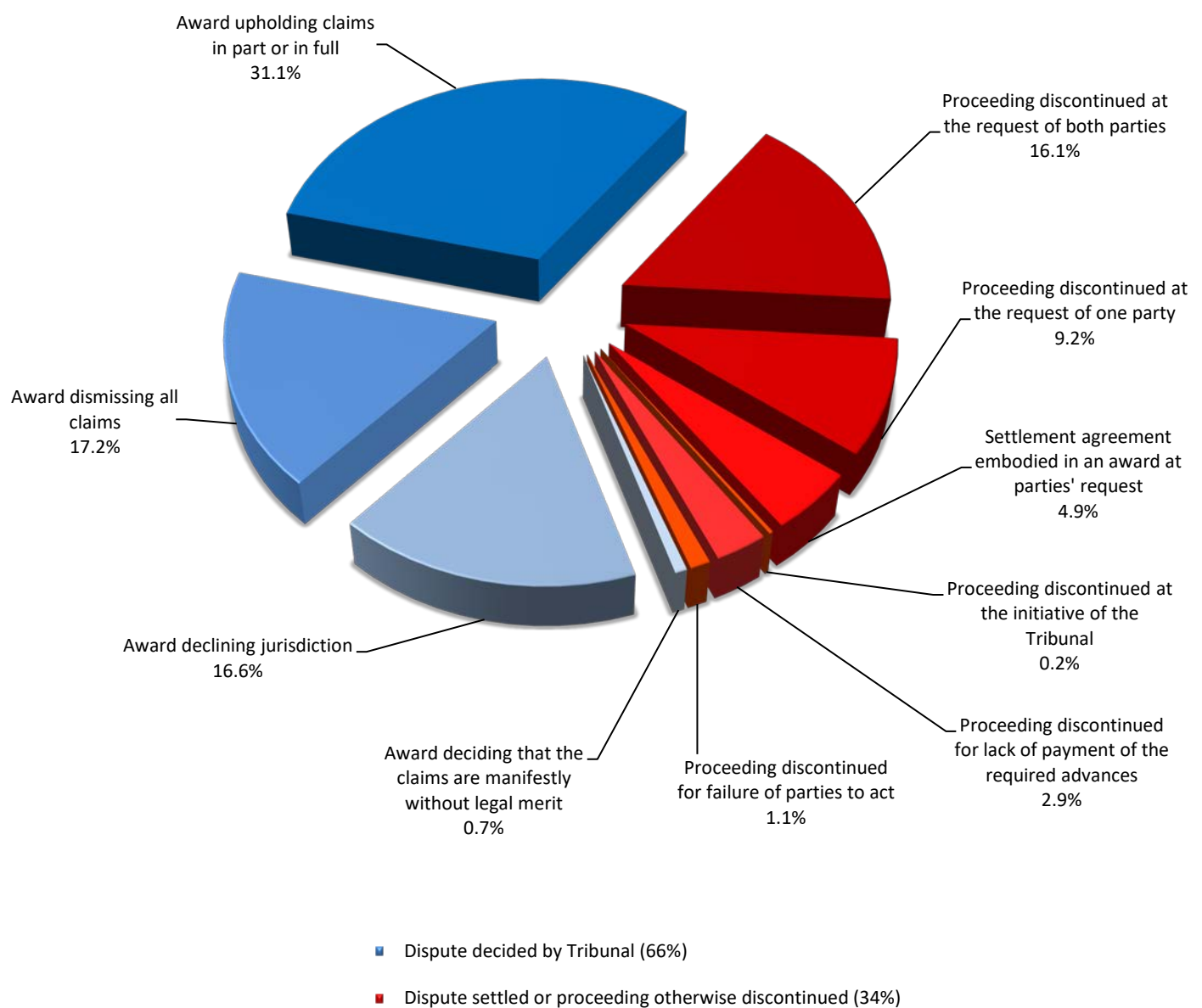
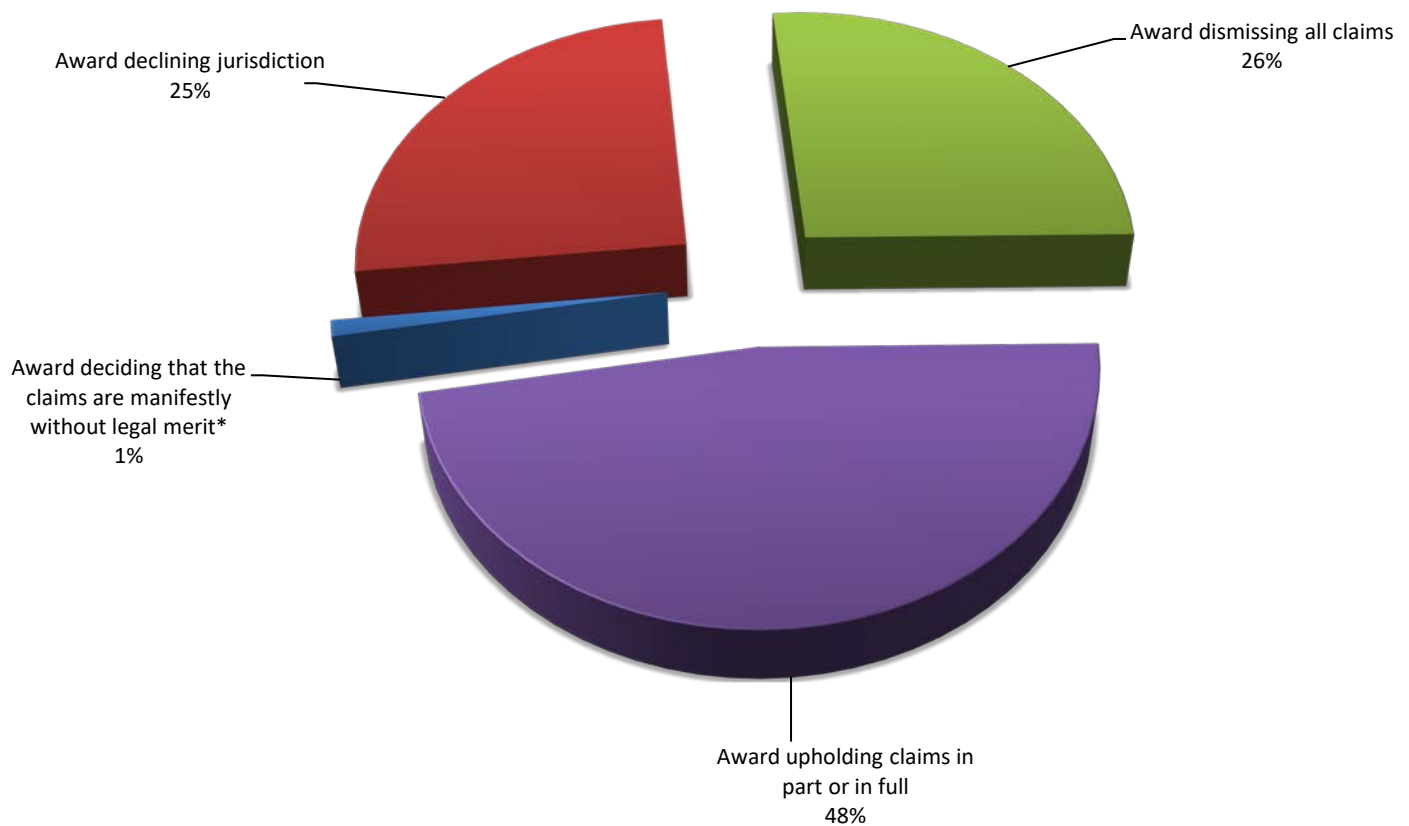


Chart 8a: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules – Tribunal Rulings, Settlement & Discontinuances:

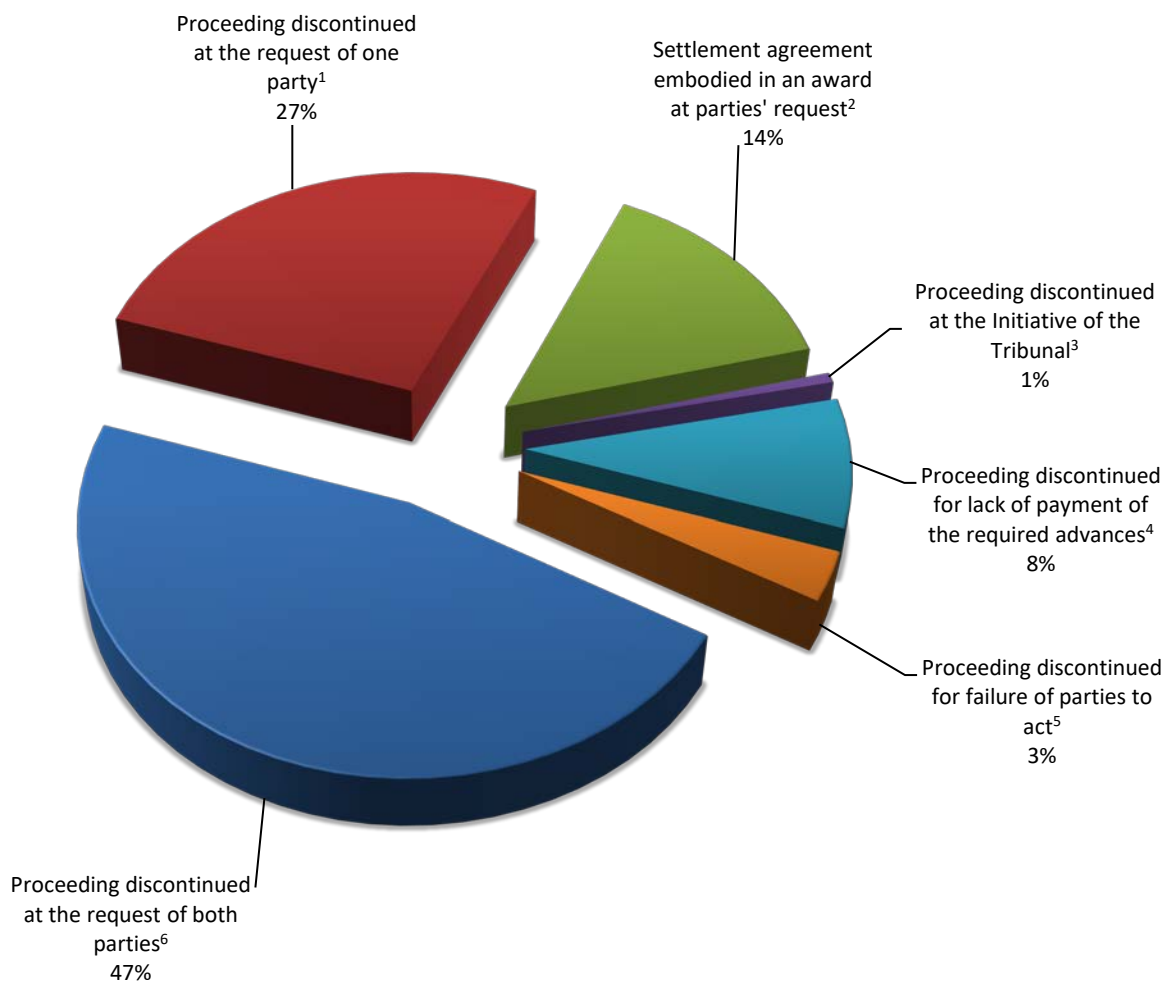


Cart 8b: Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules – Findings:



* 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.

Chart 8c: Disputes Settled or Proceedings Otherwise Discontinued under the ICSID Convention and Additional Facility Rules – Basis:



¹ ICSID Arbitration Rule 44. No case concluded to date on the basis of Arbitration (Additional Facility) Rule 50.

² ICSID Arbitration Rule 43(2) and Arbitration (Additional Facility) Rule 49(2).

³ In accordance with Article 44 of the ICSID Convention.

⁴ ICSID Administrative & Financial Regulation 14(3)(d).

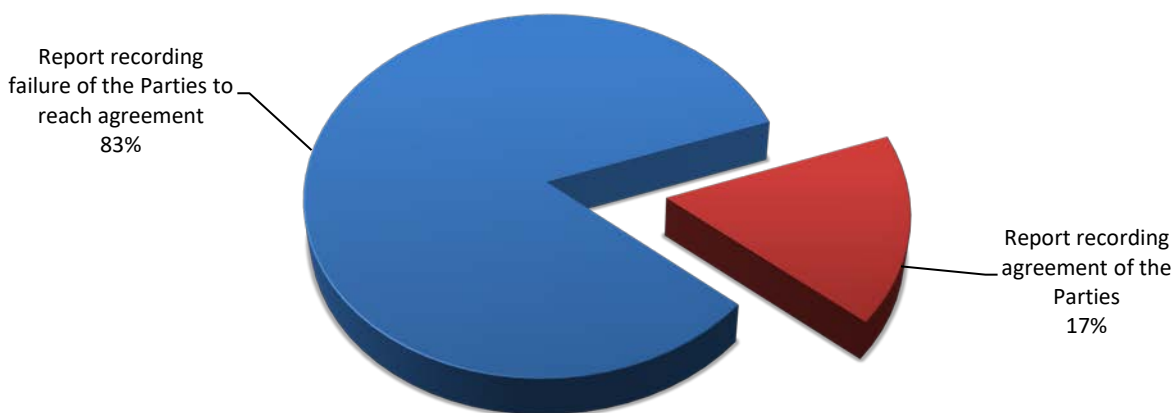
⁵ ICSID Arbitration Rule 45 and Arbitration (Additional Facility) Rule 51.

⁶ ICSID Arbitration Rule 43(1) and Arbitration (Additional Facility) Rule 49(1).

Chart 9: Conciliation Proceedings under the ICSID Convention and Additional Facility Rules – Outcomes:

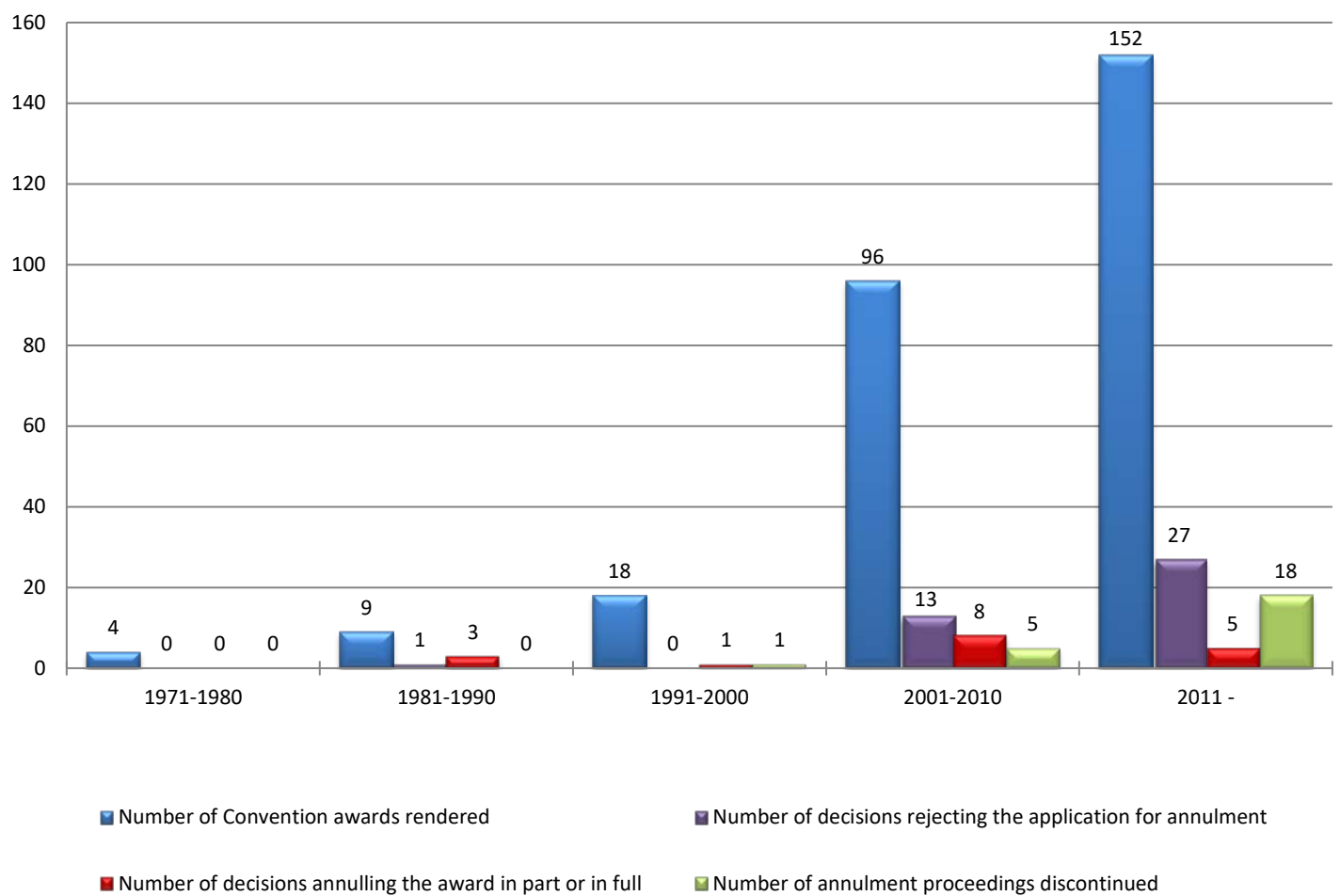


Chart 10: Conciliation Proceedings under the ICSID Convention and Additional Facility Rules – Commission Reports:



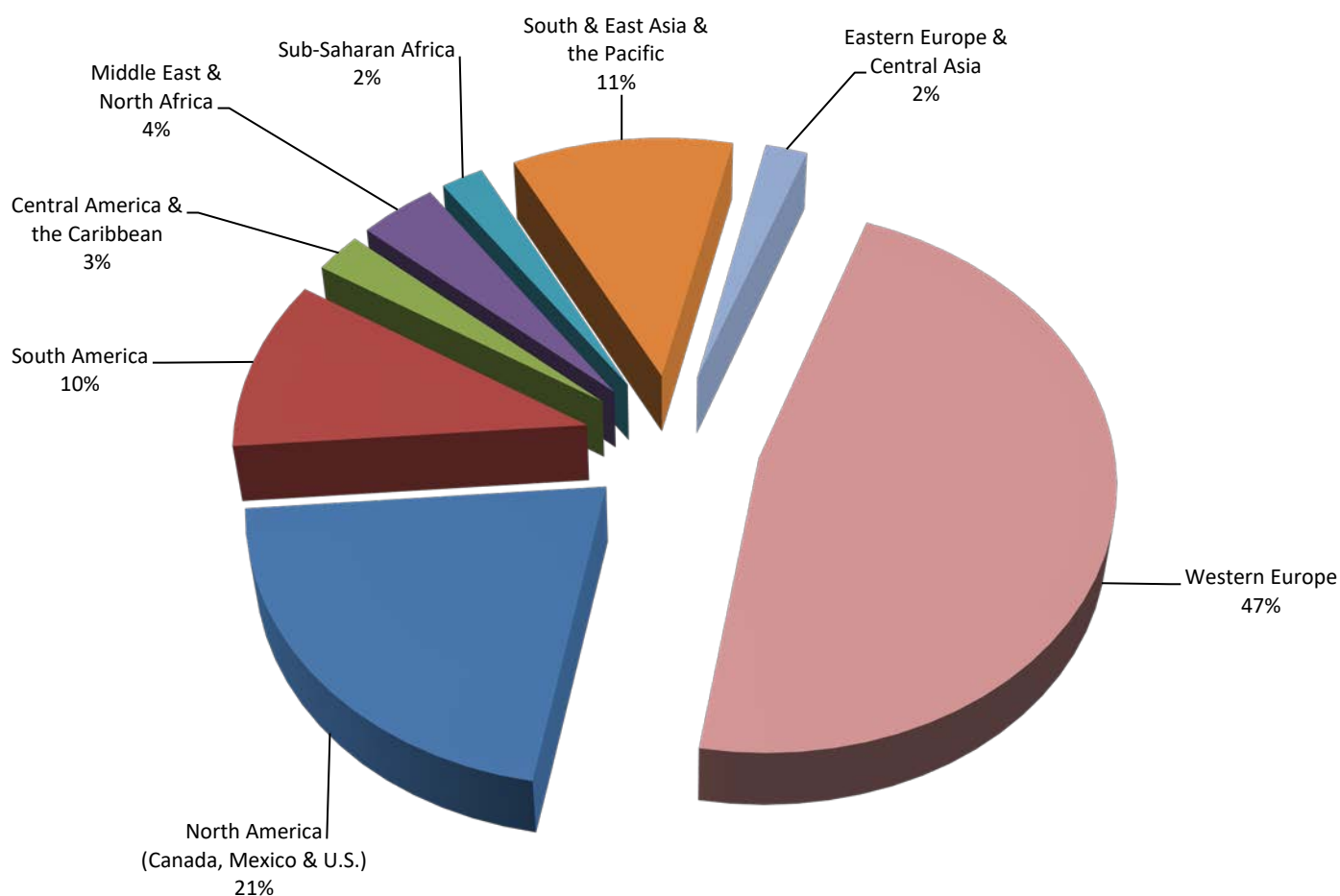
8. Annulment Proceedings under the ICSID Convention – Outcomes

Chart 11: Awards Rendered and Outcomes in Annulment Proceedings under the ICSID Convention, by Decade:



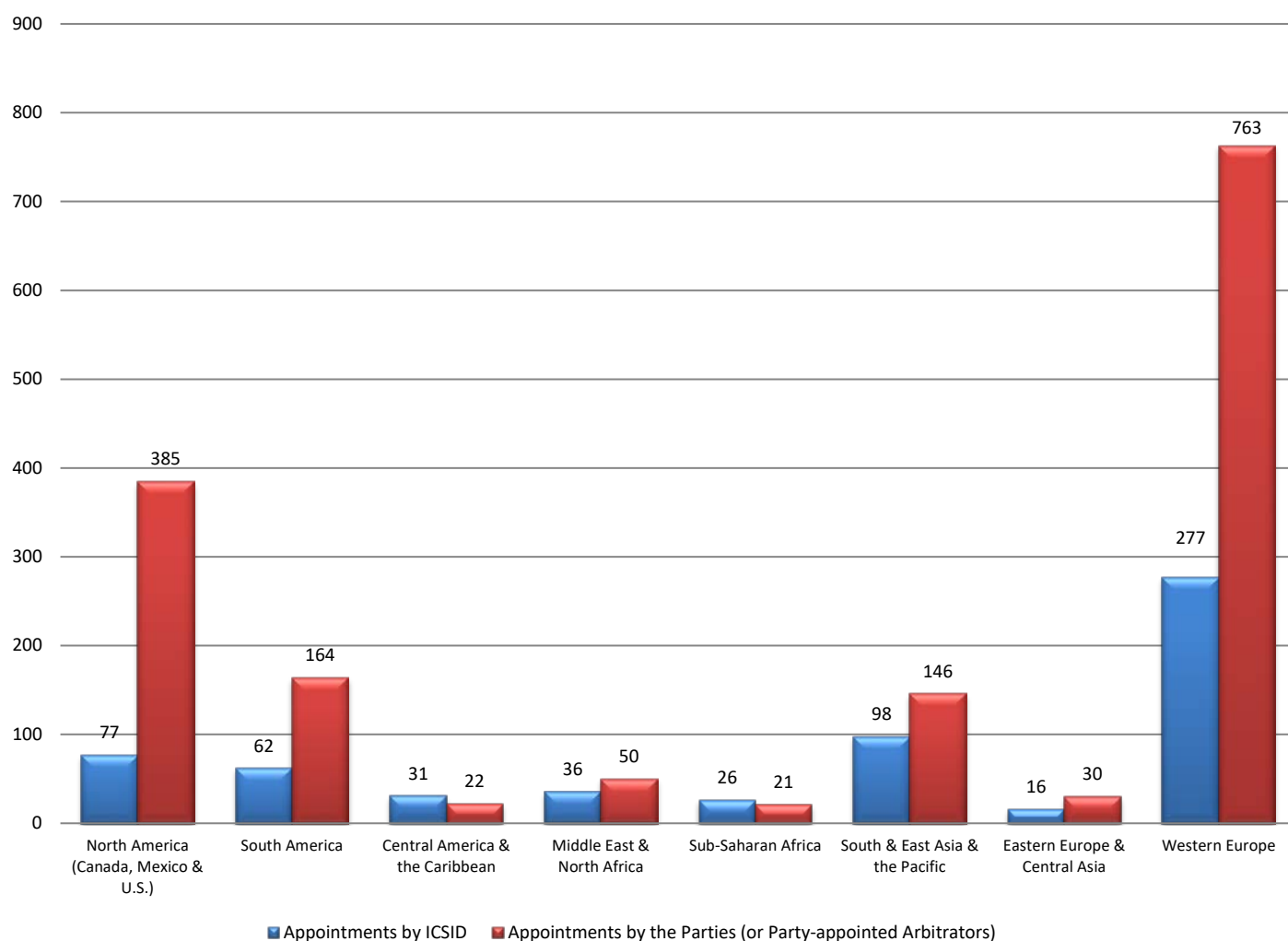
9. Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases

Chart 12: 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*:



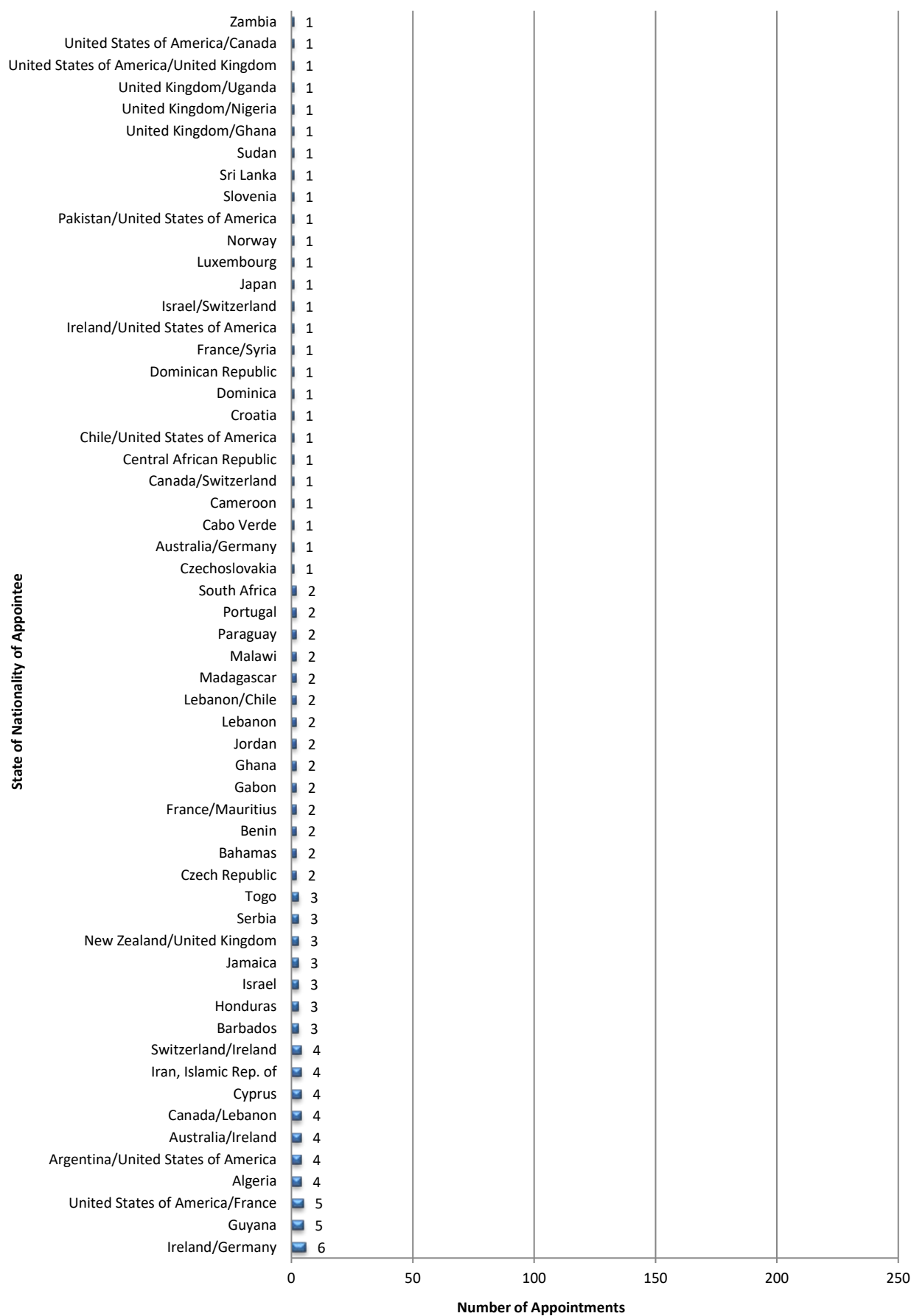
* The classification of the geographic regions above is based on the World Bank's regional system, available at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html>, and also includes World Bank donor countries. The chart reflects appointments made to Tribunals and *ad hoc* Committees constituted until December 31, 2017.

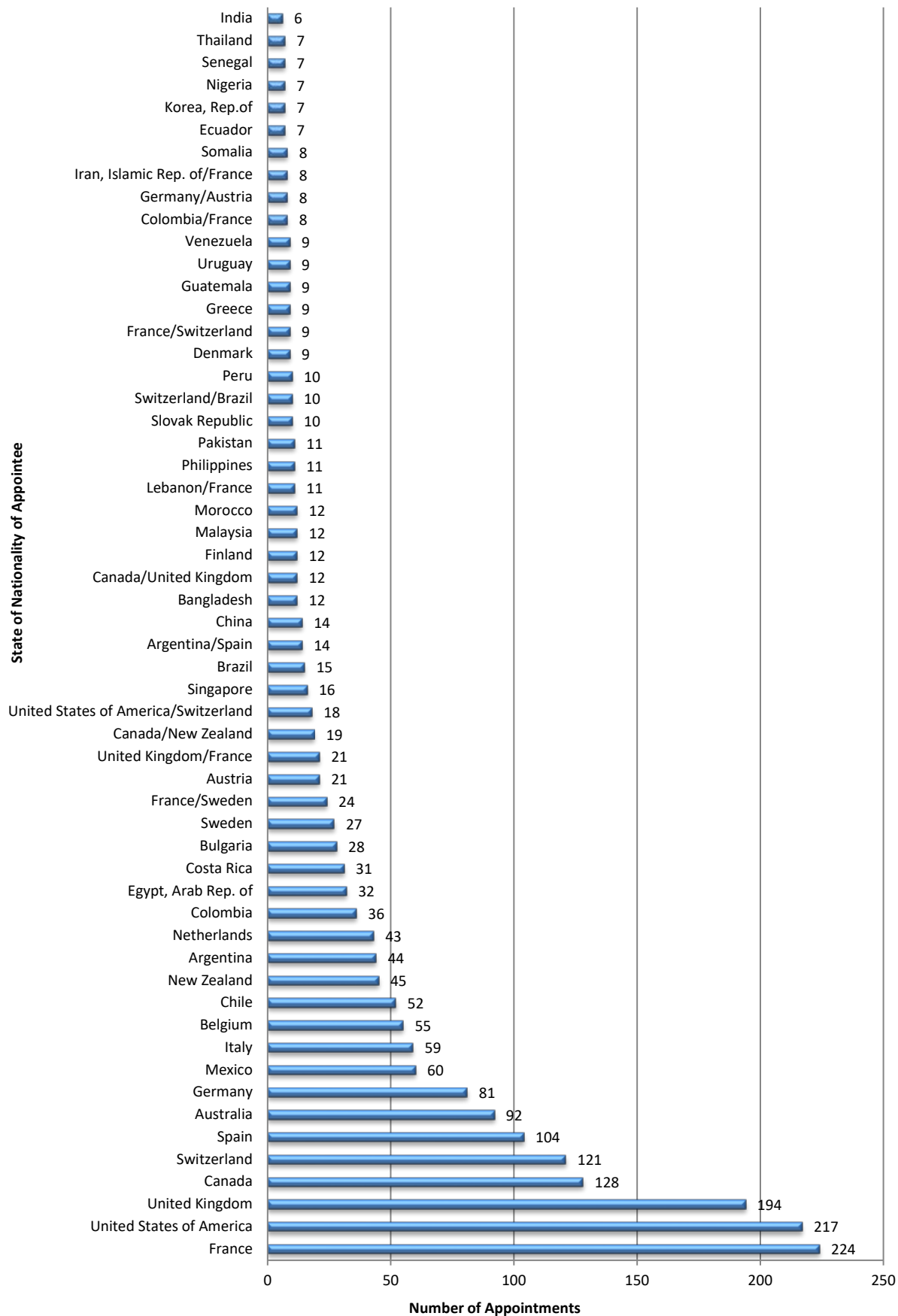
Chart 13: Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in Cases Registered under the ICSID Convention and Additional Facility Rules – Distribution of Appointments by ICSID and by the Parties (or Party-appointed Arbitrators) by Geographic Region*:



* 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, 2017.

Chart 14: State of Nationality of Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in Cases Registered under the ICSID Convention and Additional Facility Rules:



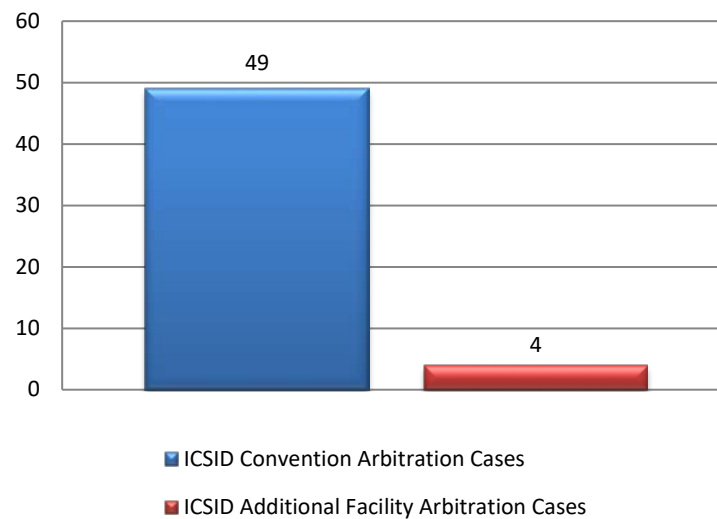


PART II

CASES REGISTERED AND ADMINISTERED BY ICSID IN 2017

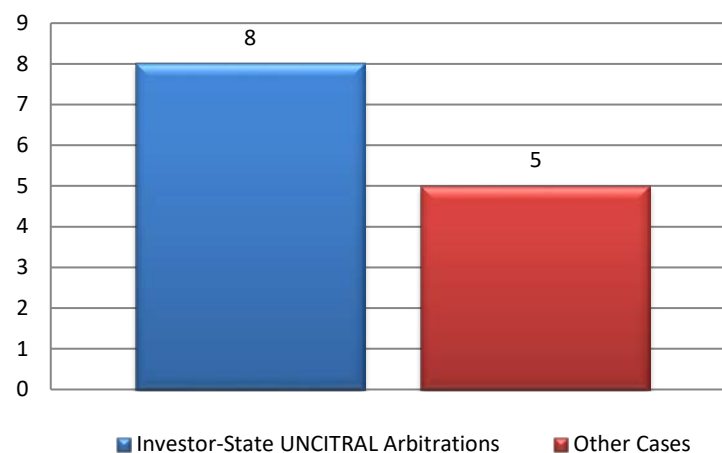
1. New Cases Registered by ICSID in 2017

Chart 1: Number of New Cases Registered under the ICSID Convention and Additional Facility Rules in 2017:



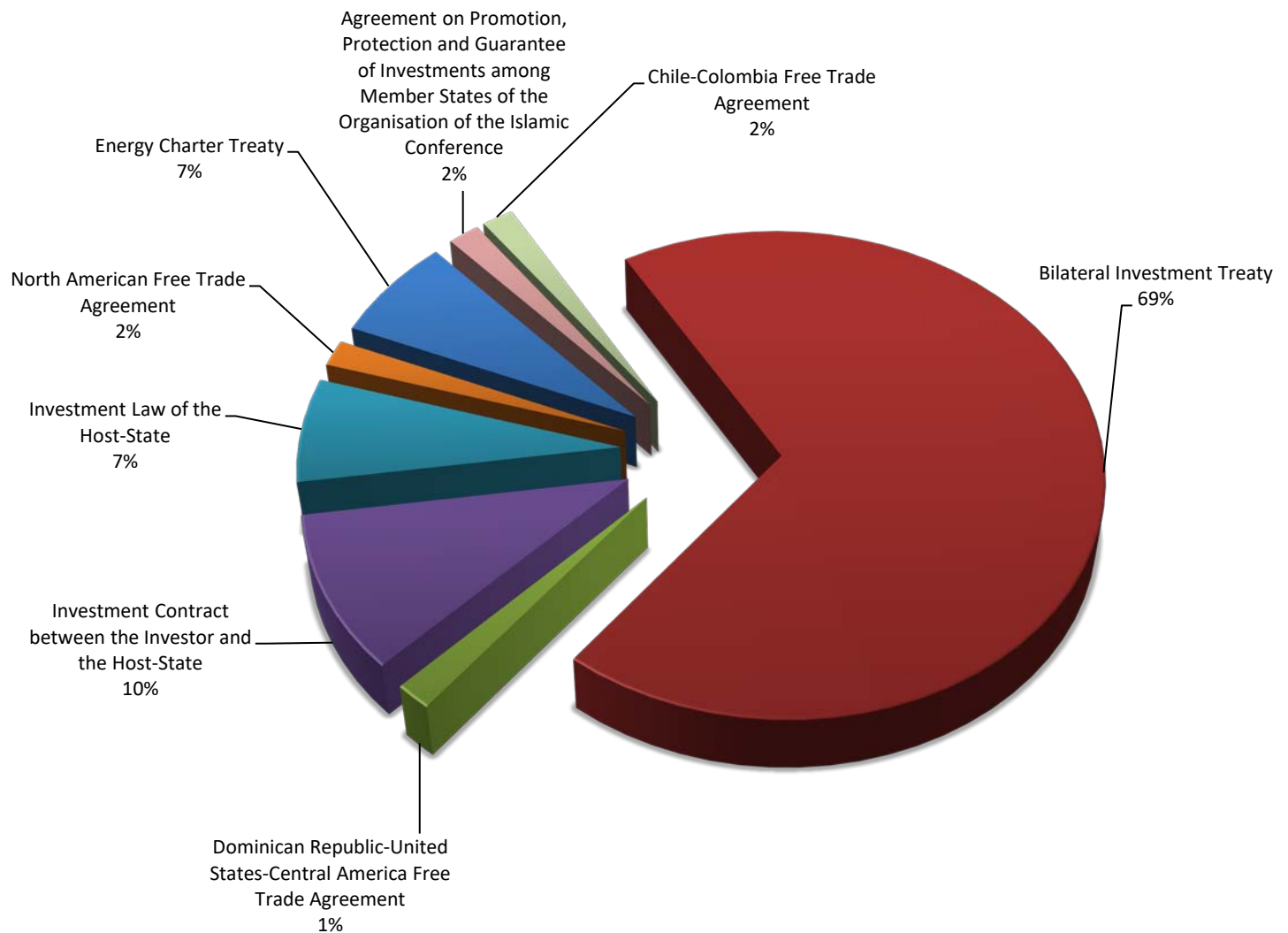
2. Non-ICSID Cases Administered by the ICSID Secretariat in 2017

Chart 2: Number of Non-ICSID Cases Administered by the ICSID Secretariat in 2017:



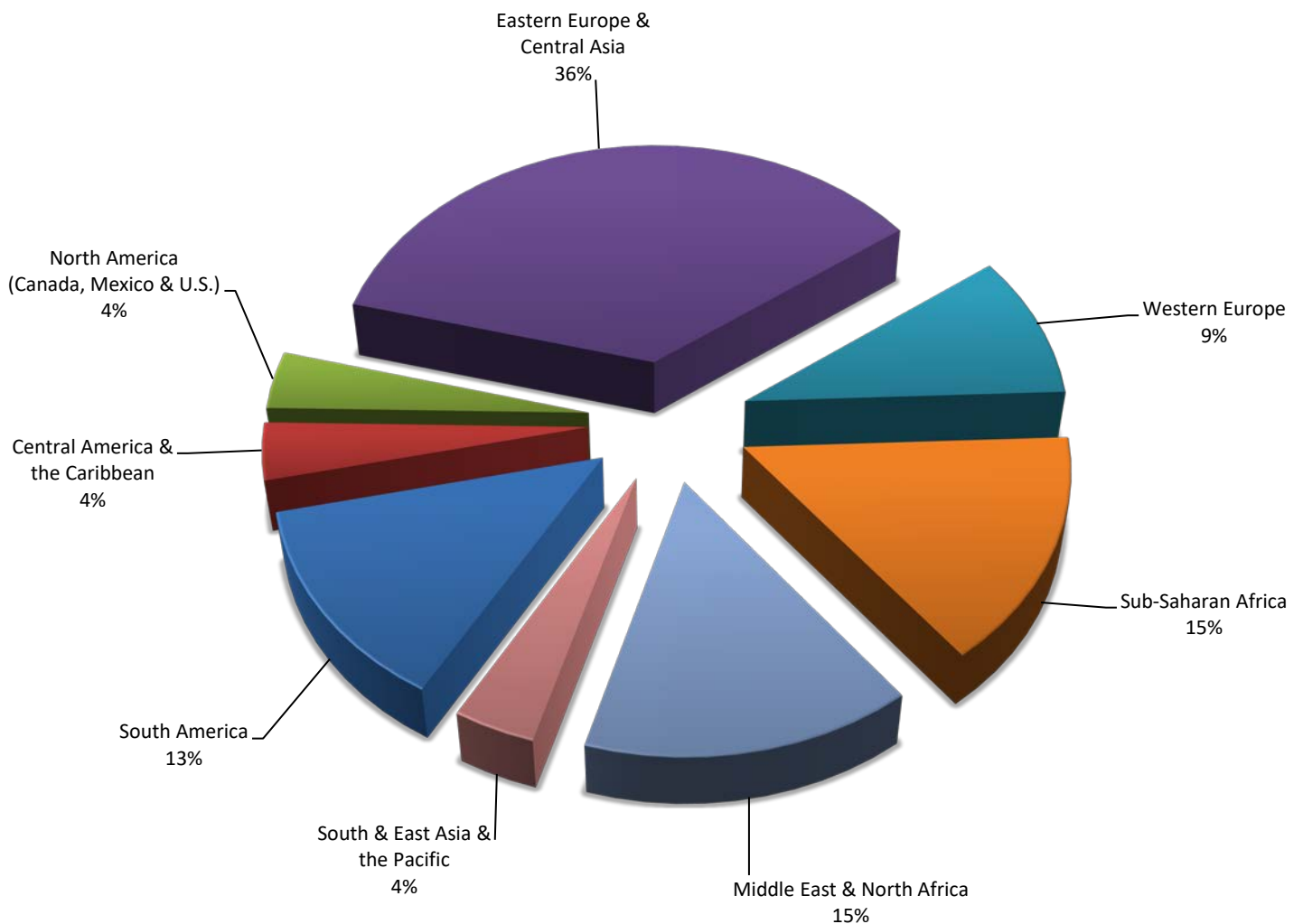
3. Basis of Consent Invoked to Establish ICSID Jurisdiction in New Cases Registered in 2017

Chart 3: Basis of Consent Invoked to Establish ICSID Jurisdiction in New Cases Registered in 2017 under the ICSID Convention and Additional Facility Rules:



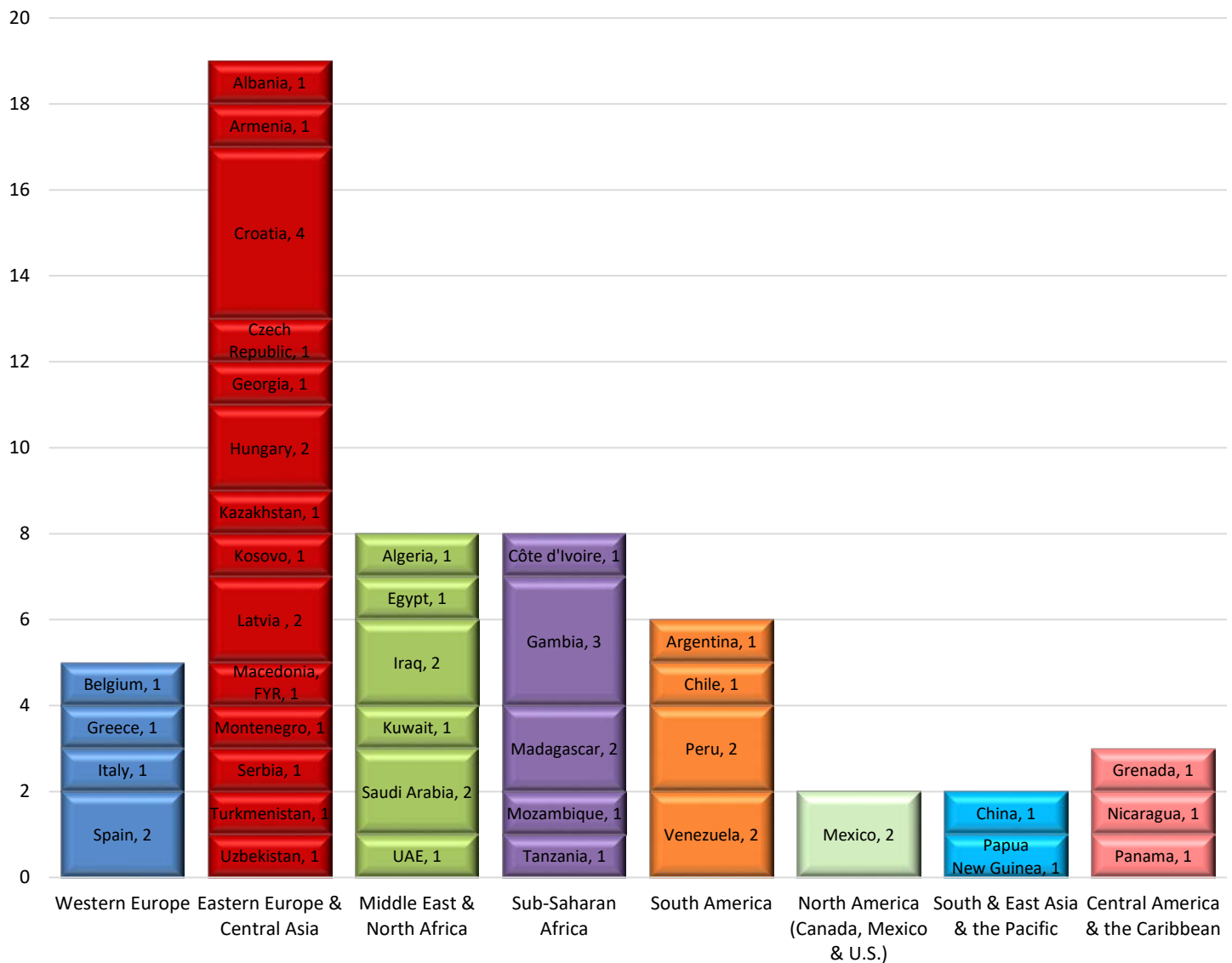
4. Geographic Distribution of New ICSID Cases Registered in 2017, by State Party Involved

Chart 4: Geographic Distribution of New Cases Registered in 2017 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.

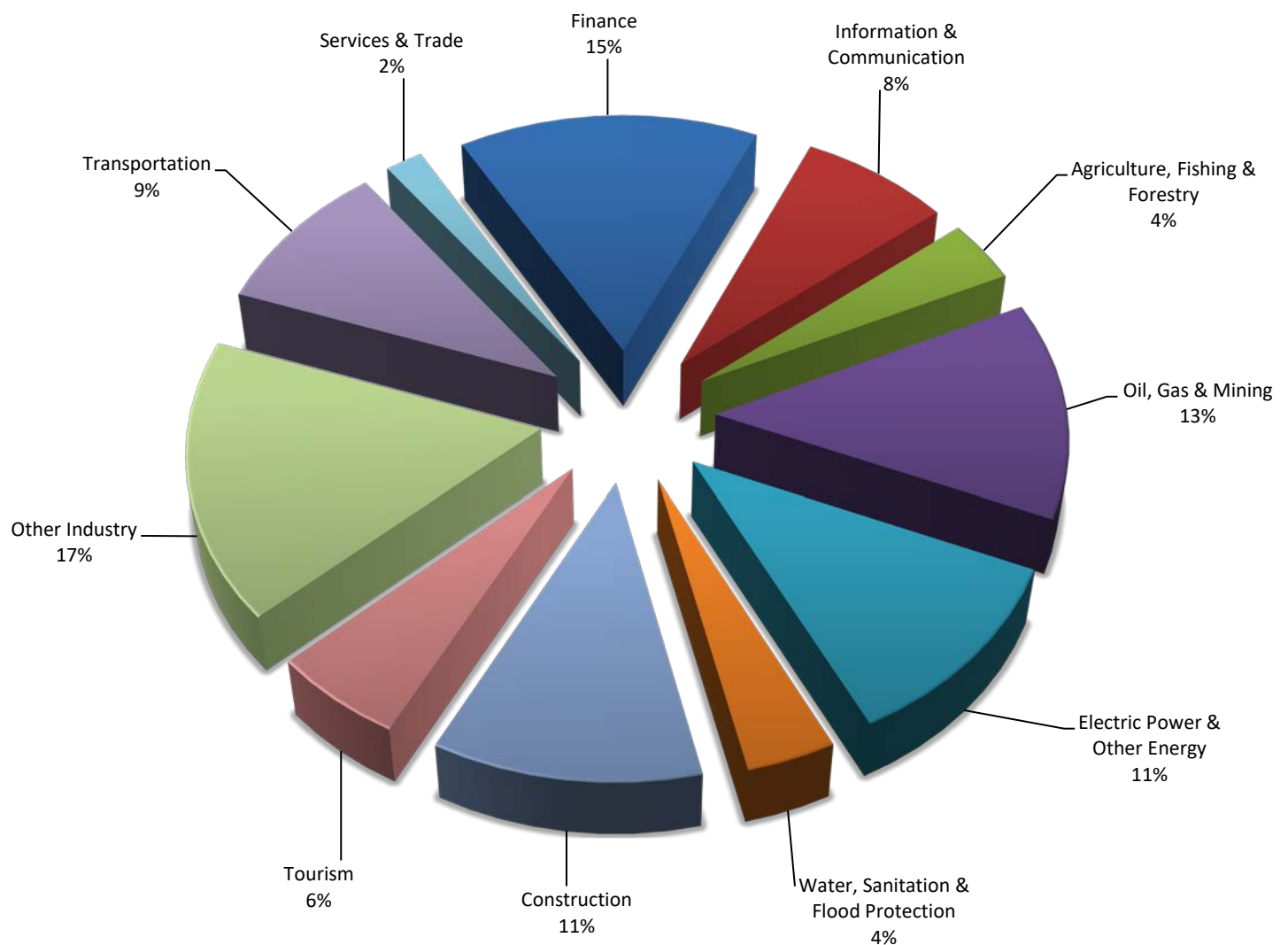
Chart 5: Geographic Distribution of New Cases Registered in 2017 under the ICSID Convention and Additional Facility Rules, by State Party Involved – Further Details*:



* 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.

5. Distribution of New ICSID Cases Registered in 2017, by Economic Sector

Chart 6: Distribution of New Cases Registered in 2017 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>.

6. ICSID Arbitration Proceedings Concluded in 2017 – Outcomes

Chart 7: Arbitration Proceedings under the ICSID Convention and Additional Facility Rules concluded in 2017 – Outcomes:

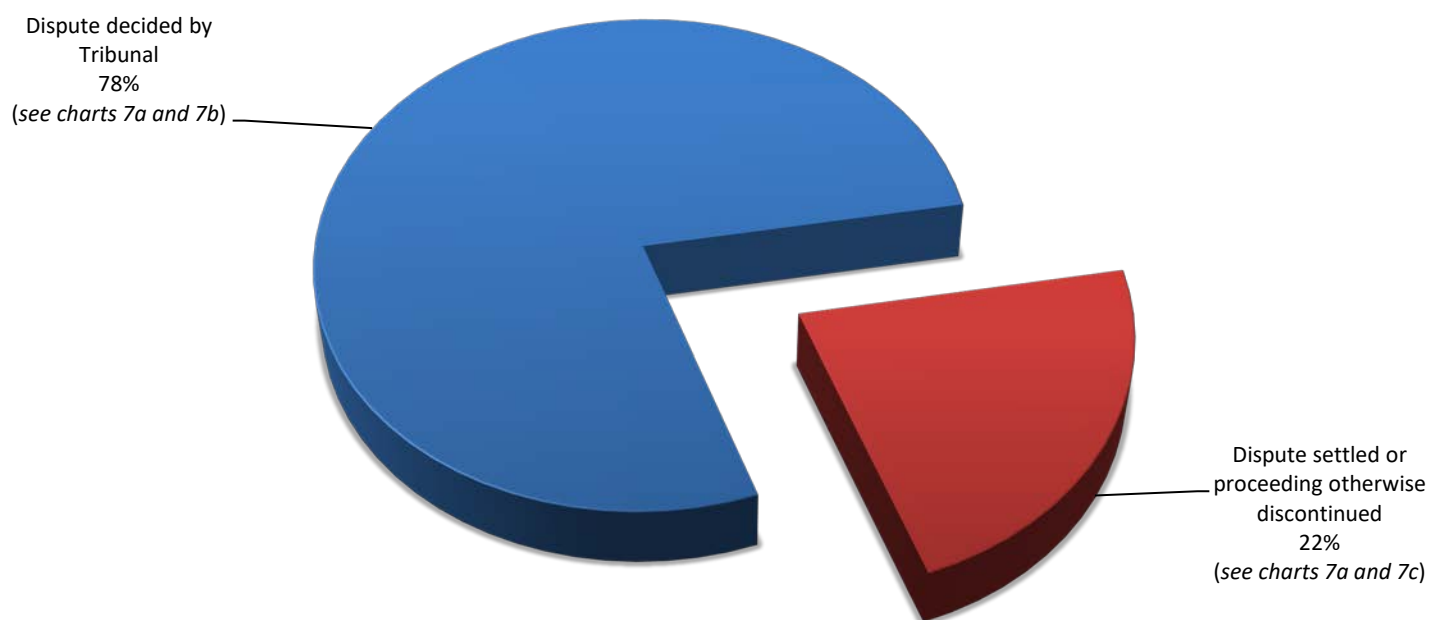


Chart 7a: Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules in 2017 – Tribunal Rulings, Settlement & Discontinuances:

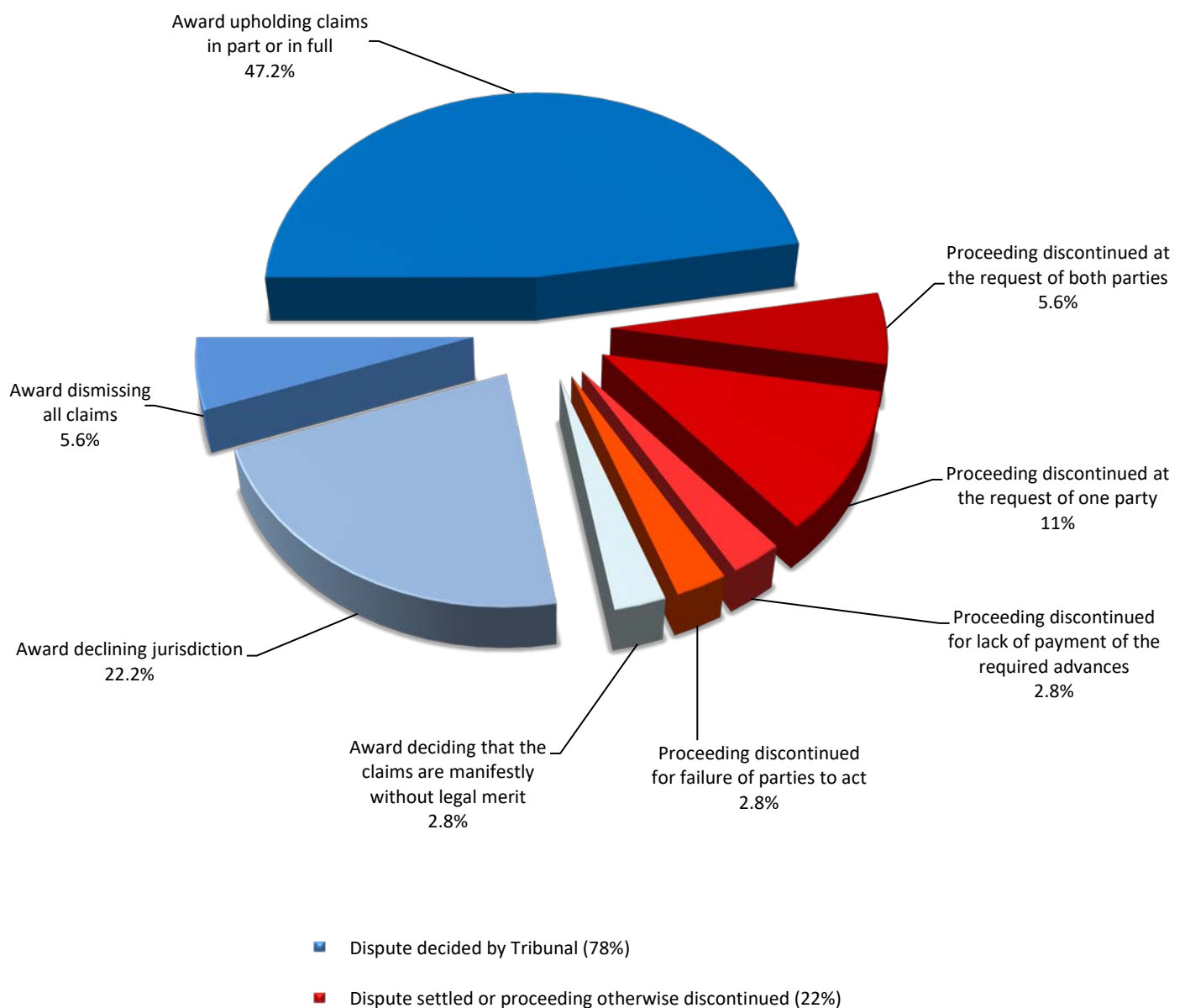
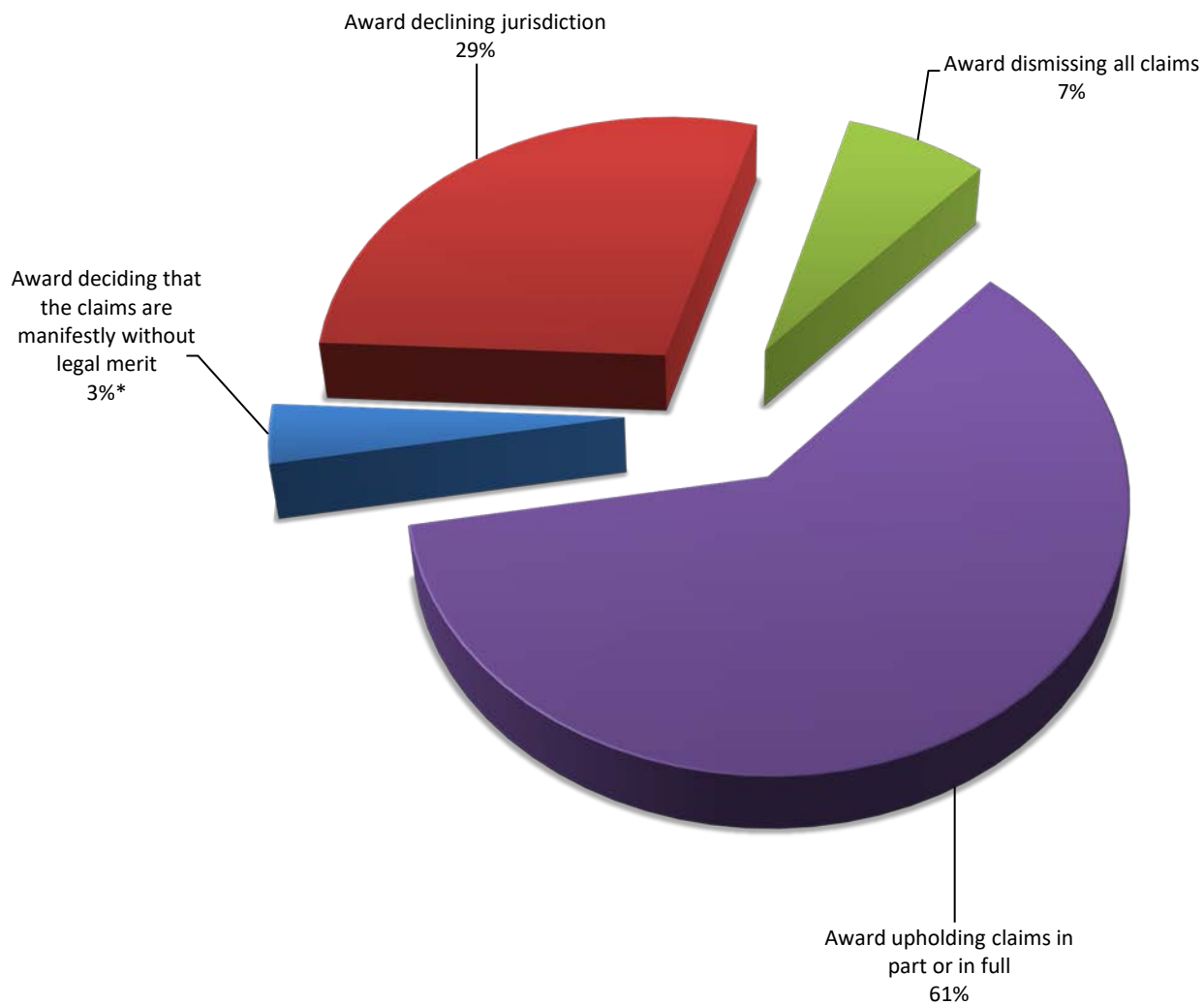
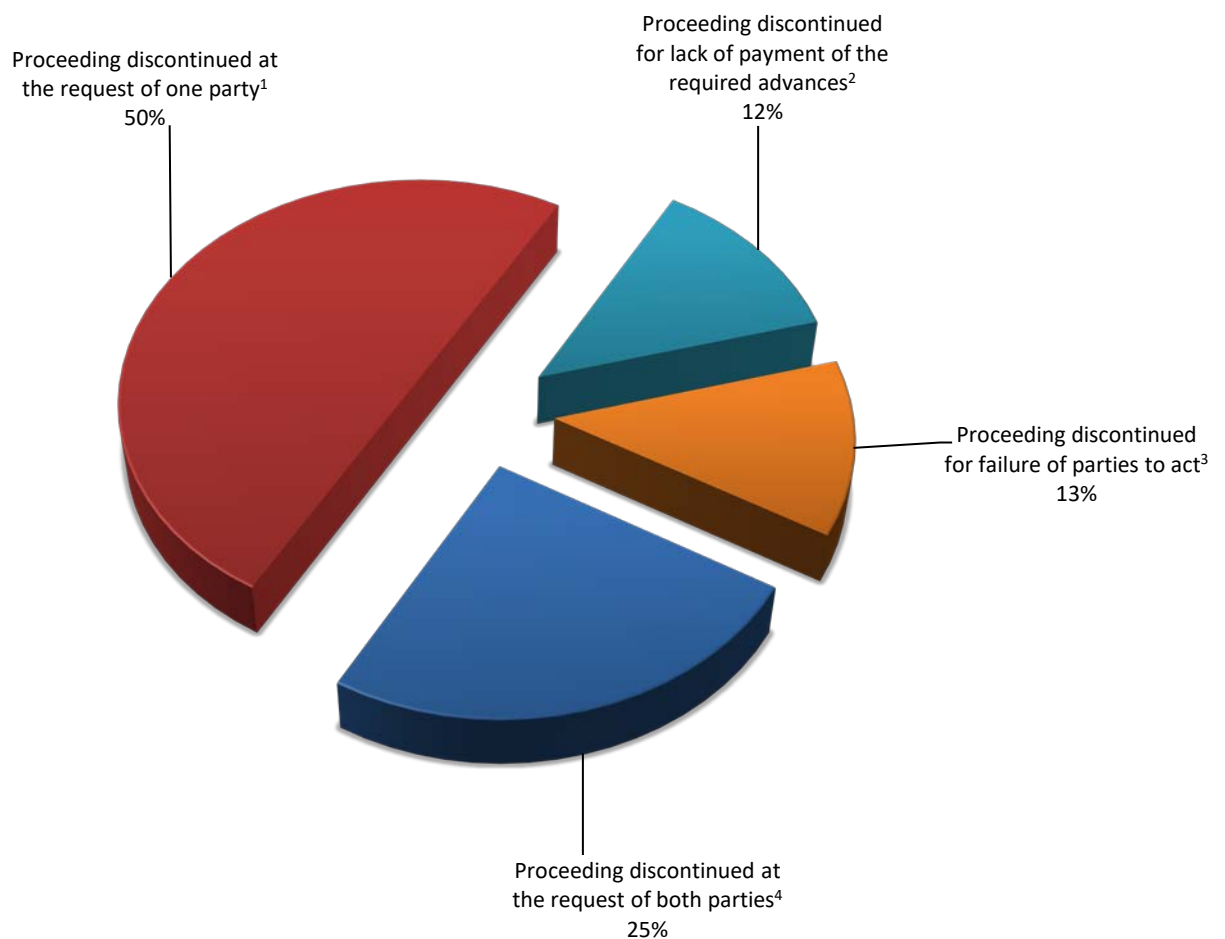


Chart 7b: Disputes Decided by Arbitral Tribunals under the ICSID Convention and Additional Facility Rules in 2017 – Findings:



* 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.

Chart 7c: Disputes Settled or Proceedings Otherwise Discontinued under the ICSID Convention and Additional Facility Rules in 2017 – Basis:



¹ ICSID Arbitration Rule 44. No case concluded on the basis of Arbitration (Additional Facility) Rule 50.

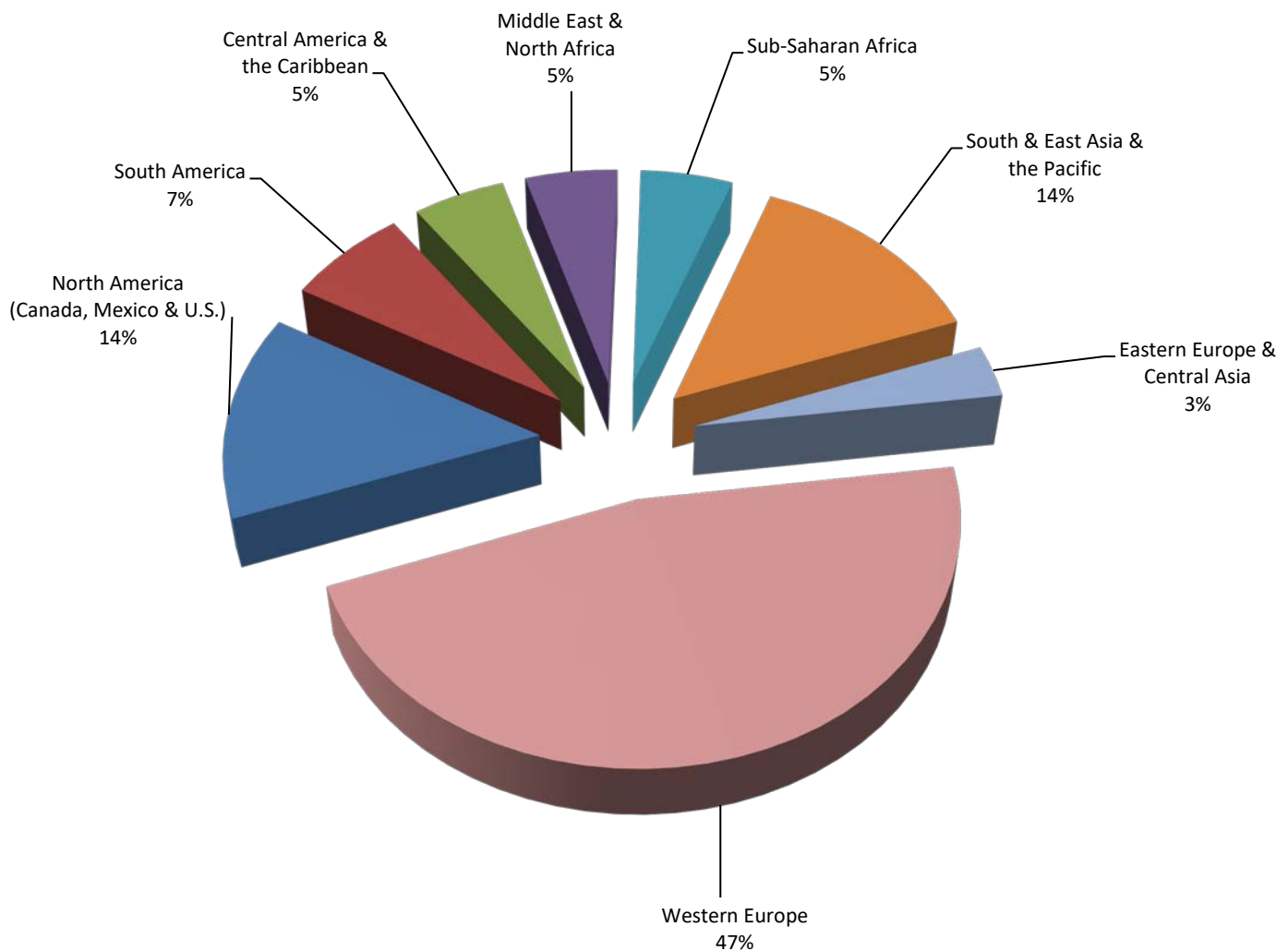
² ICSID Administrative and Financial Regulations 14(3)(d).

³ ICSID Arbitration Rule 45. No case concluded on the basis of Arbitration (Additional Facility) Rule 51.

⁴ ICSID Arbitration Rule 43(1). No case concluded on the basis of Arbitration (Additional Facility) Rule 49(1).

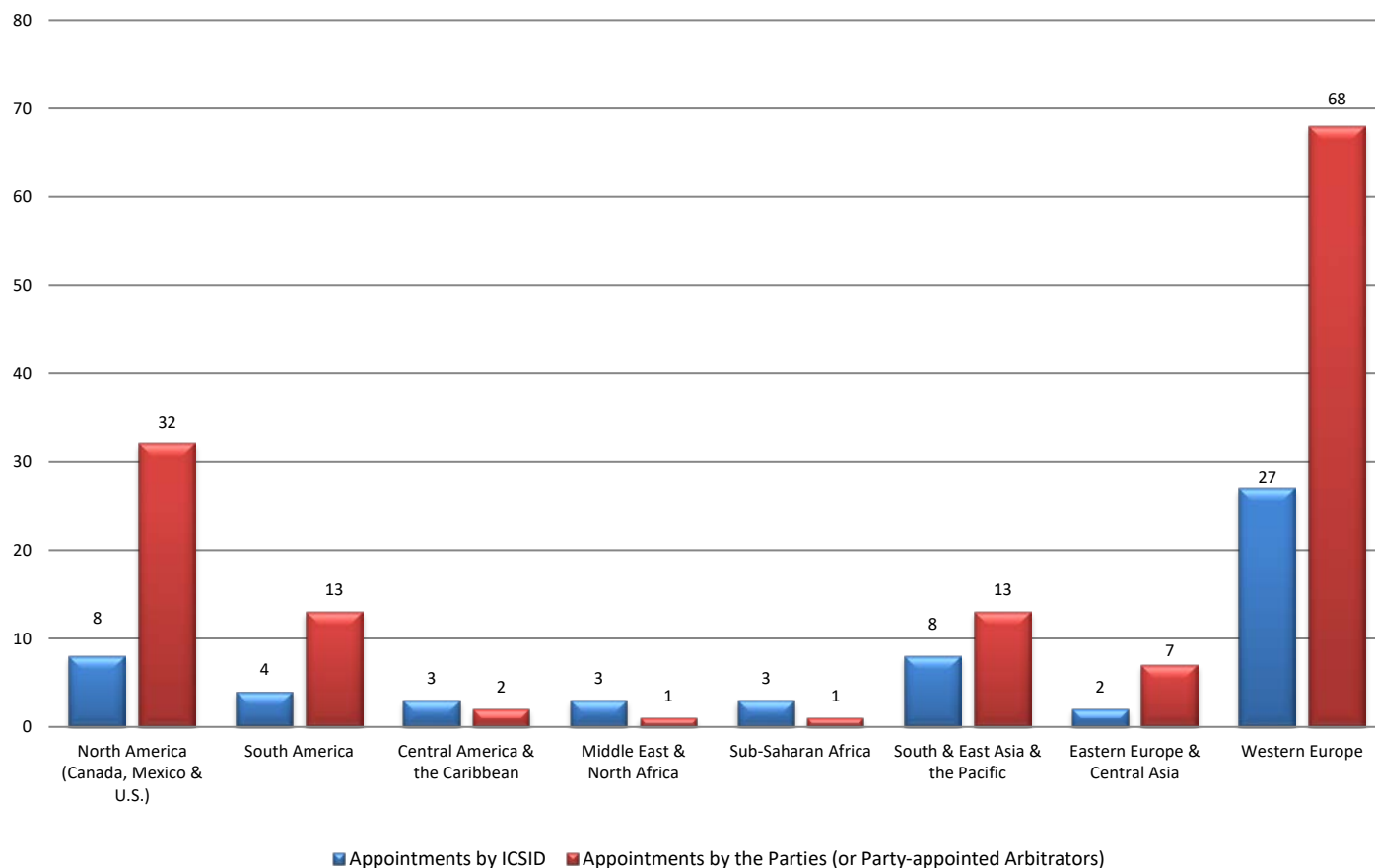
7. Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in ICSID Cases in 2017

Chart 8: Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in 2017 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 in 2017.

Chart 9: Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in 2017 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 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 2017.

Chart 10: State of Nationality of Arbitrators, Conciliators and *ad hoc* Committee Members Appointed in 2017 in Cases Registered under the ICSID Convention and Additional Facility Rules:

