

Convention on the Settlement of Investment Disputes Between States and Nationals of Other States - International Centre for Settlement Of Investment Disputes, Washington 1965

International Centre for Settlement of Investment Disputes (ICSID)

copy @ [lexmercatoria.org](https://www.lexmercatoria.org)

Copyright © 1965 International Centre for Settlement of Investment Disputes (ICSID)

Contents

**Convention On The Settlement Of Investment Disputes Between States And Nationals Of Other States
International Centre For Settlement Of Investment Disputes
Submitted to Governments by the Executive Directors of the International Bank for Reconstruction and Development, Submitted: March 18, 1965, Washington
Entered into Force: October 14, 1966**

CHAPTER I

SECTION 1: Establishment and Organization

Article 1 1
Article 2 1
Article 3 2

SECTION 2: The Administrative Council

Article 4 2
Article 5 2
Article 6 2
Article 7 2
Article 8 3

SECTION 3: The Secretariat

Article 9 3
Article 10 3
Article 11 3

SECTION 4: The Panels

Article 12 3
Article 13 4

Article 14 4
Article 15 4
Article 16 4

SECTION 5: Financing the Centre

Article 17 4
Article 19 5
Article 20 5
Article 21 5
Article 22 5
Article 23 5
Article 24 5

CHAPTER II - Jurisdiction of the Centre

Article 25 6
Article 26 6
Article 27 6

CHAPTER III - Conciliation

SECTION 1: Request for Conciliation

Article 28 7

SECTION 2: Constitution of the Conciliation Commission

Article 29 7
Article 30 7
Article 31 7

SECTION 3: Conciliation Proceedings

Article 32 7
Article 33 8
Article 34 8
Article 35 8

CHAPTER IV - Arbitration

SECTION 1: Request for Arbitration	8	CHAPTER V - Replacement and Disqualification of Conciliators and Arbitrators	13
Article 36	8	Article 56	13
SECTION 2; Constitution of the Tribunal	9	Article 57	13
Article 37	9	Article 58	13
Article 38	9	CHAPTER VI - Cost of Proceedings	13
Article 39	9	Article 59	13
Article 40	9	Article 60	14
SECTION 3: Powers and Functions of the Tribunal	9	Article 61	14
Article 41	9	CHAPTER VII - Place of Proceedings	14
Article 42	9	Article 62	14
Article 43	10	Article 63	14
Article 44	10	CHAPTER VIII - Disputes between Contracting States	14
Article 45	10	Article 64	14
Article 46	10	CHAPTER IX - Amendment	15
Article 47	10	Article 65	15
SECTION 4: The Award	10	Article 66	15
Article 48	10	CHAPTER X	15
Article 49	11	Article 67	15
SECTION 5: Interpretation, Revision and Annulment of the Award	11	Article 68	15
Article 50	11	Article 69	15
Article 51	11	Article 70	15
Article 52	11	Article 71	15
SECTION 6: Recognition and Enforcement of the Award	12	Article 72	16
Article 53	12	Article 73	16
Article 54	12	[Article 74]	16
Article 55	13	Article 74 [Article 75]	16

[Post Provisions]	16
<i>[Post Clauses (If any: Signed; Witnessed; Done; Authentic Texts; [Post Clauses (If any: Signed; Witnessed; Done; Authentic Texts; & Deposited Clauses)] Deposited Clauses)]</i>	16
Metadata	17
SiSU Metadata, document information	17

1 **Convention On The Settlement Of Investment Disputes**
Between States And Nationals Of Other States
International Centre For Settlement Of Investment
Disputes
Submitted to Governments by the Executive Directors
of the International Bank for Reconstruction and
Development, Submitted: March 18, 1965, Washington
Entered into Force: October 14, 1966

2 **PREAMBLE**

3 The Contracting States

4 Considering the need for international cooperation for economic
development, and the role of private international investment
therein;

5 Bearing in mind the possibility that from time to time disputes may
arise in connection with such investment between Contracting
States and nationals of other Contracting States;

6 Recognizing that while such disputes would usually be subject to
national legal processes, international methods of settlement may
be appropriate in certain cases;

7 Attaching particular importance to the availability of facilities for in-
ternational conciliation or arbitration to which Contracting States
and nationals of other Contracting States may submit such disputes
if they so desire;

8 Desiring to establish such facilities under the auspices of the Inter-
national Bank for Reconstruction and Development;

9 Recognizing that mutual consent by the parties to submit such dis-
putes to conciliation or to arbitration through such facilities con-
stitutes a binding agreement which requires in particular that due

consideration be given to any recommendation of conciliators, and
that any arbitral award be complied with; and

Declaring that no Contracting State shall by the mere fact of its
ratification, acceptance or approval of this Convention and without
its consent be deemed to be under any obligation to submit any
particular dispute to conciliation or arbitration,

Have agreed as follows:

CHAPTER I

International Centre for Settlement of Investment Disputes

SECTION 1: Establishment and Organization

Article 1

1. There is hereby established the International Centre for Settle-
ment of Investment Disputes (hereinafter called the Centre).

2. The purpose of the Centre shall be to provide facilities for concil-
iation and arbitration of investment disputes between Contracting
States and nationals of other Contracting States in accordance with
the provisions of this Convention.

Article 2

The seat of the Centre shall be at the principal office for the Interna-
tional Bank for Reconstruction and Development (hereinafter called
the Bank). The seat may be moved to another place by decision
of the Administrative Council adopted by a majority of two-thirds of
its members.

20	Article 3	(a) adopt the administrative and Financial regulations of the Centre;	30
21	The Centre shall have an Administrative Council and a Secretariat and shall maintain a Panel of Conciliators and a Panel of Arbitrators	(b) adopt the rules of procedure for the institution of conciliation and arbitration proceedings;	31
22	SECTION 2: The Administrative Council	(c) adopt the rules of procedure for conciliation and arbitration proceedings (hereinafter called the Conciliation Rules and the Arbitration Rules);	32
23	Article 4	(d) approve arrangements with the Bank for the use of the Bank's administrative facilities and services;	33
24	The Administrative Council shall be composed of one representative of each Contracting State. An alternate may act as representative in case of his principal's absence from a meeting or inability to act.	(e) determine the conditions of service of the Secretary-General and of any Deputy Secretary-General.;	34
25	In the absence of a contrary designation, each governor and alternate of the Bank appointed by a Contracting State shall be ex officio its representative and its alternate respectively.	(f) adopt the annual budget of revenues and expenditures of the Centre;	35
26	Article 5	(g) approve the annual report on the operation of the Centre.	36
27	The President of the Bank shall be ex officio Chairman of the Administrative Council (hereinafter called the Chairman) but shall have no vote. During his absence or inability to act and during any vacancy in the office of President of the Bank, the person for the time being acting as President shall act as Chairman of the Administrative Council.	The decisions referred to in sub-paragraphs (a), (b), (c) and (d) above shall be adopted by a majority of two-thirds of the members of the Administrative Council.	37
28	Article 6	2. The Administrative Council may appoint such committees as it considers necessary.	38
29	1. Without prejudice to the powers and functions vested in it by other provisions of this Convention, the Administrative Council shall	3. The Administrative Council shall also exercise such other powers and perform such other functions as it shall determine to be necessary for the implementation of the provisions of the Convention.	39
		Article 7	40
		1. The Administrative Council shall hold an annual meeting and such other meetings as may be determined by the Council, or convened by the Chairman, or convened by the Secretary-General at the request of not less than five members of the Council.	41

42 2. Each member of the Administrative Council shall have one vote
and, except as otherwise herein provided, all matters before the
Council shall be decided by a majority of the votes cast.

43 3. A quorum for any meeting of the Administrative Council shall be
a majority of its members.

44 4. The Administrative Council may establish, by a majority of two-
thirds of its members, a procedure whereby the Chairman may
seek a vote of the Council without convening a meeting of the
Council. The vote shall be considered valid only if the majority
of the members of the Council cast their votes within the time limit
fixed by the said procedure.

45 **Article 8**

46 Members of the Administrative Council and the Chairman shall
serve without remuneration from the Centre.

47 **SECTION 3: The Secretariat**

48 **Article 9**

49 The Secretariat shall consist of a Secretary-General, one or
more

50 Deputy Secretaries-General and staff,

51 **Article 10**

52 1. The Secretary-General and any Deputy Secretary-General shall
be elected by the Administrative Council by a majority of two-thirds
of its members upon the nomination of the Chairman for a term of
service not exceeding six years and shall be eligible for re-election.

After consulting the members of the Administrative Council, the
Chairman shall propose one or more candidates for each such of-
fice.

2. The offices of Secretary-General and Deputy Secretary-General 53
shall be incompatible with the exercise of any political function. Nei-
ther the Secretary-General nor any Deputy Secretary-General may
hold any other employment or engage in any other occupation ex-
cept with the approval of the Administrative Council.

3. During the Secretary-General's absence or inability to act, and 54
during any vacancy of the office of Secretary-General, the Deputy
Secretary-General shall act as Secretary-General. If there shall
be more than one Deputy Secretary-General, the Administrative
Council shall determine in advance the order in which they shall
act as Secretary-General.

55 **Article 11**

56 The Secretary-General shall be the legal representative and the
principal officer of the Centre and shall be responsible for its ad-
ministration, including the appointment of staff, in accordance with
the provisions of this Convention and the rules adopted by the Ad-
ministrative Council. He shall perform the function of registrar and
shall have the power to authenticate arbitral awards rendered pur-
suant to this Convention, and to certify copies thereof.

57 **SECTION 4: The Panels**

58 **Article 12**

59 The Panel of Conciliators and the Panel of Arbitrators shall each
consist of qualified persons, designated as hereinafter provided,
who are willing to serve thereon.

60	Article 13		Article 16	70
61	1. Each Contracting State may designate to each Panel four persons who may but need not be its nationals.		1. A person may serve on both Panels.	71
62	2. The Chairman may designate ten persons to each Panel: The persons so designated to a Panel shall each have a, different nationality.		2. If a person shall have been designated to serve on the same Panel by more than one Contracting State, or by one or more Contracting States and the Chairman, he shall be deemed to have been designated by the authority which First designated him or, if one such authority is the State or which he is a national, by that State.	72
63	Article 14		3. All designations shall be notified to the Secretary-General and shall take effect from the date on which the notification is received.	73
64	1. Persons designated to serve on the Panels shall be persons of high moral character and recognized competence in the Fields of law, commerce, industry or finance, who may be relied upon to exercise independent judgement. Competence in the Field of law shall be of particular importance in the case of persons on the Panel or Arbitrators.		SECTION 5: Financing the Centre	74
65	2. The Chairman, in designating persons to serve on the Panels, shall in addition pay due regard to the importance of assuring representation on the Panels of the principal legal systems of the world and of the main forms of economic activity.		Article 17	75
66	Article 15		If the expenditure of the Centre cannot be met out of charges for the use of its facilities, or out of other receipts, the excess shall be borne by Contracting States which are members of the Bank in proportion to their respective subscriptions to the capital stock of the Bank, and by Contracting States which are not members of the Bank in accordance with rules adopted by the Administrative Council.	76
67	1. Panel members shall serve for renewable periods of six years.		Section 6: Status, Immunities and Privileges	77
68	2. In case of death or resignation of a member of a Panel, the authority which designated the member shall have the right to designate another person to serve for the remainder of that member's term.		The Centre shall have full international legal personality. The legal capacity of the Centre shall include the capacity	78
69	3. Panel members shall continue in office until their successors have been designated.		(a) to contract;	79
			(b) to acquire and dispose of movable and immovable property;	80
			(c) to institute legal proceedings	81

82 **Article 19**

83 To enable the Centre to fulfil its functions, it shall enjoy in the territories of each Contracting State the immunities and privileges set forth in this Section.

84 **Article 20**

85 The Centre, its property and assets shall enjoy immunity from all legal process, except when the Centre waives this immunity.

86 **Article 21**

87 The Chairman, the members of the Administrative Council, persons acting as conciliators or arbitrators or members of a Committee appointed pursuant to paragraph (3) of Article 52, and the officers and employees of the Secretariat.

88 (a) shall enjoy immunity from legal process with respect to acts performed by them in the exercise of their functions, except when the Centre waives this immunity;

89 (b) not being local nationals, shall enjoy the same immunities from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by Contracting States to the representatives, officials and employees of comparable rank of other Contracting States.

90 **Article 22**

91 The provisions of Article 21 shall apply to persons appearing

in proceedings under this Convention as parties, agents, counsel, advocates, witnesses or experts; provided, however, that sub-paragraph (b) thereof shall apply only in connection with their travel to and from, and their stay at, the place where the proceedings are held.

Article 23

1. The archives of the Centre shall be inviolable, wherever they may be. 93

2. With regard to its official communications, the Centre shall be accorded by each Contracting State treatment not less favorable than that accorded to other international organizations. 94

Article 24

1. The Centre, its assets, property and income, and its operations and transactions authorized by this Convention shall be exempt from all taxation and customs duties. The Centre shall also be exempt from liability for the collection or payment of any taxes or customs duties. 96

2. Except in the case of local nationals, no tax shall be levied on or in respect of expense allowances paid by the Centre to the Chairman or members of the Administrative Council, or on or in respect of salaries, expense allowances or other emoluments paid by the Centre to officials or employees of the Secretariat. 97

3. No tax shall be levied on or in respect of fees or expense allowances received by persons acting as conciliators, or arbitrators, or members of a Committee appointed pursuant to paragraph (3) of Article 52, in proceedings under this Convention, if the sole jurisdictional basis for such tax is the location of the Centre or the 98

place where such proceedings are conducted or the place where such fees or allowances are paid.

99 CHAPTER II - Jurisdiction of the Centre

100 Article 25

101 1. The jurisdiction of the Centre shall extend to any legal dispute arising directly out of an investment, between a Contracting State (or any constituent subdivision or agency of a Contracting State designated to the Centre by that State) and a national of another Contracting State, which the parties to the dispute consent in writing to submit to the Centre. When the parties have given their consent, no party may withdraw its consent unilaterally.

102 2. "National of another Contracting State" means:

103 (a) any natural person who had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration as well as on the date on which the request was registered pursuant to paragraph (3) of Article 28 or paragraph (3) of Article 36, but does not include any person who on either date also had the nationality of the Contracting State party to the dispute; and

104 (b) any juridical person which had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration and any juridical person which had the nationality of the Contracting State party to the dispute on that date and which, because of foreign control, the parties have agreed should be treated as a national of another Contracting State for the purposes of this Convention.

105 3. Consent by a constituent subdivision or agency of a Contract-

ing State shall require the approval of that State unless that State notifies the Centre that no such approval is required.

4. Any Contracting State may, at the time of ratification, acceptance or approval of this Convention or at any time thereafter, notify the Centre of the class or classes of disputes which it would or would not consider submitting to the jurisdiction of the Centre. The Secretary-General shall forthwith transmit such notification to all Contracting States. Such notification shall not constitute the consent required by paragraph (1).

Article 26

Consent of the parties to arbitration under this Convention shall, unless otherwise stated, be deemed consent to such arbitration to the exclusion of any other remedy. A Contracting State may require the exhaustion of local administrative or judicial remedies as a condition of its consent to arbitration under this Convention.

Article 27

1. No Contracting State shall give diplomatic protection, or bring an international claim, in respect of a dispute which one of its nationals and another Contracting State shall have consented to submit or shall have submitted to arbitration under this Convention, unless such other Contracting State shall have failed to abide by and comply with the award rendered in such dispute.

2. Diplomatic protection, for the purposes of paragraph (1), shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the dispute.

CHAPTER III - Conciliation

113 SECTION 1: Request for Conciliation

114 Article 28

115 1. Any Contracting State or any national of a Contracting State wishing to institute conciliation proceedings shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party.

116 2. The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to conciliation in accordance with the rules of procedure for the institution of conciliation and arbitration proceedings.

117 3. The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

118 SECTION 2: Constitution of the Conciliation Commission

119 Article 29

120 1. The Conciliation Commission (hereinafter called the Commission) shall be constituted as soon as possible after registration of a request pursuant to Article 28.

121 2. (a) The Commission shall consist of a sole conciliator or any uneven number of conciliators appointed as the parties shall agree.

122 (b) Where the parties do not agree upon the number of conciliators and the method of their appointment, the Commission shall consist

112 of three conciliators, one conciliator appointed by each party and the third, who shall be the president of the Commission, appointed by agreement of the parties.

Article 30

If the Commission shall not have been constituted within 90 days after notice of registration of the request has been dispatched by the Secretary-General in accordance with paragraph (3) of Article 28, or such other period as the parties may agree, the Chairman shall, at the request of either party and after consulting both parties as far as possible, appoint the conciliator or conciliators not yet appointed.

Article 31

1. Conciliators may be appointed from outside the Panel of Conciliators, except in the case of appointments by the Chairman pursuant to Article 30.

2. Conciliators appointed from outside the Panel of Conciliators shall possess the qualities stated in paragraph (1) of Article 14.

SECTION 3: Conciliation Proceedings

Article 32

1. The Commission shall be the judge of its own competence.

2. Any objection by a party to the dispute that the dispute is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Commission, shall be considered by

the Commission which shall determine whether to deal with it as a preliminary question or to join it to the merits of the dispute.

shall draw up a report noting that party's failure to appear or participate.

132 **Article 33**

133 Any conciliation proceeding shall be conducted in accordance with the provisions of this Section and, except as parties otherwise agree, in accordance with the Conciliation Rules in effect on the date on which the parties consented to conciliation. If any question of procedure arises which is not covered by this Section or the Conciliation Rules or any rules agreed by the parties, the Commission shall decide the question.

134 **Article 34**

135 1. It shall be the duty of the Commission to clarify the issues in dispute between the parties and to endeavor to bring about agreement between them upon mutually acceptable terms. To that end, the Commission may at any stage of the proceedings and from time to time recommend terms of settlement to the parties. The parties shall cooperate in good faith with the Commission in order to enable the Commission to carry out its functions, and shall give their most serious consideration to its recommendations.

136 If the parties reach agreement, the Commission shall draw up a report noting the issues in dispute and recording that the parties have reached agreement. If, at any stage of the proceedings, it appears to the Commission that there is no likelihood of agreement between the parties, it shall close the proceedings and shall draw up a report noting the

137 submission of the dispute and recording the failure of the parties to reach agreement. If one party fails to appear or participate in the proceedings, the Commission shall close the proceedings and

Article 35

138
139 Except as the parties to the dispute shall otherwise agree, neither party to a conciliation proceeding shall be entitled in any other proceeding, whether before arbitrators or in a court of law or otherwise, to invoke or rely on any views expressed or statements or admissions or offers of settlement made by the other party in the conciliation proceedings, or the report or any recommendations made by the Commission.

CHAPTER IV - Arbitration

SECTION 1: Request for Arbitration

Article 36

142
143 1. Any Contracting State or any national of a Contracting State wishing to institute arbitration proceedings shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party

144 2. The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to arbitration in accordance with the rules of procedure for the institution of conciliation and arbitration proceedings.

145 3. The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

146 **SECTION 2; Constitution of the Tribunal**

147 **Article 37**

148 1. The Arbitral Tribunal (hereinafter called the Tribunal) shall be
constituted as soon as possible after registration of a request pur-
suant to Article 36.

149 2. (a) The Tribunal shall consist of a sole arbitrator or any uneven
number of arbitrators appointed as the parties shall agree.

150 (b) Where the parties do not agree upon the number of arbitra-
tors and the method of their appointment, the Tribunal shall con-
sist of three arbitrators, one arbitrator appointed by each party and
the third, who shall be the president of the Tribunal, appointed by
agreement of the parties.

151 **Article 38**

152 If the Tribunal shall not have been constituted within 90 days after
notice of registration of the request has been dispatched by the
Secretary-General in accordance with paragraph (3) of Article 36,
or such other period as the parties may agree, the Chairman shall,
at the request of either party and after consulting both parties as far
as possible, appoint the arbitrator or arbitrators not yet appointed.
Arbitrators appointed by the Chairman pursuant to this Article shall
not be nationals of the Contracting State party to the dispute or of
the Contracting State whose national is a party to the dispute.

153 **Article 39**

154 The majority of the arbitrators shall be nationals of States other
than the Contracting State party to the dispute and the Contracting
State whose national is a party to the dispute; provided, however,

that the foregoing provisions of this Article shall not apply if the
sole arbitrator or each individual member of the Tribunal has been
appointed by agreement of the parties.

Article 40

155

1. Arbitrators may be appointed from outside the Panel of Arbitra-
tors, except in the case of appointments by the Chairman pursuant
to Article 38.

156

2. Arbitrators appointed from outside the Panel of Arbitrators shall
possess the qualities stated in paragraph (1) of Article 14.

157

SECTION 3: Powers and Functions of the Tribunal

158

Article 41

159

1. The Tribunal shall be the judge of its own competence.

160

2. Any objection by a party to the dispute that that dispute is not
within the jurisdiction of the Centre, or for other reasons is not within
the competence of the Tribunal, shall be considered by the Tribunal
which shall determine whether to deal with it as a preliminary ques-
tion or to join it to the merits of the dispute.

161

Article 42

162

1. The Tribunal shall decide a dispute in accordance with such
rules of law as may be agreed by the parties. In the absence of
such agreement, the Tribunal shall apply the law of the Contracting
State party to the dispute (including its rules on the conflict of laws)
and such rules of international law as may be applicable.

163

2. The Tribunal may not bring in a Finding of non liquet on the

164

ground of silence or obscurity of the law.

165 3. The provisions of paragraphs (1) and (2) shall not prejudice the
power of the Tribunal to decide a dispute ex aequo et bono if the
parties so agree.

166 **Article 43**

167 1. Except as the parties otherwise agree, the Tribunal may, if it
deems it necessary at any stage of the proceedings;

168 (a) call upon the parties to produce documents or other evidence,
and

169 (b) visit the scene connected with the dispute, and conduct such
inquiries there as it may deem appropriate.

170 **Article 44**

171 Any arbitration proceeding shall be conducted in accordance with
the provisions of this Section and, except as the parties otherwise
agree, in accordance with the Arbitration Rules in effect on the date
on which the parties consented to arbitration. If any question of pro-
cedure arises which is not covered by this Section or the Arbitration
Rules or any rules agreed by the parties, the Tribunal shall decide
the question.

172 **Article 45**

173 1. Failure of a party to appear or to present his case shall not be
deemed an admission of the other party's assertions.

174 2. If a party fails to appear or to present his case at any stage of
the proceedings the other party may request the Tribunal to deal
with the questions submitted to it and to render an award. Before

rendering an award, the Tribunal shall notify, and grant a period of
grace to, the party failing to appear or to present its case, unless it
is satisfied that that party does not intend to do so.

Article 46

175

176 Except as the parties otherwise agree, the Tribunal shall, if re-
quested by a party, determine any incidental or additional claims or
counter-claims arising directly out of the subject-matter of the dis-
pute provided that they are within the scope of the consent of the
parties and are otherwise within the jurisdiction of the Centre.

Article 47

177

178 Except as the parties otherwise agree, the Tribunal may, if it consid-
ers that the circumstances so require, recommend any provisional
measures which should be taken to preserve the respective rights
of either party.

SECTION 4: The Award

179

Article 48

180

181 1. The Tribunal shall decide questions by a majority of the votes of
all its members.

182 2. The award of the Tribunal shall be in writing and shall be signed
by the members of the Tribunal who voted for it.

183 3. The award shall deal with every question submitted to the Tri-
bunal, and shall state the reasons upon which it is based.

184 4. Any member of the Tribunal may attach his individual opinion

to the award, whether he dissents from the majority or not, or a statement of his dissent.

185 5. The Centre shall not publish the award without the consent of the parties.

186 **Article 49**

187 1. The Secretary-General shall promptly dispatch certified copies of the award to the parties. The award shall be deemed to have been rendered on the date on which the certified copies were dispatched.

188 2. The Tribunal upon the request of a party made within 45 days after the date on which the award was rendered may after notice to the other party decide any question which it had omitted to decide in the award, and shall rectify any clerical, arithmetical or similar error in the award. Its decision shall become part of the award and shall be notified to the parties in the same manner as the award. The periods of time provided for under paragraph (2) of Article 51 and paragraph (2) of Article \$2 shall run from the date on which the decision was rendered.

189 **SECTION 5: Interpretation, Revision and Annulment of the Award**

190 **Article 50**

191 1. If any dispute shall arise between the parties as to the meaning or scope of an award, either party may request interpretation of the award by an application in writing addressed to the Secretary-General.

192 2. The request shall, if possible, be submitted to the Tribunal which

rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with Section 2 of this Chapter. The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision.

Article 51

194 1. Either party may request revision of the award by an application in writing addressed to the Secretary-General on the ground of discovery of some fact of such a nature as decisively to affect the award, provided that when the award was rendered that fact was unknown to the Tribunal and to the applicant and that the applicant's ignorance of that fact was not due to negligence.

195 2. The application shall be made within 90 days after the discovery of such fact and in any event within three years after the date on which the award was rendered.

196 The request shall, if possible, be submitted to the Tribunal which rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with Section 2 of this Chapter.

197 4. The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision. If the applicant requests a stay of enforcement of the award in his application, enforcement shall be stayed provisionally until the Tribunal rules on such request.

Article 52

199 1 Either party may request annulment of the award by an application in writing addressed to the Secretary-General on one or more of the following grounds:

- 200 (a) that the Tribunal was not properly constituted;
- 201 (b) that the Tribunal has manifestly exceeded its powers;
- 202 (c) that there was corruption on the part of a member of the Tri-
bunal;
- 203 (d) that there has been a serious departure from a fundamental rule
of procedure; or
- 204 (e) that the award has failed to state the reasons on which it is
based.
- 205 2. The application shall be made within 120 days after the date
on which the award was rendered except that when annulment is
requested on the ground of corruption such application shall be
made within 120 days after discovery of the corruption and in any
event within three years after the date on which the award was
rendered.
- 206 3. On receipt of the request the Chairman shall forthwith appoint
from the Panel of Arbitrators an ad hoc Committee of three persons.
None of the members of the Committee shall have been a member
of the Tribunal which rendered the award, shall be of the same
nationality as any such member, shall be a national of the State
party to the dispute or of the State whose national is a party to the
dispute, shall have been designated to the Panel of Arbitrators by
either of those States, or shall have acted as a conciliator in the
same dispute. The Committee shall have the authority to annul
the award or any part thereof on any of the grounds set forth in
paragraph (1).
- 207 4. The provisions of Articles 41-45, 48, 49, 53 and 54, and of Chap-
ters VI and VII shall apply mutatis mutandis to proceedings before
the Committee.
- 208 5. The Committee may, if it considers that the circumstances so
require, stay enforcement of the award pending its decision. If the

applicant requests a stay of enforcement of the award in his appli-
cation, enforcement shall be stayed provisionally until the Commit-
tee rules on such request.

6. If the award is annulled the dispute shall, at the request of either 209
party, be submitted to a new Tribunal constituted in accordance
with Section 2 of this Chapter.

SECTION 6: Recognition and Enforcement of the 210 **Award**

Article 53 211

1. The award shall be binding on the parties and shall not be sub- 212
ject to any appeal or to any other remedy except those provided
for in this Convention. Each party shall abide by and comply with
the terms of the award except to the extent that enforcement shall
have been stayed pursuant to the relevant provisions of this Con-
vention.

2. For the purposes of this Section, "award" shall include any de- 213
cision interpreting, revising or annulling such award pursuant to
Articles 50, 51 or 52.

Article 54 214

1. Each Contracting State shall recognize an award rendered pur- 215
suant to this Convention as binding and enforce the pecuniary obli-
gations imposed by that award within its territories as if it were a
final judgment of a court in that State. A Contracting State with
a federal constitution may enforce such an award in or through
its federal courts and may provide that such courts shall treat the
award as if it were a final judgement of the courts of a constituent
state.

216 2. A party seeking recognition or enforcement in the territories of
a Contracting State shall furnish to a competent court or other au-
thority which such State shall have designated for this purpose a
copy of the award certified by the Secretary-General. Each Con-
tracting State shall notify the Secretary-General of the designation
of the competent court or other authority for this purpose and of
any subsequent change in such designation.

217 3- Execution of the award shall be governed by the laws concerning
the execution of judgments in force in the State in whose territories
such execution is sought.

218 **Article 55**

219 Nothing in Article 54 shall be construed as derogating from the law
in force in any Contracting State relating to immunity of that State
or of any foreign State from execution.

220 **CHAPTER V - Replacement and Disqualification of Conciliators and Arbitrators**

221 **Article 56**

222 1. After a Commission or a Tribunal has been constituted and
proceedings have begun, its composition shall remain unchanged;
provided, however, that if a conciliator or an arbitrator should die,
become incapacitated, or resign, the resulting vacancy shall be
filled in accordance with the provisions of Section 2 of Chapter III
or Section 2 of Chapter IV.

223 2. A member of a Commission or Tribunal shall continue to serve
in that capacity notwithstanding that he shall have ceased to be a
member of the Panel.

224 3. If a conciliator or arbitrator appointed by a party shall have re-

signed without the consent of the Commission or Tribunal of which
he was a member, the Chairman shall appoint a person from the
appropriate Panel to fill the resulting vacancy.

Article 57

A party may propose to a Commission or Tribunal the disqualifi-
cation of any of its members on account of any fact indicating a
manifest lack of the qualities required by paragraph (1) of Article
14. A party to arbitration proceedings may, in addition, propose
the disqualification of an arbitrator on the ground that he was inel-
igible for appointment to the Tribunal under Section 2 of Chapter
IV.

Article 58

The decision on any proposal to disqualify a conciliator or arbitra-
tor shall be taken by the other members of the Commission or Tri-
bunal as the case may be, provided that where those members
are equally divided, or in the case of a proposal to disqualify a sole
conciliator or arbitrator, or a majority of the conciliators or arbitra-
tors, the Chairman shall take that decision. If it is decided that the
proposal well-founded the conciliator or arbitrator to whom the de-
cision relates shall be replaced in accordance with the provisions
of Section 2 of Chapter III or Section 2 of Chapter IV.

CHAPTER VI - Cost of Proceedings

Article 59

The charges payable by the parties for the use of the facilities of
the Centre shall be determined by the Secretary-General in accor-

dance with the regulations adopted by the Administrative Council.
238

CHAPTER VII - Place of Proceedings

Article 62

Conciliation and arbitration proceedings shall be held at the seat of
the Centre except as hereinafter provided. 240

Article 60

233 1. Each Commission and each Tribunal shall determine the fees and expenses of its members within limits established from time to time by the Administrative Council and after consultation with the Secretary-General.

234 2. Nothing in paragraph (1) of this Article shall preclude the parties from agreeing in advance with the Commission or Tribunal concerned upon the fees and expenses of its members.

Article 63

Conciliation and arbitration proceedings may be held, if the parties
so agree, 242

(a) at the seat of the Permanent Court of Arbitration or of any other
appropriate institution, whether private or public, with which the
Centre may make arrangements for that purpose; or 243

(b) at any other place approved by the Commission or Tribunal after
consultation with the Secretary-General. 244

Article 61

236 1. In the case of conciliation proceedings the fees and expenses of members of the Commission as well as the charges for the use of the facilities of the Centre, shall be borne equally by the parties. Each party shall bear any other expenses it incurs in connection with the proceedings.

237 2. In the case of arbitration proceedings the Tribunal shall, except as the parties otherwise agree, assess the expenses incurred by the parties in connection with the proceedings, and shall decide how and by whom those expenses, the fees and expenses of the members of the Tribunal and the charges for the use of the facilities of the Centre shall be paid. Such decision shall form part of the award.

CHAPTER VIII - Disputes between Contracting States

Article 64

Any dispute arising between Contracting States concerning the interpretation or application of this Convention which is not settled by negotiation shall be referred to the International Court of Justice by the application of any party to such dispute, unless the States concerned agree to another method of settlement. 247

CHAPTER IX - Amendment

Article 65

250 Any Contracting State may propose amendment of this Convention. The text of a proposed amendment shall be communicated to the Secretary-General not less than 90 days prior to the meeting of the Administrative Council at which such amendment is to be considered and shall forthwith be transmitted by him to all the members of the Administrative Council.

Article 66

251 If the Administrative Council shall so decide by a majority of two-thirds of its members, the proposed amendment shall be Circulated to all Contracting States for ratification, acceptance or approval. Each amendment shall enter into force 30 days after dispatch by the depository of the Convention of a notification to Contracting States that all Contracting States have ratified, accepted or approved the amendment.

CHAPTER X

Final Provisions

Article 67

256 This Convention shall be open for signature on behalf of States members of the Bank. It shall also be open for signature on behalf of any other State which is a party to the Statute of the International Court of Justice and which the Administrative Council, by a vote of two-thirds of its members, shall have invited to sign the Convention.

248 Article 68

249 1. This Convention shall be subject to ratification, acceptance or approval by the signatory States in accordance with their respective constitutional procedures.

2. This Convention shall enter into force 30 days after the date of deposit of the twentieth instrument of ratification, acceptance or approval. It shall enter into force for each State which subsequently deposits its instrument of ratification, acceptance or approval 30 days after the date of such deposit.

Article 69

Each Contracting State shall take such legislative or other measures as may be necessary for making the provisions of this Convention effective in its territories.

Article 70

This Convention shall apply to all territories for whose international relations a Contracting State is responsible, except those which are excluded by such State by written notice to the depository of this Convention either at the time of ratification, acceptance or approval or subsequently.

Article 71

Any Contracting State may denounce this Convention by written notice to the depository of this Convention. The denunciation shall take effect six months after receipt of such notice.

Article 72

267 Notice by Contracting State pursuant to Articles 70 or 71 shall not affect the rights or obligations under this Convention of that State or of any of its constituent subdivisions or agencies or of any national of that State arising out of consent to the jurisdiction of the Centre given by one of them before such notice was received by the depositary.

Article 73

268
269 Instruments of ratification, acceptance or approval of this Convention and of amendments thereto shall be deposited with the Bank which shall act as the depositary of this Convention. The depositary shall transmit certified copies of this Convention to States members of the Bank and to any other State invited to sign the Convention.

[Article 74]

The depositary shall register this Convention with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the Regulations thereunder adopted by the General Assembly.

Article 74 [Article 75]

270
271 The depositary shall notify all signatory States of the following:

272 (a) signatures in accordance with Article 67;

273 (b) deposits of instruments of ratification, acceptance and approval in accordance with Article 73;

- 266 (c) the date on which this Convention enters into force in accordance with Article 68; 274
- (d) exclusions from territorial application pursuant to Article 70; 275
- (e) the date on which any amendment of this Convention enters into force in accordance with Article 66; and 276
- (f) denunciations in accordance with Article 71. 277

[Post Provisions]

[Post Clauses (If any: Signed; Witnessed; Done; Authentic Texts; & Deposited Clauses)]

DONE at Washington, in the English, French and Spanish languages, all three texts being equally authentic, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to fulfil the functions with which it is charged under this Convention. 278

Metadata

SiSU Metadata, document information

Document Manifest @:

http://www.jus.uio.no/lm/icsid.settlement.of.disputes.between.states.and.nationals.of.other.states.convention.washington.1965/sisu_manifest.html

Title: Convention on the Settlement of Investment Disputes Between States and Nationals of Other States - International Centre for Settlement Of Investment Disputes, Washington 1965

Creator: International Centre for Settlement of Investment Disputes (ICSID)

Rights: Copyright (C) 1965 International Centre for Settlement of Investment Disputes (ICSID)

Publisher: SiSU <http://www.jus.uio.no/sisu> (this copy)

Date: 1965-03-18

Topics Registered: International Centre for Settlement of Investment Disputes:-
convention;investment:convention

Version Information

Sourcefile: icsid.settlement.of.disputes.between.states.and.nationals.of.other.-
states.convention.washington.1965.sst

Filetype: SiSU text 2.0

Source Digest: SHA256(icsid.settlement.of.disputes.between.states.and.-
nationals.of.other.states.convention.washington.1965.sst)=64562906a9eb0378-
e271c78531b21b93d3392f70959e4bed63ee870be1a6ef0a

Skin Digest: SHA256(skin_lm.rb)=5acda64a9532f9ef6b71693da2b471d4efac2f23-
a8499e68de066eec8ea9b8e9

Generated

Document (dal) last generated: Tue Sep 21 17:07:33 -0400 2010

Generated by: SiSU 2.6.3 of 2010w30/3 (2010-07-28)

Ruby version: ruby 1.8.7 (2010-08-16 patchlevel 302) [i486-linux]