

## ONLINE DIGEST\*

### Chapter 10 Classification of Investment-Related Disputes and Dispute Settlement Mechanisms

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#### 10.1 Classification of Disputes

##### ➤ IIAs and other treaties

- \* Australia–Republic of Indonesia BIT (1992)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/155/download>
- \* Federal Republic of Germany–Pakistan BIT (1959)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/1387/download>
- \* Italian Republic–Republic of Cuba BIT (1993)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/907/download>
- \* United States of America–Republic of Ecuador BIT (1993)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/1065/download>

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\* The textbook analyses a number of selected international investment agreements (IIAs), awards and other materials that illustrate the rules and practices of international investment law and arbitration as well as the nuances and differences that they display. To enable readers to use all these materials easily and swiftly and to have a holistic view of them, the on-line digest compiles them for each chapter and section; it also provides an internet link to access each of these materials.

➤ Awards, decisions, judgments and opinions

- \* *Asian Agricultural Products Ltd (AAPL) v Republic of Sri Lanka* (ICSID Case No ARB/87/3) - Final Award (27 June 1990)  
Available at:  
[http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C140/DC676\\_En.pdf](http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C140/DC676_En.pdf)
- \* *Case Concerning Elettronica Sicula S.p.A. (ELSI) (United States of America v Italy)*  
Available at:  
<https://www.icj-cij.org/en/case/76>
- \* *Case Concerning the Barcelona Traction, Light and Power Company, Limited (Belgium v Spain)*  
Available at:  
<https://www.icj-cij.org/en/case/50>
- \* *Case of the Mavrommatis Palestine Concessions (Greek Republic v United Kingdom)* (Objection to the Jurisdiction of the Court), Judgment of 30 August 1924  
Available at:  
[https://www.icj-cij.org/files/permanent-court-of-international-justice/serie\\_A/A\\_02/06\\_Mavrommatis\\_en\\_Palestine\\_Arret.pdf](https://www.icj-cij.org/files/permanent-court-of-international-justice/serie_A/A_02/06_Mavrommatis_en_Palestine_Arret.pdf)
- \* *Emilio Agustín Maffezini v Kingdom of Spain* (ICSID Case No ARB/97/7) - Decision of the Tribunal on Objections to Jurisdiction (25 January 2000)  
Available at:  
[http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C163/DC565\\_En.pdf](http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C163/DC565_En.pdf)
- \* *Industria Nacional de Alimentos S.A. and Indalsa Perú, S.A. v The Republic of Peru* (ICSID Case No ARB/03/4) - Decision on Annulment (5 September 2007)  
Available at:  
[http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C225/DC683\\_En.pdf](http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C225/DC683_En.pdf)
- \* *Italian Republic v Republic of Cuba*  
Available at:  
<https://www.italaw.com/cases/580>
- \* *Republic of Ecuador v United States of America* (PCA Case No 2012-5) - Award (29 September 2012)  
Available at:  
<https://www.italaw.com/sites/default/files/case-documents/italaw7940.pdf>
- \* *South West Africa Cases (Ethiopia v South Africa; Liberia v South Africa)* (Preliminary Objections), Judgment of 21 December 1962  
Available at:  
<https://www.icj-cij.org/files/case-related/47/047-19621221-JUD-01-00-EN.pdf>

➤ Websites

- \* ICSID Caseload – Statistics (Issue 2019-2)

Available at:

<https://icsid.worldbank.org/sites/default/files/publications/Caseload%20Statistics/en/The%20ICSID%20Caseload%20Statistics%20%282019-2%20Edition%29%20ENG.pdf>

Note: The latest statistics which were released by ICSID after the completion of the book are available at:

<https://icsid.worldbank.org/sites/default/files/publications/Caseload%20Statistics/en/The%20ICSID%20Caseload%20Statistics%20%282020-1%20Edition%29%20ENG.pdf>

- \* UNCTAD Investment Policy Hub

Available at:

<https://investmentpolicy.unctad.org>

## 10.2 Classification of Dispute Settlement Mechanisms

➤ IAs and other treaties

- \* American Treaty on Pacific Settlement (Pact of Bogotá) (1948)

Available at:

<https://treaties.un.org/doc/Publication/UNTS/Volume%2030/volume-30-I-449-English.pdf>

- \* Australia–Democratic Socialist Republic of Sri Lanka BIT (2002)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/165/download>

- \* Australia–Oriental Republic of Uruguay BIT (2019)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5853/download>

- \* Canada–Republic of Peru BIT (2006)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/626/download>

- \* Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) (1965)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

- \* Convention Respecting the Limitation of the Employment of Force for the Recovery of Contract Debts (Drago–Porter Convention) (1907)

Available at:

<https://www.loc.gov/law/help/us-treaties/bevans/m-ust000001-0607.pdf>

- \* Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5672/download>
- \* Comprehensive Economic and Trade Agreement (CETA) (2016)  
Available at:  
[http://trade.ec.europa.eu/doclib/docs/2014/september/tradoc\\_152806.pdf](http://trade.ec.europa.eu/doclib/docs/2014/september/tradoc_152806.pdf)
- \* Dominican Republic–Central America FTA (CAFTA–DR) (2004)  
Available at:  
<https://ustr.gov/trade-agreements/free-trade-agreements/cafta-dr-dominican-republic-central-america-fta/final-text>
- \* Federal Republic of Ethiopia–Republic of France BIT (2003)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/1163/download>
- \* Federative Republic of Brazil–Co-operative Republic of Guyana BIT (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5763/download>
- \* Federative Republic of Brazil–Republic of Malawi BIT (2015)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/4715/download>
- \* Federative Republic of Brazil–United Arab Emirates BIT (2019)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5855/download>
- \* Hong Kong Special Administrative Region of the People’s Republic of China–ASEAN Agreement on Investment (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5655/download>
- \* Japan–Republic of Korea–People’s Republic of China Agreement on Investment (2012)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/2633/download>

- \* Japan–Ukraine BIT (2015)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3324/download>
- \* Kingdom of Morocco–Federal Republic of Nigeria BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5409/download>
- \* Kingdom of Spain–Argentine Republic BIT (1991)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/119/download>
- \* Republic of Armenia–United Arab Emirates BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5827/download>
- \* Republic of Belarus–India BIT (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5724/download>
- \* Republic of Kazakhstan–Republic of Singapore BIT (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5700/download>
- \* Republic of Mozambique–Kingdom of the Netherlands BIT (2001)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/2055/download>
- \* Republic of Rwanda–United Arab Emirates BIT (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5722/download>
- \* Republic of Turkey–Australia BIT (2005)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/166/download>
- \* State of Israel–Japan BIT (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5849/download>

- \* Treaty of Amity, Commerce, and Navigation between the United Kingdom and the United States of America (The Jay Treaty) (1794)

Available at:

<https://www.loc.gov/law/help/us-treaties/bevans/b-gb-ust000012-0013.pdf>

- \* United Kingdom of Great Britain and Northern Ireland–Belize (1982)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/436/download>

- \* United Kingdom of Great Britain and Northern Ireland–People’s Republic of Bangladesh BIT (1980)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/277/download>

- \* United States of America–Hashemite Kingdom of Jordan FTA (2000)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/2505/download>

- \* United States of America–Republic of Rwanda BIT (2008)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/2241/download>

- \* United States of America–United Mexican States–Canada (USMCA) (2018)

Available at:

<https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between>

#### ➤ Arbitration rules

- \* Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) (1965)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

- \* ICSID Rules of Procedure for Arbitration Proceedings (ICSID Arbitration Rules)

Available at:

<https://icsid.worldbank.org/sites/default/files/documents/ICSID%20Convention%20English.pdf>

➤ Awards, decisions, judgments and opinions

- \* *Case Concerning the Barcelona Traction, Light and Power Company, Limited (Belgium v Spain)*, Judgment of 5 February 1970

Available at:

<https://www.icj-cij.org/files/case-related/50/050-19700205-JUD-01-00-EN.pdf>

- \* *Case of the Mavrommatis Palestine Concessions (Greek Republic v United Kingdom)* (Objection to the Jurisdiction of the Court), Judgment of 30 August 1924

Available at:

[https://www.icj-cij.org/files/permanent-court-of-international-justice/serie\\_A/A\\_02/06\\_Mavrommatis\\_en\\_Palestine\\_Arret.pdf](https://www.icj-cij.org/files/permanent-court-of-international-justice/serie_A/A_02/06_Mavrommatis_en_Palestine_Arret.pdf)

- \* *L.F.H. Neer and Pauline Neer (USA) v United Mexican States* (Mexico/USA (General Claims Commission)) - Award (15 October 1926)

Available at:

[https://legal.un.org/riaa/cases/vol\\_IV/60-66.pdf](https://legal.un.org/riaa/cases/vol_IV/60-66.pdf)

- \* *Nottebohm Case (Liechtenstein v Guatemala)* (Second Phase), Judgment of 6 April 1955

Available at:

<https://www.icj-cij.org/files/case-related/18/018-19550406-JUD-01-00-EN.pdf>

- \* *The Loewen Group, Inc. and Raymond L Loewen v United States of America* (ICSID Case No ARB(AF)/98/3) - Award (26 June 2003)

Available at:

<https://www.italaw.com/sites/default/files/case-documents/ita0470.pdf>

➤ Other instruments and documents

- \* Draft articles on Diplomatic Protection (2006)

Available at:

[https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/9\\_8\\_2006.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_8_2006.pdf)

- \* Indian Model Bilateral Investment Treaty (2015)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3560/download>

- \* United States Model Bilateral Investment Treaty (2004)

Available at:

<https://ustr.gov/sites/default/files/U.S.%20model%20BIT.pdf>

➤ Websites

\* ICSID Caseload – Statistics (Issue 2019-2)

Available at:

<https://icsid.worldbank.org/sites/default/files/publications/Caseload%20Statistics/en/The%20ICSID%20Caseload%20Statistics%20%282019-2%20Edition%29%20ENG.pdf>

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\* Iran–United States Claims Tribunal

Available at:

<http://www.iusct.net>

\* UNCITRAL, Webpage on Working Group III: Investor-State Dispute Settlement Reform

Available at:

[https://uncitral.un.org/en/working\\_groups/3/investor-state](https://uncitral.un.org/en/working_groups/3/investor-state)