

## ICSID Workshops – Arbitration Academy 2013

### Workshop I:

1. Introduction: ICSID and Investment Arbitration
2. Counterclaims in ICSID Arbitration – the Requirements of the ICSID Convention and Arbitration Rules and their Interpretation in ICSID Awards and Decisions

### Workshop II:

3. The Nationality Requirements under the ICSID Convention – A study of the second clause of Article 25(2)(b) of the ICSID Convention and its Interpretation in ICSID Awards and Decisions.

### Primary Texts

- [ICSID Convention, Regulations and Rules](#) (will be provided during workshop)
- [ICSID Caseload – Statistics](#), Issue 2013-1 (will be provided during workshop)

### Textbooks and Commentaries

- Lucy Reed, Jan Paulsson & Nigel Blackaby, [Guide To ICSID Arbitration](#) (Kluwer Law International, 2nd ed. 2010).
- Emmanuel Gaillard, *La Jurisprudence du CIRDI*, [Volume 1 \(2004\)](#) et [Volume 2 \(2010\)](#), (Editions A. Pedone).
- Christoph Schreuer, Loretta Malintoppi, August Reinisch & Anthony Sinclair, [The ICSID Convention: A Commentary](#) (Cambridge University Press, 2nd ed. 2009), esp. pp. 731-756
- [Official Annotations to the ICSID Rules of Procedure for the Institution of Conciliation and Arbitration Proceedings 1968](#) (Arbitration Rules), ICSID Reports 1, 51

### Selected Articles

- Walid Ben Hamida, [L'arbitrage Etat-investisseur cherche son équilibre perdu: Dans quelle mesure l'Etat peut introduire des demandes reconventionnelles contre l'investisseur privé?](#), *International Law FORUM du droit international*, 7: 261–272, 2005

- Andrea K. Bjorklund, [The Role of Counterclaims in Rebalancing Investment Law](#), 17 Lewis & Clark L. Rev. 461 (2013)
- M.N. Bravin and A.B. Kaplan, [Arbitrating Closely Related Counterclaims at ICSID in the Wake of \*Spyridon Roussalis v. Romania\*](#), TDM 4 (2012)
- Helene Bubrowski, [Balancing IIA Arbitration Through the Use of Counterclaims, in Improving International Investment Agreements](#) 212 (Armand de Mestral & Céline Lévesque eds., 2013)
- J. Crawford, [Treaty and Contract in Investment Arbitration](#), TDM 1 (2009)
- A.K. Hoffmann, [Counterclaims by the Respondent State in Investment Arbitration - The Decision on Jurisdiction over Respondent's Counterclaim in \*Saluka Investments B.V. v. Czech Republic\*](#), TDM 5 (2006)
- Jean E. Kalicki, [Counterclaims by States in Investment Arbitration](#), Investment Treaty News (Jan. 14, 2013),
- Kryvoi, Yaraslau, [Counterclaims in Investor-State Arbitration](#) (January 27, 2012). Minnesota Journal of International Law, Vol. 21, No. 2, pp 216-252, 2012.
- Pierre Lalive and Laura Halonen, [On the Availability of Counterclaims in Investment Treaty Arbitration](#), 2 Czech Y.B. Int'l L. 141 (2011)
- Paul Jean Le Cannu, [Compagnie d'Exploitation du Chemin de Fer Transgabonais v. Republic of Gabon](#) (ICSID Case No. ARB/04/5): Introductory Note, 26(1) ICSID Rev. – FILJ, 153-172 (2011)
- Anthony C. Sinclair, [ICSID's Nationality Requirements](#), 23(1) ICSID Rev. – FILJ, 57-118 (2008)
- Martin J. Valasek and Patrick Dumberry, [Developments in the Legal Standing of Shareholders and Holding Corporations in Investor-State Disputes](#), 26(1) ICSID Rev. – FILJ, 34-75 (2011)
- Ana Vohryzek-Griest, [State Counterclaims in Investor-State Disputes: A History of 30 Years of Failure](#), 15 Int'l Law: Revista Colombiana de Derecho Internacional 83 (2009)

### Selected Cases

- *Compagnie d'Exploitation du Chemin de Fer Transgabonais v. Republic of Gabon* (ICSID Case No. ARB/04/5), [Decision on Jurisdiction of December 19, 2005](#) and [Decision of the ad hoc Committee on the application for annulment of the Republic of Gabon, Case Excerpts](#), 26(1) ICSID Rev. – FILJ, 173-180, 214-255 (2011)
- [Spyridon Roussalis v. Romania](#) (ICSID Case No. ARB/06/1), [Award](#) and [Separate Opinion](#) of December 7, 2011

- [Antoine Goetz and others v. Republic of Burundi](#) (ICSID Case No. ARB/01/2), [Award of June 21, 2012](#)
- [Burimi SRL and Eagle Games SH.A v. Republic of Albania](#) (ICSID Case No. ARB/11/18), [Award of May 29, 2013](#)