
ANNULMENT OF ICSID AWARDS

TABLE OF CONTENTS

FOREWORD	<i>Charles N. Brower</i>	1
INTRODUCTION	<i>Emmanuel Gaillard</i>	5
 <i>PART I</i>		
GENERAL FEATURES OF ICSID ANNULMENT PROCEEDINGS.....		9
Article 52 of the Washington Convention – A Brief Introduction.....	<i>Hans Van Houtte</i>	11
Three Generations of ICSID Annulment Proceedings.....	<i>Christoph Schreuer</i>	17
Finality at What Cost? The Decision of the <i>Ad Hoc</i> Committee in <i>Wena Hotels v. Egypt</i>	<i>Eric A. Schwartz</i>	43
Litigating Annulment Proceedings – The <i>Vivendi</i> Matter: Contract and Treaty Claims	<i>Bernardo M. Cremades</i>	87
The <i>Vivendi</i> Annulment Decision and the Lessons for Future ICSID Arbitrations – The Applicants’ Perspective	<i>Stanimir A. Alexandrov</i>	97
<i>Vivendi v. Argentina</i> : on the Admissibility of Requests for Partial Annulment and the Ground of a Manifest Excess of Powers	<i>Carlos Ignacio Suarez Anzorena</i>	123
Stay of Enforcement of the Arbitral Award Pending ICSID Annulment Proceedings.....	<i>Paul D. Friedland</i>	177

PART II

THE REVIEW OF ICSID ARBITRAL AWARDS 187

Annulment of ICSID Awards in Contract and Treaty
Arbitrations: Are There Differences? .. *Gabrielle Kaufmann-Kohler* 189

The Extent of Review of the Applicable Law in
Investment Treaty Arbitration*Emmanuel Gaillard* 223

To What Extent Can an *Ad Hoc* Committee Review
the Factual Findings of an Arbitral Tribunal*Pierre Mayer* 243

To What Extent May an *Ad Hoc* Committee Review
the Factual Findings of an Arbitral Tribunal Based on
a Procedural Error?*Peter D. Trooboff* 251

Setting Aside Additional Facility Awards: the
Metalclad Case *Henri C. Alvarez* 267

The Introduction of an Appellate Mechanism: the U.S.
Trade Act of 2002*Barton Legum* 289

Concluding Remarks..... *Pierre Lalive* 297

ANNEXES

ANNEX 1

Wena Hotels Limited v. Arab Republic of Egypt, Award of
December 8, 2000 317

ANNEX 2

Wena Hotels Limited v. Arab Republic of Egypt, Decision of the
Ad Hoc Committee, February 5, 2002 371

ANNEX 3

*Compañía de Aguas del Aconquija S.A. and Compagnie Générale
des Eaux v. Argentine Republic*, Award of November 21, 2000 403

ANNEX 4

*Compañía de Aguas del Aconquija S.A. and Vivendi Universal
(formerly Compagnie Générale des Eaux) v. Argentine Republic,*
Decision of the *Ad Hoc* Committee, July 3, 2002 447

ANNEX 5

List of Participants to the IAI-ASIL Conference Held in
Washington, D.C. on April 1, 2003 493