CASES

Klöckner v. Cameroon
Decision of the Ad Hoc Committee

INTRODUCTORY NOTE

In April of 1981, Klöckner, a German company, and two subsidiaries of Klöckner instituted an arbitration proceeding against Cameroon and the Société Camerounaise des Engrais under the aegis of the International Centre for Settlement of Investment Disputes (ICSID). The Arbitral Tribunal, constituted in October of 1981, rendered its award on October 21, 1983. Attached to the award was a dissenting opinion by one of the three arbitrators.


In February of 1984, Klöckner applied to have the award annulled under Article 52 of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the ICSID Convention). This was the first such application in ICSID’s history. Shortly after registration of the application, an ad hoc Committee was constituted pursuant to Article 52(3) of the ICSID Convention to consider the application. By a unanimous decision dated May 3, 1985, the ad hoc Committee annulled the award. The dispute has since been resubmitted to ICSID arbitration pursuant to Article 52(6) of the ICSID Convention.

The following is an English translation of the ad hoc Committee’s decision, which the parties to the dispute have authorized ICSID to publish in extenso.