

CASES

INTRODUCTORY NOTE

Two decisions relating to arbitration under the aegis of the International Centre for Settlement of Investment Disputes (ICSID) are reproduced in this issue.

The first is the decision of the ad hoc Committee established in accordance with Article 52 of the ICSID Convention¹ to consider a request that had been made by the respondent in *Maritime International Nominees Establishment (MINE) v. Republic of Guinea* (ICSID Case No. ARB/84/4) to annul the award that had been rendered on January 6, 1988 in that case.² In its decision, rendered on December 22, 1989 and reprinted at page 95 below, the ad hoc Committee rejected the respondent's request for annulment of the part of the award holding that the respondent had been in breach of contract, but granted the request for annulment of the award's ruling on damages. Following the issuance of this decision, MINE on January 24, 1990 requested, pursuant to Article 52(6) of the ICSID Convention and ICSID Arbitration Rule 52(2),³ that the question of damages be submitted to a new ICSID tribunal. On January 26, 1990, the Secretary-General of ICSID registered this request of MINE and invited the parties to proceed to constitute the new tribunal.

The second decision is that of the Paris Court of Appeal reversing a decision of the President of the Tribunal de Grande Instance of Paris granting enforcement of the award rendered in the claimant's favor on February 25, 1988 in the case of *Société Ouest Africaine des Bétons Industriels v. State of Senegal* (ICSID Case No. ARB/82/1).⁴ The decision of the Court of Appeal, dated December 5, 1989 and reprinted in English translation at page 135 below, is commented upon by Emmanuel Gaillard at page 69 of this issue.

1 575 U.N.T.S. 159, reprinted in ICSID Basic Documents, Doc. ICSID/15, at 25 (Jan. 1985).

2 The award of January 6, 1988 is reproduced in 3 Int'l Arb. Rep., No. 1, at Sec. A (Jan. 1988) and in 14 Y.B. Com. Arb. 82 (1989).

3 The ICSID Arbitration Rules are reprinted in ICSID Basic Documents, *supra* note 1, at 61.

4 Extracts from the award of February 25, 1988 in this second ICSID case are reprinted at 117 Journal du Droit International 193 (1990), with a note by Gaillard, *id.* at 211.