

Joseph Charles Lemire v. Ukraine
(ICSID Case No. ARB(AF)/98/1)

Introductory Note

On November 14, 1997, Mr. Joseph Charles Lemire, a national of the United States of America, filed with ICSID his Consent to Arbitrate and Request for Approval of Access to the Centre's Additional Facility in respect of a case against Ukraine. The case was brought under the 1994 Bilateral Investment Treaty between Ukraine and the United States. The dispute concerned the issuance and operation of radio broadcasting licenses in the Ukraine.

On December 10, 1997, the Secretary-General informed the parties that the Claimant's application for access to the Additional Facility had been approved and registered. On December 29, 1997, the Claimant requested the Secretary-General to register his Notice to Institute Arbitration Proceedings. The Notice was registered by the Secretary-General on January 16, 1998. The parties agreed that the Tribunal should consist of three arbitrators, one to be appointed by each party and the third, who would serve as President of the Tribunal, to be appointed by agreement of the parties. Mr. Jan Paulsson, a French national, was appointed by Mr. Lemire; Dr. Jürgen Voss, a German national, was appointed by Ukraine. By agreement between them, the parties appointed Professor Sir Elihu Lauterpacht, CBE, QC, a British national, as President of the Tribunal.

As a preliminary matter, Ukraine raised a number of jurisdictional objections. The Tribunal, having considered these objections, issued on September 24, 1999 its decision joining the objections to the merits of the dispute. On March 20, 2000, the Parties concluded an agreement for the settlement of the dispute. Pursuant to Article 50 of the ICSID (Addi-

tional Facility) Arbitration Rules, the parties requested the Tribunal to record the settlement in the form of an award. The text of the award is reproduced below with the parties' consent.

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