

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**

In the annulment proceeding between

**RSM PRODUCTION CORPORATION**

Applicant

and

**SAINT LUCIA**

Respondent

ICSID Case No. ARB/12/10 (Annulment Proceeding)

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**RECTIFICATION OF DECISION ON ANNULMENT**

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Members of the *ad hoc* Committee  
Prof. Donald M. McRae, President  
Prof. Andreas Bucher  
Mr. Alexis Mourre

Secretary of the *ad hoc* Committee  
Ms. Aurélia Antonietti

Date of dispatch to the Parties: May 23, 2019

**REPRESENTATION OF THE PARTIES**

Representing RSM Production Corporation:

Mr. Karel Daele  
Ms. Deepa Somasunderam  
Ms. Heidrun Walsh  
Mishcon de Reya  
Africa House  
70 Kingsway  
London WC2B 6AH  
United Kingdom

and

Mr. A.M. Kip Hunter  
Hall Estill  
1600 Stout Street  
Suite 500  
Denver, CO 80202  
United States of America

Representing Saint Lucia:

Mr. Stephen C. J. Julien  
Attorney General for the Government of Saint Lucia  
Attorney General's Chambers and Ministry of  
Justice  
Waterfront, Castries  
Saint Lucia, West Indies

and

Mr. D. Brian King  
Mr. Elliot Friedman  
Freshfields Bruckhaus Deringer US LLP  
601 Lexington Avenue  
31st floor  
New York, NY 10022  
U.S.A.

## **THE AD HOC COMMITTEE**

Composed as above,

Makes the following decision:

1. On April 29, 2019, the Acting Secretary-General of ICSID dispatched to the Parties certified copies of the Decision on Annulment rendered by the *ad hoc* Committee (the “Committee”) in this annulment (the “Decision”). On May 6, 2019, in accordance with Article 49 of the ICSID Convention and Rule 49 of the ICSID Arbitration Rules, RSM Production Corporation (“RSM”) submitted a Request for the Rectification of the Decision (the “Request”).
2. In its Request, RSM alleged that Mr. Jack J. Grynberg and Mr. Roger Jatko had not been removed as representatives of RSM as per RSM’s request of April 24, 2019 and that this constituted an error to be rectified. RSM thus requested that the list of Parties’ representatives on page i of the Decision be amended to reflect the requested change.
3. On May 6, 2019, the Acting Secretary-General registered the Request, pursuant to ICSID Arbitration Rule 49(2)(a). On the same date, Acting the Secretary-General, in accordance with ICSID Arbitration Rule 49(2)(b), notified the parties of the registration of the Request and, in accordance with ICSID Arbitration Rule 49(2)(c) and (d), transmitted copies of the Request to St. Lucia, and to each member of the Committee.
4. On May 10, 2019, St. Lucia indicated that it had no comments on RSM’s request for rectification.
5. The Committee has taken note of RSM’s Request and of St. Lucia’s lack of objections thereto. In accordance with ICSID Arbitration Rule 49(3), the Members of the Committee have agreed that it would not be necessary for them to meet in order to consider the Request.
6. The Committee has taken into consideration Article 49(2) of the ICSID Convention, in accordance with which the Request is made, which reads, in pertinent part:

The Tribunal upon the request of a party made within 45 days after the date on which the award was rendered may after notice to the other party decide any question which it had omitted to decide in the award, and shall rectify any clerical, arithmetical or similar error in the award. Its decision shall become part of the award and shall be notified to the parties in the same manner as the award.  
[...]

7. Having considered RSM's Request and St. Lucia's lack of objections, the Committee unanimously decides to grant the Request, thereby substituting page i of the Decision with the enclosed revised page I attached to this decision.
  
8. For the purpose of ICSID Arbitration Rule 49(4), the present decision refers to the terms of the Decision dated April 29, 2019, relating to the matters indicated in Arbitration Rule 47(1)(a-g). In accordance with Article 49(2) of the ICSID Convention, the present decision constitutes an integral part of the Decision.

[Signed]

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Andreas Bucher  
*Ad hoc* Committee Member

Date: May 13, 2019

[Signed]

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Alexis Mourre  
~~*Ad hoc* Committee Member~~

Date: May 14, 2017

[Signed]

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Donald M. McRae  
President of the *ad hoc* Committee

Date: May 21, 2019

**REPRESENTATION OF THE PARTIES**

Representing RSM Production Corporation:

Mr. Karel Daele  
Ms. Deepa Somasunderam  
Ms. Heidrun Walsh  
Mishcon de Reya  
Africa House  
70 Kingsway  
London WC2B 6AH  
United Kingdom

and

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