

July 23, 2020

By email

Bolivarian Republic of Venezuela
c/o Dr. Reinaldo Enrique Muñoz
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Re: ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V. and ConocoPhillips Gulf of Paria B.V. v. Bolivarian Republic of Venezuela
(ICSID Case No. ARB/07/30)

Dear Mesdames and Sirs,

I refer to the Proposal for the Disqualification of the Members of the Annulment Committee submitted on April 16, 2020 by Dr. Alfredo De Jesús O. on behalf of the Bolivarian Republic of Venezuela (the “Proposal”).

The Proposal was submitted pursuant to Articles 14 and 57 of the ICSID Convention and ICSID Arbitration Rule 9. Pursuant to Article 57, a party may propose the disqualification of an arbitrator on account of any fact indicating a manifest lack of the qualities required by Article 14(1).

Pursuant to Article 58 of the Convention and Arbitration Rule 9, the Chair of the ICSID Administrative Council shall decide the Proposal.

By communication of June 5, 2020, the Centre informed the parties of my decision to seek a recommendation on the Proposal from The Rt Hon. Lord Nicholas Phillips, past President of the Supreme Court of England and Wales. The Centre confirmed that the final decision on the Proposal would be taken by the Chairman of the ICSID Administrative Council in accordance with Article 58 of the ICSID Convention.

The parties have been given a full opportunity to present their positions on this matter. The Centre provided Lord Phillips with copies of all the parties’ submissions on the Proposal and the explanations furnished by the arbitrators.

The Centre received the recommendation from Lord Phillips on July 10, 2020. A copy of the recommendation is attached.

I have carefully considered the Proposal, in light of the parties' written arguments, the arbitrators' explanations, and the recommendation from Lord Phillips. Based on these materials, I have concluded that the Proposal does not meet the standard set forth in Article 57 of the ICSID Convention for the disqualification of an arbitrator.

Accordingly, the Proposal is hereby rejected.

Yours sincerely,

[signed]

David Malpass
Chairman of the Administrative Council

Attachment

cc:

Judge Dominique Hascher
Professor Diego P. Fernández Arroyo
Mr. Kap-You (Kevin) Kim