Highlights of the recently published ICSID 2022 Annual Report

October 19, 2022

The International Centre for Settlement of Investment Disputes of the World Bank (ICSID) published its 2022 Annual Report on 14 October 2022.

Highlights of the report include:

- 346 cases administered by ICSID, marking the largest number of cases ever administered at ICSID in a single fiscal year.
- A record 77 concluded cases, reflecting ICSID's ongoing efforts to reduce the time of cases.
- Individuals of 42 nationalities were represented amongst the appointments made in the fiscal year. This is the second largest number of different nationalities appointed in a single year at ICSID.
- 45% of first-time appointees in FY2022 were women and 25% involved nationals of low- or middle-income economies.

(https://icsid.worldbank.org/news-and-events/news-releases/icsid-publishes-2022-annual-report)

Other notable report highlights in the Report are as follows:

- ICSID administered **18 cases governed by non-ICSID rules** in FY2022 with the majority (13 cases) applying the arbitration rules of the United Nations Commission on International Trade Law (UNCITRAL). (p. 14 of the

Report)

- Distribution of cases registered in FY2022 **by region**:
  - 22%: South America
  - 20%: Eastern Europe and Central Asia
  - 12%: Central America and the Caribbean
  - 12%: Middle East and North Africa
  - 12%: Sub-Saharan Africa
  - 8%: South and East Asia and the Pacific
  - 8&: Western Europe
  - 6%: North America (Canada, Mexico, and the US)

(p. 15 of the Report)

- Basis of **consent to establish jurisdiction** in FY2022:
  - 56%: Bilateral Investment Treaty
  - 13%: Investment Contract between the Investor and the Host-State
  - 11%: Energy Charter Treaty
  - 4%: U.S.-Mexico-Canada Agreement
  - 4%: North American Free Trade Agreement
  - 4%: Investment Law of the Host State
  - 2%: Dominican Republic-United States-Central America Free Trade Agreement
  - 2%: Colombia-El Salvador, Guatemala and Honduras Free Trade Agreement
  - 2%: Central America-Panama Trade Promotion Agreement

(p. 15 of the Report)

- Distribution of cases registered in FY2022 **by economic sector**:
  - 24%: Electric Power and Other Energy
  - 22%: Oil, Gas and Mining
  - 12%: Construction
  - 10%: Information and Communication
  - 8%: Other Industry
  - 8%: Water, Sanitation and Flood Protection

- 6%: Finance
- 6%: Transportation

(p. 16 of the Report)

- Top three distribution of cases registered in FY2022 **by country**:
  - Peru: 5
  - Romania: 4
  - Spain: 3

(p. 16 of the Report)

- **91% of hearings or sessions were conducted remotely** in cases administered by ICSID during FY2022 using ICSID audio/video conferencing services. (p. 18 of the Report)
- **77 proceedings concluded in FY2022**: 56 original arbitrations, 20 post-award proceedings, and one conciliation proceeding. (p. 19 of the Report)
- Of the 56 original arbitration proceedings that concluded in FY2022, **27 were settled or otherwise discontinued**, and 29 were decided by the tribunal. (p. 19 of the Report)
- **Outcomes of arbitration proceedings** under the ICSID Convention and Additional Facility in FY2022:
  - 25%: Award upholding claims in part or in full.
  - 23%: Proceeding discontinued at the request of both parties.
  - 14%: Award dismissing all claims.
  - 14%: Proceeding discontinued at the request of one party.
  - 11%: Award declining jurisdiction.
  - 9%: Proceeding discontinued for lack of payment of the required advances.
  - 2%: Settlement agreement embodied in an award at parties' request.
  - 2%: Award deciding that the claims are manifestly without legal merit.

(p. 19 of the Report)

Link to the Report in English: https://icsid.worldbank.org/sites/default/files/publications/ICSID_AR.EN.pdf

Author: Mahmoud Abuwasel
Title: Partner – Disputes
Email: mabuwasel@waselandwasel.com
Profile: https://waselandwasel.com/about/mahmoud-abuwasel/

Lawyers and consultants.
Tier-1 services since 1799.
www.waselandwasel.com
business@waselandwasel.com