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Correspondence - Volume 6

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Series: Operations policy and procedures

Dates: 08/02/1965 - 12/30/1965

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THE WORLD BANK

Washington, D.C.

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The World Bank

1818 H Street NW

Washington DC 20433

Telephone: 202-473-1000

Internet: www.worldbank.org

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Q25

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1069925

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Operational - Arbitration - Settlement of Investment Disputes [SID] -
Correspondence - Volume 6



TO RE-ORDER SPECIFY
No. 86163 Folder
MADE IN U. S. A.

December 30, 1965

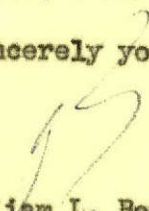
Mr. Thomas E. Mullaney
Business and Financial Editor
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Tom:

Here is the score in regard to signatories of the
Convention of Settlement of Investment Disputes for both
December and the full year 1965. With 30 signatures more
than enough have signed, but a further 19 ratifications
are necessary to make the Convention effective.

With all the best for the New Year, I am

Sincerely yours,


William L. Bennett
Information Department

WLB:hm.
Also sent to:

Mr. Myron I. Kandel
Financial Editor
The New York Herald Tribune
230 West 41st Street
New York, New York 10036

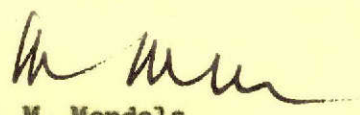
Mr. Robert Bennett
The American Banker
67 Pearl Street
New York, New York 10004

December 28, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Congo-Brazzaville on December 27, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures (2)

His Excellency
Jonas Mouanza
Ambassador of The Republic of
Congo-Brazzaville to the United Nations
The Permanent Mission of The Republic
of Congo-Brazzaville
444 Madison Avenue
New York, N.Y. 10017

LD:rb

cc: Mr. Kochman
Mr. Broches

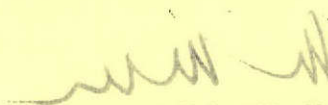
1022 DEC 28 11:58
COMMUNICATIONS
RECEIVED

December 28, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Congo-Brazzaville on December 27, 1965.

Yours sincerely,


M. M. Mendels
Secretary

Enclosures (2)

His Excellency
Jonas Mwanza
Ambassador of the Republic of
Congo-Brazzaville to the United Nations
The Permanent Mission of the Republic
of Congo-Brazzaville
414 Madison Avenue
New York, N.Y. 10017

LD:rb

cc: Mr. Kochman
Mr. Broches

1965 DEC 29 AM 11:28

RECEIVED
GENERAL FILES
COMMUNICATIONS

SD

December 28, 1965

Mr. Alfred E. Matter
Chief, Permanent Mission in
Western Africa
Abidjan, Ivory Coast

Letter No. 96

Dear Alfred,

You will remember that in September René Springuel sent us copies of the Ivory Coast Law No. 65-237 of June 26, 1965 authorizing ratification of the Convention and of Presidential Decree No. 65-238 of the same date ratifying the Convention.

As I mentioned to you, the Law and the Decree exhaust the internal steps Ivory Coast had to take to ratify the Convention, but a last formal step has to be taken vis-à-vis the Bank and the other signatories, i.e. the deposit with the Bank, the depositary of the Convention, of a written instrument by which the President (or the Foreign Minister) of the Ivory Coast declares on behalf of the Ivory Coast to ratify the Convention. The deposit of such an instrument of ratification is standard diplomatic procedure and is called for by Article 73 of the Convention.

I believe that it would be useful if you would now contact again the authorities in Abidjan and preferably people in the Presidency or in the Ministry of Foreign Affairs and urge them to take this last step.

For your convenience I enclose two copies of a printed Memorandum (also in French) on signature and ratification of the Convention.

I am glad of this opportunity to send you my best wishes for the New Year.

Yours sincerely,

S/Remie

A. Broches
General Counsel

Encl.: 2

PSella/ABroches/lj

December 28, 1965

Dear Irene,

I still have to thank you for your note of December 16, 1965.

In not doing his homework Lubbers was not different from his colleagues in the Treaty Division in the Hague. Incidentally this month brought us signatures from Belgium, France and Congo (Brazzaville) for a total of 30 signatures.

Please accept my best wishes for the New Year.

Sincerely,

s/ Romme

A. Broches
General Counsel

Miss Irene Winkelman
One Rockefeller Plaza
New York, N.Y. 10020

ABroches/lj

1002 DEC 28 11:51

COMMUNICATIONS
RECEIVED

December 28, 1965

Dear Irene,

I still have to thank you for your note of December 16, 1965.

In not doing his homework Labbers was not different from his colleagues in the Treaty Division in the Hague. Incidentally this month brought us signatures from Belgium, France and Congo (Brazzaville) for a total of 30 signatures.

Please accept my best wishes for the New Year.

Sincerely,

A. Broches

A. Broches
General Counsel

Miss Irene Winkelman
One Rockefeller Plaza
New York, N.Y. 10020

ABroches\17

1965 DEC 29 AM 11:27

RECEIVED
GENERAL FILES
COMMUNICATIONS

SecM65-379

FROM: The Secretary

December 27, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 11:30 a.m. on behalf of Congo-Brazzaville by His Excellency Jonas Mouanza, Ambassador of Congo-Brazzaville to the United Nations.
2. Congo-Brazzaville became the thirtieth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

SMR

810

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

SecM65-379

FROM: The Secretary

December 27, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 11:30 a.m. on behalf of Congo-Brazzaville by His Excellency Jonas Mouanza, Ambassador of Congo-Brazzaville to the United Nations.
2. Congo-Brazzaville became the thirtieth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
 President
 President's Council
 Executive Vice President, IFC
 Department Heads (Bank and IFC)

Mr. A. Broches

December 27, 1965

Piero Sella

S.I.D. Convention - Ratification

The situation of ratifications of the Convention by signatory States and the suggested action to be taken are as follows:

1. BELGIUM. We have received no indication of the steps taken by Belgium toward ratifying the Convention. Some time next month you may wish to speak to Mr. van Campenhaut.
2. CENTRAL AFRICAN REPUBLIC. We have received no information concerning ratification. Mr. Kochman should be contacted early next year.
3. DAHOMEY. We have received no information concerning ratification. Mr. Kochman should be contacted early next year.
4. DENMARK. We have received no information concerning ratification. We should write to Mr. Hartlev in Copenhagen soon and also contact Mr. Thor.
5. ETHIOPIA. We have received no information concerning ratification. I propose to write to Mr. Burney at our Addis Ababa office in the next few days.
6. FRANCE. We have received no information concerning ratification. I propose we should instruct the Paris Office to watch this matter.
7. GABON. We have received no information concerning ratification. Mr. Kochman should be contacted early next year.
8. GHANA. Ghana signed only recently. We have received no information about ratification. Consideration should be given to the best way of approaching the Ghanaian authorities on this subject. I have no suggestion at this time.
9. ITALY. We have received no information concerning ratification. I propose to talk informally to Mr. Gianani in the next few days and I shall report to you.
10. IVORY COAST. All internal steps for ratification have been taken but no instrument has yet been deposited. A letter to Mr. Matter would be in order and I have sent you a draft.
11. JAMAICA. We have received no information concerning ratification. A letter from our Department to the Financial Secretary, Ministry of Finance who had asked verbally for some information about ratification in October, 1965 would be in order.

12. JAPAN. We have received no information concerning ratification. I suggest that Mr. Suzuki be contacted in the near future.
13. LIBERIA. We have received no information concerning ratification. I suggest that Mr. Garba be contacted early next year.
14. LUXEMBOURG. We have received no information concerning ratification. Perhaps you might mention it to Mr. van Campenhaut when you talk to him about Belgium.
15. MALAYSIA. We have received no information concerning ratification. I suggest that Area contact them in the near future possibly in connection with some other matter.
16. MAURITANIA. We have received no information concerning ratification. Mr. Kochman should be contacted early next year.
17. MOROCCO. We have received no information concerning ratification. On October 22, 1965 you asked Mr. Tazi to keep you informed of steps taken for Morocco to ratify the Convention but no answer has come. The question should be taken up with Mr. Tazi early next year.
18. NEPAL. We have received no information concerning ratification. We might ask Mr. Suzuki to contact the Nepalese authorities early next year.
19. NIGER. We have received no information concerning ratification. Mr. Kochman should be contacted early next year.
20. NIGERIA. Nigeria deposited its instrument of ratification on August 23, 1965.
21. PAKISTAN. We have received no information concerning ratification. Mr. Mirza should be contacted early next year.
22. SIERRA LEONE. We have received no information concerning ratification. Mr. Garba should be contacted early next year.
23. SOMALIA. We have received no information concerning ratification. Mr. Kochman should be contacted early next year.
24. SWEDEN. We have received no information concerning ratification. Perhaps Mr. Thor should be contacted early next year.
25. TUNISIA. We have received no information concerning ratification. It would be useful to write to Mr. Gachen who has already been designated as Tunisia's representative on the Administrative Council and member of the Panel of Conciliators and Council of Arbitrators.
26. UNITED KINGDOM. I understand that you plan to have Mr. Woods contact Mr. Stevens in February.

27. UNITED STATES. The last I heard from Mr. Gourevitch he told me that the U.S. Government was planning to submit the Convention to the Senate when it reconvenes in January and to introduce at the same time implementing legislation. No action is needed at this time.

28. UPPER VOLTA. We have received no information concerning ratification. Mr. Kochman should be contacted early next year.

29. CAMEROON. We have received no information concerning ratification. Mr. Kochman should be contacted early next year.

30. CONGO - BRAZZAVILLE. Congo - Brazzaville just signed the Convention.

Jelly

cc: Mr. Pinto

FSella/ar

STJ
December 27, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of France on December 22, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures (2)

His Excellency
Charles Lucet
Ambassador of the French Republic
Embassy of the French Republic
2535 Belmont Road, N.W.
Washington, D.C. 20008

LD:rb

cc: Mr. Larre
Mr. Broches

1002 DEC 28 6 5:03

COMMUNICATIONS
RECEIVED
DEC 28 1965

December 27, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of France on December 22, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures (2)

His Excellency
Charles Lucet
Ambassador of the French Republic
Embassy of the French Republic
2535 Belmont Road, N.W.
Washington, D.C. 20008

LD:rp

cc: Mr. Larre
Mr. Broches

1965 DEC 28 PM 2:03

RECEIVED
GENERAL FILES
COMMUNICATIONS

SecM65-378

FROM: The Secretary

December 23, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by the Congo (Brazzaville) of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

Time: - 11:30 a.m., Monday, December 27, 1965
Place: - Mr. Broches' Office, Room 810
Signing Official: - His Excellency Jonas Mouanza
Ambassador of the Congo (Brazzaville)
to the United Nations

Those attending the signing are requested to be in Mr. Broches' office shortly before 11:30 a.m.

Distribution:

Mr. Kochman
President
President's Council
Executive Vice President, IFC
Mr. El Emary
Mr. Sella
Mr. Pinto

511

December 22, 1965

Dear Mrs. Philos:

I have your letter of December 21, 1965. Contrary to what you appear to have been told, the documents of the IBRD Legal Committee and of the regional consultative meetings on settlement of investment disputes have not been put into printed form and for the time being they remain restricted documents. I may inform you that we are considering whether and how to make all or part of the preparatory materials available. We have not reached any firm conclusions but I think that the right time to take decisions on this matter would be after the Convention has entered into force. While this date is in the nature of things uncertain, I am still hopeful that it will be around the middle of 1966.

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Mrs. Helen Philos
Librarian
The American Society of
International Law Library
2223 Massachusetts Avenue, N.W.
Washington, D. C. 20008

ABroches:cml

1022 DEC 23 6W 1:31

COMMUNICATIONS
RECEIVED UNIT
RECEIVED

December 22, 1965

Dear Mrs. Phillips:

I have your letter of December 21, 1965. Contrary to what you appear to have been told, the documents of the IHRD Legal Committee and of the regional consultative meetings on settlement of investment disputes have not been put into printed form and for the time being they remain restricted documents. I may inform you that we are considering whether and how to make all or part of the preparatory materials available. We have not reached any firm conclusions but I think that the right time to take decisions on this matter would be after the Convention has entered into force. While this date is in the nature of things uncertain, I am still hopeful that it will be around the middle of 1966.

Sincerely yours,

A. Broches
General Counsel

Mrs. Helen Phillips
Librarian
The American Society of
International Law Library
2223 Massachusetts Avenue, N.W.
Washington, D. C. 20008

ABroches:cmj

1965 DEC 23 PM 1:31

RECEIVED
GENERAL FILES
COMMUNICATIONS

SI 5
SecM65-373

FROM: The Secretary

December 22, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 3:00 p.m. on behalf of France by His Excellency Charles Lucet, Ambassador of France.
2. France became the twenty-ninth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

SecM65-371

FROM: The Secretary

December 22, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by France of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

Time: - 3:00 p.m., Wednesday, December 22, 1965
Place: - Mr. Woods' Office, Room 1220
Signing Official: - His Excellency Charles Lucet
Ambassador of France

Those attending the signing are requested to be in Mr. Woods' anteroom shortly before 3:00 p.m.

Distribution:

Mr. Larre
President
President's Council
Executive Vice President, IFC
Mr. Cope
Mr. Sella
Mr. Pinto

21 december 1965

Zeer geachte Heer Bos,

Ik ben in het bezit van Uw brief van 14 december 1965 en ik deel U hierbij graag mede dat ik U 30 exemplaren van de Convention en begeleidend rapport zal laten toekomen, waarvan 20 in de Engelse tekst en 10 in de Franse tekst.

Inmiddels verblijf ik met vriendelijke groeten,

gaarne Uw,

s/ A Broches

Mr. A. Broches

De Hooggeleerde Heer Prof. Mr. M. Bos
Secretaris van de Nederlandse Vereniging
voor Internationaal Recht
Volkenrechtelijk Instituut der
Rijksuniversiteit
Janskerkhof 16
Utrecht, The Netherlands

ABroches/lj

Mrs. Doris Eliason

December 21, 1965

A. Broches

Convention on the Settlement of Investment Disputes

Could you please mail 30 copies of the Convention with the accompanying report of the Executive Directors (20 in English and 10 in French) by airfreight to the following address:

De Hooggeleerde Heer Prof. Mr. M. Bos
Secretaris van de Nederlandse Vereniging
voor Internationaal Recht
Volkenrechtelijk Instituut der
Rijksuniversiteit
Janskerkhof 16
Utrecht, The Netherlands

ABroches/lj

SID

INCOMING CABLE

DATE AND TIME OF CABLE: DECEMBER 20, 1965 1350

LOG NO.: RC 33 - DEC. 20

TO: INTBAFRAD

FROM: FREETOWN

TEXT:

ROUTING	
ACTION COPY:	MR. BROCHES
INFORMATION COPY:	
DECODED BY:	

GRATEFUL SEND FORTY-FIVE COPIES OF CONVENTION ON THE SETTLEMENT
OF INVESTMENT DISPUTES BETWEEN STATES AND NATIONALS OF OTHER STATES

MINFIN

send
45 English and
45 triple language

*Ministry of Finance
Freetown
Sierra Leone*

FCA

*Air Receipt
Mr Broches' office
says no need to
reply*

*Sent
D.O. 12/20*

INCOMING CABLE

ROUTING	
RECORDED BY:	INFORMATION COPY:
NO. ARCHIVE:	ACTION COPY:

185

DECEMBER 21 1965

TO: 33 - 102, 21

FROM: PHOTOCOPY

DATE AND TIME OF CABLE

TO: NO. 1

FROM:

TEXT:

RE: GOVERNMENT DISPUTED BUSINESS RIGHTS AND NATIONALS OF OTHER STATES
GENERAL AND FORTY-FIVE PERCENT OF CONVERSION ON THE SETTLEMENT

Handwritten notes:

Mr. Tolson
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Mr. Tele. Room
Miss Holmes
Miss Gandy

DEC 20 11 27 AM 1965

COMMUNICATIONS
GENERAL FILES

1460

SID

December 17, 1965

Dear Jean-Pol:

Thank you for your confidential note of December 10th on the likelihood of France's signature of the SID Convention. I have heard vague noises to this effect from the French Director and his Alternate and I am glad to learn that the same statements are being made by people from the Quai d'Orsay which has the last word in this matter since it involves a treaty.

With best greetings and wishes for the forthcoming holidays,

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Mr. Jean-Pol Simond
International Bank for Reconstruction
and Development
4, Avenue d'Iéna
Paris 16e, France

ABroches:cml

51D
December 16, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Belgium on December 15, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures (2)

His Excellency
Baron Louis Scheyven
Ambassador of Belgium
Embassy of Belgium
3330 Garfield Street, N.W.
Washington, D.C. 20008

LD:rb 

cc: Mr. van Campenhout
Mr. Broches

SecM65-364

FROM: The Secretary

December 15, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 12:30 p.m. on behalf of Belgium by His Excellency Baron Louis Scheyven, Ambassador of Belgium.
2. Belgium became the twenty-eighth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

FORM NO. 92 (10-61)		IDA	IBRD	IFC
CORRESPONDENCE RECORD FORM				
FROM			DATED	
United Nations New York (N.K. Grigoriev)			Dec. 13, 1965	
(Brought by hand of Mr. Caneio)				
SUBJECT				
Letter and encl. five copies of the revised framework for the Consolidated Rpt. on Industrial Development Activities of the U.N. System of Organizations				
REFERRED TO			DATE RECEIVED	
Mr. Woods			Dec. 16, 1965 ks	

December 10, 1965

Mr. Manfred Simon
64 Rue de Saussure
Paris 17, France

Dear Mr. Simon:

Mr. Woods has asked me to reply to your letter of November 27 and to express his appreciation for the interest shown by you. He also wishes me to inform you of our progress to date with the Convention as well as of our expectations for the near future. ✓

The Convention, which was submitted to governments by the Executive Directors of the International Bank for Reconstruction and Development on March 18, 1965, will enter into force thirty days after the deposit of the twentieth instrument of ratification. As of today the twenty-seven countries listed on the attachment have signed the Convention. We expect most of the European countries which have not already signed to do so in the near future. We have had no response from France until now. However, I would think that France will sign in view of the favorable response on the part of former French territories in Africa. The ratification process is now under way and while it is very difficult to predict how long legislatures will take, we believe we have reason for thinking that the Convention will be in force by July 1, 1966.

As you know, Article 13(1) of the Convention provides that each Contracting State may designate four persons to the Panel of Conciliators and four persons to the Panel of Arbitrators. These designations will furnish the bulk of the members of the Panels. The President of the Bank, who is ex officio Chairman of the Administrative Council, is given the power by Article 13(2) to designate ten persons to each Panel. Since the purpose of the designations by the Chairman is to ensure representation on the Panels of the "principal legal systems of the world and of the main forms of economic activity" (Article 14), it is our expectation that Mr. Woods would designate a few persons soon after the Convention enters into force, leaving other places open until more countries have joined and he can have a clearer view of what designations might

be desirable in order to "balance" the Panels in the sense of Article 14.

A certain number of prominent jurists, including jurists from France, have indicated an interest in being considered for designation to the Panels by Mr. Woods. When the time comes to make designations, Mr. Woods will carefully consider all the available candidates.

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

ABroches:cml
Enclosure
cc: Mr. Woods

SID

December 10, 1965

Mr. Bernardo Vega
Economic Adviser
Banco Central
Santo Domingo
Republica Dominicana

Dear Bernardo:


You asked me once for information on the Settlement of Investment Disputes. Enclosed please find some information on the above.

It would be nice if the Dominican Republic, which needs foreign investment so much, could be the first Latin American country to sign the Convention.

May I take this opportunity to send you and your family my best wishes for Christmas and a Happy New Year. May it be really a good one for the country, for the Banco Central and for yourself.

With best regards,

Yours sincerely,


Feliks G. Bochenski
Western Hemisphere Department

Attachments

FGBochenski/ve.

cc: Mr. R. Nelson

SecM65-355

FROM: The Secretary

December 8, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by Belgium of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

- Time: - 12:30 p.m., Wednesday, December 15, 1965
- Place: - Mr. Woods' Office, Room 1220
- Signing Official: - His Excellency Baron Louis Scheyven
Ambassador of Belgium

Those attending the signing are requested to be in Mr. Woods' anteroom shortly before 12:30 p.m.

Distribution:

Mr. van Campenhout
President
President's Council
Executive Vice President, IFC
Mr. Cope
Mr. Sella
Mr. Pinto

December 6, 1965

Dear Jan:

I am sending you herewith a certified copy of the Convention on the Settlement of Investment Disputes. Certified copies were sent to The Hague as well as to other capitals of member countries in April of this year. Apparently those copies got lost (in The Hague). I am also sending you a list of States which have signed the Convention showing the date of signature. Incidentally, I have been informed that Belgium expects to sign on December 10, 1965. Until now only one State, Nigeria, has deposited its instrument of ratification. This was done on August 23, 1965. These signatures and ratification have not been accompanied by any reservations or declarations.

I trust that this information will serve the purposes of the Ministry of Foreign Affairs.

With kind regards,

Sincerely yours,

A. Broches

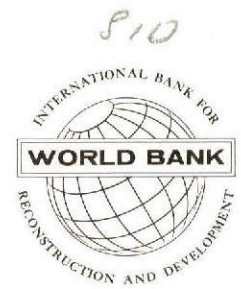
A. Broches
General Counsel

Mr. Jan Grooters
Financial Attaché
Embassy of the Netherlands
4200 Linnean Ave., N.W.
Washington, D. C. 20008

Enclosures
ABroches:cml

FOR IMMEDIATE RELEASE

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT



1818 H STREET, N.W., WASHINGTON D. C. 20433 TELEPHONE: EXECUTIVE 3-6360

Bank Press Release No. 65/61
December 1, 1965

Subject: Settlement of Investment
Disputes

During November 1965, the Convention on Settlement of Investment Disputes between States and Nationals of Other States, submitted by the World Bank to governments in March of this year, was signed by Italy (November 18) and Ghana (November 26).

The Convention will come into force after signature and ratification by 20 States.

There are now 27 signatories to the Convention (listed chronologically in order of signing): Tunisia, United Kingdom, Jamaica, Ivory Coast, Pakistan, Nigeria, Mauritania, Niger, Central African Republic, United States, Liberia, Dahomey, Upper Volta, Ethiopia, Gabon, Cameroon, Japan, Sweden, Somalia, Sierra Leone, Nepal, Luxembourg, Denmark, Morocco, Malaysia, Italy and Ghana.

The Government of Nigeria has ratified the Convention.

December 1, 1965

Dear Mr. Goldberg:

I have received your letter of November 28, 1965 in which you request an appointment on December 14th in order to discuss the Bank's recent procedural approaches toward settlement of international disputes between investors and host countries. I assume you refer to the international convention which the Bank is sponsoring and I am enclosing herewith for your information the text of that Convention together with the report thereon of the Executive Directors of the Bank.

I suggest that you call my office on arrival in Washington. I will try to arrange for you to see either Mr. Sella or Mr. Pinto who have both worked on the Convention. Both gentlemen are presently out of the country but I expect that at least one of them will be back by the time of your visit.

Sincerely yours,

(Signed) A. Broches
A. Broches
General Counsel

Mr. P. M. Goldberg
3130 Portage Bay Place E.
Seattle, Washington 98102

Enclosure
ABroches:cml

Mr. Broches is sending a copy of the Convention to Prof. Bos in case he would like to give it to the members of the Dutch Association for International Law, which is holding a meeting on the 26th, of March 1966.

30 november 1965

De Hooggeleerde Heer Prof. Mr. M. Bos
Secretaris van de Nederlandse Vereniging
voor Internationaal Recht
p/a Rijksuniversiteit
Utrecht, The Netherlands

Zeer Geachte Heer Bos,

Een dezer dagen ontving ik Uw circulaire nr. 3 met betrekking tot de algemene ledenvergadering van de Vereniging op 26 maart 1966, waarin U tevens mededeling doet van het forum inzake internationale arbitrage. Naar ik begrijp is het de bedoeling dat de besprekingen over dit onderwerp zich zullen uitstrekken tot arbitrage tussen staten en vennootschappen.

In dit verband veroorloof ik mij Uw aandacht te vestigen op de "Convention on the Settlement of Investment Disputes between States and Nationals of Other States" die op 18 maart 1965 door de Executive Directors van de Wereldbank aan de bij de Bank aangesloten Staten ter ondertekening is aangeboden. Ik doe U hierbij ingesloten een exemplaar van de Convention toekomen, alsmede van het daarbijgevoegde rapport van de Executive Directors. De heer van Santen heeft Nederland tweemaal vertegenwoordigd op voorbereidende vergaderingen van juristen omtrent de Convention en is met dit onderwerp volledig vertrouwd. De Convention is tot nu toe door 27 Staten ondertekend. De Nederlandse regering heeft te kennen gegeven ook tot ondertekening te willen overgaan. De voorbereidingen hiertoe worden thans naar ik vernomen heb op Buitenlandse Zaken genomen.

Een lijstje van de Staten die reeds getekend hebben is hierbij gevoegd. Nigeria heeft tevens reeds de ratificatieoorkonde gedeponneerd.

Hoewel arbitrage tussen staten en vennootschappen waarschijnlijk niet valt binnen het kader van het agendapunt voor de Conferentie te Helsinki, meende ik dat U wellicht in de bovengeschetste ontwikkeling geïnteresseerd zoudt zijn. Mocht U menen dat de leden van de Vereniging belangstelling zouden hebben voor de tekst van de Convention, dan kan ik U desgewenst een aantal exemplaren toezenden.

Insiddels verblijf ik, met vriendelijke groeten,

hoogachtend,

P/A. Broches

Mr. A. Broches

November 29, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Ghana on November 26, 1965.

Yours sincerely,


M. M. Mendels
Secretary

Enclosures (2)

His Excellency
Miguel Augustus Ribeiro
Ambassador of Ghana
Embassy of Ghana
2460 16th Street, N.W.
Washington, D.C. 20009

LD:rb 

cc: Mr. Tazi
Mr. Broches

AP NOV 30 1965

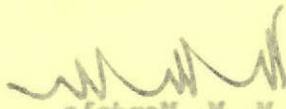
RECEIVED
RECEIVED

November 29, 1962

Dear Sir:


I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Ghana on November 26, 1962.

Yours sincerely,


M. M. Mendels
Secretary

Enclosures (2)

His Excellency
Miguel Augustus Ribeiro
Ambassador of Ghana
Embassy of Ghana
2400 16th Street, N.W.
Washington, D.C. 20009


LD:rp

cc: Mr. Tasi
Mr. Broches

NOV 30 PM 5 20

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GENERAL FILES



Record Removal Notice

File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date November 27, 1965	Document Type Letter			
Correspondents / Participants To: President of the IBRD; Chairman of the Board of the International Center for the Settlement of Investment Disputes From: Manfred Simon				
Subject / Title Inclusion in the list of arbiters of the Center				
Exception(s) Personal Information				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group.		
		<table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

510
SecM65-339

FROM: The Secretary

November 26, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 12:00 noon on behalf of Ghana by His Excellency Miguel Augustus Riberio, Ambassador of Ghana.
2. Ghana became the twenty-seventh member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

OUTGOING WIRE

TO: JOHN G. BEEVOR
INTBAFRAD
LONDON *S.W.1*

ITT

DATE: NOVEMBER 26, 1965

CLASS OF SERVICE: LT

COUNTRY: (UNITED KINGDOM)

TEXT: *175*
Cable No.: GHANA SIGNED CONVENTION SETTLEMENT OF INVESTMENT DISPUTES TODAY STOP
RATIFICATION TO FOLLOW

MENDELS

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME M. M. Mendels
Secretary

DEPT.

SIGNATURE _____
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

M. M. Mendels

CLEARANCES AND COPY DISTRIBUTION:

NOV 26 1965

For Use by Archives Division

ORIGINAL (File Copy)

(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: *MS*

INTERNATIONAL DEVELOPMENT
ASSOCIATION

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT

INTERNATIONAL TRADE
CORPORATION

OUTGOING WIRE

TO: JOHN C. BROWN

INTERNATIONAL
ASSOCIATION

DATE

NOVEMBER 26, 1965

CLASS OF
SERVICE

LT

(UNITED KINGDOM)

SHAWA SIGNED COMPETITIVE BIDDING OF INVESTMENT DISPUTES TODAY STOP

PARTICIPATION TO BOLIVIA

MEMBER'S

NOT TO BE TRANSMITTED

ARRANGES AND COPY DISTRIBUTION

NOV 26 3 28 PM 1965

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COMMUNICATIONS

RECEIVED
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NOV 26 3 29 PM 1965

GENERAL FILES
COMMUNICATIONS

SEARCHED

ORIGINAL FILE COPY

Checked for Deposit

WARNING: The Security Guide for handling form -

OUTGOING WIRE

TO: TORFASON
TRYGGVAGOTU 8
REYKJAVIK

Rca

DATE: NOVEMBER 26, 1965

CLASS OF FULLRATE
SERVICE:

COUNTRY: (ICELAND)

TEXT:
Cable No.:

✓
REURCABLE NOVEMBER 25 ONLY NIGERIA RATIFIED SID CONVENTION
TO DATE STOP TWENTY SEVEN COUNTRIES INCLUDING DENMARK AND
SWEDEN HAVE SIGNED STOP REGARDS

FLIGLER
IBRD

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME

C. Fligler
Legal

DEPT.

SIGNATURE

(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

[Handwritten Signature]

CLEARANCES AND COPY DISTRIBUTION:

[Faint red stamp]

For Use by Archives Division

CF:rk

ORIGINAL (File Copy)

(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: *[Handwritten mark]*

INTERNATIONAL FINANCE
CORPORATION

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT

INTERNATIONAL DEVELOPMENT
ASSOCIATION

OUTGOING WIRE

DATE NOVEMBER 26, 1965

CLASS OR RATE
SERVICE

TO TORONTO

TRINIDAD

REKJAVIK

(ISLAND)

REMARKS NOVEMBER 25 ONLY MINERAL RATED BY CONVENTION
TO DATE STOP TWENTY SEVEN COUNTRIES INCLUDING DENMARK AND
SWEDEN HAVE SIGNED STOP RESERVE

REKJAVIK
ISLAND

NOT TO BE TRANSMITTED

CLEARANCE AND COPY DISTRIBUTION

MESSAGE AUTHORIZED BY

NOV 26 3 47 PM 1965

NOV 26 3 47 PM 1965

GENERAL FILES
COMMUNICATIONS

GENERAL FILES
COMMUNICATIONS

DISPATCHED

RECEIVED BY AIRWAY DIVISION

ORIGINAL FILE COPY

OK:rk

810

I N C O M I N G C A B L E

DATE AND TIME
OF CABLE:

NOVEMBER 25, 1965

1535

LOG NO. :

RC 41

TO:

INTBAFRAD

FROM:

REYKJAVIK

R O U T I N G

ACTION COPY: MR. FLIGLER

INFORMATION
COPY:

DECODED BY:

TEXT:

ATTENTION CARLOS FLIGLER

PLEASE CABLE NUMBER OF STATES HAVING RATIFIED SID CONVENTION^N TO DATE.

PLEASE NOTE IF SCANDINAVIANS INCLUDED REGARDS

TORFASON JUS

FCA

NOV 25 8 30 AM 1965

COMMUNICATIONS UNIT
RECEIVED

ack. Nov. 26/65

INCOMING CABLE

ROUTING
ATTN COPY: MR. FLETCHER
INFORMATION
COPY
DECODED BY:

1532

NOVEMBER 22, 1965

DATE AND TIME
OF CABLE

RC AL

TO

THIRAVAN

TO

REPLY

FROM

TIME

ATTENTION CARLOS FLETCHER

PLEASE CABLE NUMBER OF STATES HAVING RATIFIED AND CONSENT TO THIS

PLEASE NOTE IN CONSIDERATION ENCLOSED MEMORANDUM

MESSAGE 702

FOR

NOV 26 8 35 AM 1965

COMMUNICATIONS
GENERAL FILES

SecM65-343

FROM: The Secretary

November 24, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by Ghana of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

Time: - 12:00 noon, Friday, November 26, 1965

Place: - Mr. Mendels' Office, Room 1205

Signing Official: - His Excellency Miguel Augustus Ribeiro
Ambassador of Ghana

Those attending the signing are requested to be in Mr. Mendels' office shortly before 12:00 noon.

Distribution:

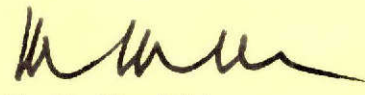
Mr. Tazi
President
President's Council
Executive Vice President, IFC
Mr. El Emary
Mr. Sella
Mr. Pinto

November 23, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Italy on November 18, 1965.

Yours sincerely,



M. M. Mandels
Secretary

Enclosures (2)

His Excellency
Sergio Fenoaltea
Ambassador of Italy
Embassy of Italy
1601 Fuller Street, N.W.
Washington, D.C. 20009



LD:rb

cc: Mr. Gutierrez Cano
Mr. Broches

810
SecM65-335

FROM: The Secretary

November 18, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 11:00 a.m. on behalf of Italy by His Excellency Sergio Fenoaltea, Ambassador of Italy.
2. Italy became the twenty-sixth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

510

FORM NO. 92 (10-61)		IDA	IBRD	IFC
CORRESPONDENCE RECORD FORM				
FROM		DATED		
SYCIP. SARAZAT, LUNA, MANALO & FELICIANO Manila, Philippines		Nov. 12, 1965		
		SUBJECT		
Letter regarding Convention on Settlement of Investment Disputes.				
REFERRED TO		DATE RECEIVED		
Mr. Broches		Nov. 18, 1965 jgv		

November 24, 1965

Dear Mr. Sycip:

I want to thank you for your letter of November 12, 1965 reporting the result of your inquiries of the Central Bank and the Department of Foreign Affairs as to the position of the Philippine Government in respect to the Convention on the Settlement of Investment Disputes.

Governor Castillo indeed gave Mr. Woods a copy of his letter to the Department of Foreign Affairs. This letter referred to Mr. Briñas' report on the meeting of the Legal Committee which of course we do not have. I was therefore glad to know that Governor Castillo's letter to the Department of Foreign Affairs is to be regarded as a favorable recommendation.

At present the Convention has been signed by 26 countries, list attached. We know that a number of other States are actively considering signing the Convention in the near future and specific statements to that effect have been received from Afghanistan, Austria, China, Congo (Brazzaville), Kenya, Korea and the Netherlands. The ratification process is under way but as of now only one country, Nigeria, has deposited its instrument of ratification. The practice of the present signatories has been to sign on the basis of a cabinet or similar executive decision and thereafter to submit the question of ratification, where necessary, to the legislature.

Since you have the text of the Convention and of the accompanying report of the Executive Directors, I cannot think of any further materials that might be useful to you. However, if you wish to receive any further information, please write to me and I shall try to provide it. I shall also keep you informed of further signatures and ratification of the Convention and I shall be grateful if you will inform me of any progress that may be made in this matter in the Government.

Meanwhile, I remain with kind regards,

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Mr. Alexander Sycip
Sycip, Salazar, Luna, Manalo & Feliciano
215 Juan Luna
Manila, Philippines

ABroches:cml
Enclosure

November 18, 1965

Professor Mario Giuliano
Direttore
Rivista di Diritto Internazionale
Privato e Processuale
Via Festa del Perdono. 7
Milano, Italy

Dear Professor Giuliano:

I am sorry I was not able to acknowledge sooner your letter of September 14, 1965.

I am pleased to inform you that the Convention on the Settlement of Investment Disputes was signed today by Ambassador Fencaltea on behalf of Italy. This raises the number of signatory States to 26. Attached is an up-to-date list of signatories. Nigeria has also deposited its instrument of ratification.

I shall be glad to inform you of the entry into force of the Convention. However, I wonder whether the readers of your review would not be interested to read it even before its entry into force; I understand that several articles on the Convention are being published in various countries.

With kind regards, I am,

Sincerely yours,



Piero Sella
Attorney

Attachment

PS:me

SETTLEMENT OF INVESTMENT DISPUTES

There are listed below the signatories to the Convention on Settlement of Investment Disputes between States and Nationals of Other States, as of November 18, 1965:

<u>Government of</u>	<u>Date of Signature</u>
1. Tunisia	May 5, 1965
2. United Kingdom	May 26, 1965
3. Jamaica	June 23, 1965
4. Ivory Coast	June 30, 1965
5. Pakistan	July 6, 1965
6. Nigeria	July 13, 1965
7. Mauritania	July 30, 1965
8. Niger	August 23, 1965
9. Central African Republic	August 26, 1965
10. United States	August 27, 1965
11. Liberia	September 3, 1965
12. Dahomey	September 10, 1965
13. Upper Volta	September 16, 1965
14. Ethiopia	September 21, 1965
15. Gabon	September 21, 1965
16. Cameroon	September 23, 1965
17. Japan	September 23, 1965
18. Sweden	September 25, 1965
19. Somalia	September 27, 1965
20. Sierra Leone	September 27, 1965
21. Nepal	September 28, 1965
22. Luxembourg	September 28, 1965
23. Denmark	October 11, 1965
24. Morocco	October 11, 1965
25. Malaysia	October 22, 1965
26. Italy	November 18, 1965



Record Removal Notice

File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date November 16, 1965	Document Type Letter			
Correspondents / Participants To: Mr. Michel Palliere From: A. Broches, General Counsel				
Subject / Title Inquiries regarding the Convention on the Settlement of Investment Disputes				
Exception(s) Attorney-Client Privilege				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group.		
		<table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

510

Form No. 27
(7-61)

INTERNATIONAL DEVELOPMENT
ASSOCIATION

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT

INTERNATIONAL FINANCE
CORPORATION

OUTGOING WIRE

TO: MINISTER CYCHEN
CHIFINANCE
TAIPEI

DATE: November 12, 1965

CLASS OF
SERVICE: IBF

277

COUNTRY: CHINA (TAIWAN)

TEXT:
Cable No.: REPLYING YOUR CABLE OF NOVEMBER FOURTH NORMALLY AMBASSADOR WILL SIGN SID
CONVENTION ON BEHALF OF THE COUNTRY WHICH HE REPRESENTS STOP SPECIAL
POWER OF ATTORNEY BY CABLE OR MAIL IS REQUIRED TO BE ADDRESSED TO IBRD
STOP DELAY IN MY REPLY IS DUE TO MUTILATION OF YOUR CODED CABLE. REGRETS.

RCCHEN

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME R. C. CHEN
DEPT. EXECUTIVE DIRECTOR FOR CHINA

SIGNATURE _____
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

CLEARANCES AND COPY DISTRIBUTION:

For Use by Archives Division

ORIGINAL (File Copy)
(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: _____

[Handwritten signature]
NOV 15 10 51 AM 1965
COMMUNICATIONS SECTION

[Handwritten signature]

OUTGOING WIRE

TO: HING TO CHEN
 CHINESE
 TAIPEI

DATE: November 1965
 CLASS OF SERVICE: CLASS OF SERVICE

COUNTRY: (CHINA)

STOP DELAY IN MY REPLY IS DUE TO MUTILATION OF YOUR CABLE. REQUEST
 POWER OF ATTORNEY BY CABLE OR MAIL IS REQUIRED TO BE ADDRESSED TO THE
 CONVENTION OR EMBALE OF THE COUNTRY WHICH HE REPRESENTS STOP SPECIAL
 REPLYING YOUR CABLE OF NOVEMBER FOURTH NORMALLY AMBASSADOR WILL SIGN STOP

RUOCHEN

NOT TO BE TRANSMITTED

NOV 12 10 27 AM 1965
 NOV 12 10 10 AM 1965

COMMUNICATIONS
 GENERAL FILES

DISPATCHED

Mr. Feliks Bochenski

November 12, 1965

Piero Sella *PS*

S.I.D. Convention - Dominican Republic

As agreed over the phone, I am sending you herewith:

- (i) two copies in Spanish of the Convention and the accompanying report of the Executive Directors;
- (ii) two copies of the circular letters of Mr. Woods transmitting the Convention and report, dated March 23, 1965; the letter was sent at the time to the Governor and Alternate Governor of the Bank for the Dominican Republic and to the Banco Central de la Republica;
- (iii) two copies of the list of signatories to the Convention as of today;
- (iv) two copies of a memorandum (in English, French and Spanish) on signature and ratification of the Convention;
- (v) two copies of a recent speech of Mr. Broches, translated into Spanish.

Good luck!

PS:ms
 Enclosures
 cc: Mr. Broches
 Messrs. Cancio/Pinto

November 10, 1965

Herbert A. Kuvin, Esq.
9 Harbor Point
Key Biscayne, Florida 33149

Dear Mr. Kuvin,

I wish to thank you for your letter of October 30, 1965.

As you know, the International Centre for Settlement of Investment Disputes is not yet established and therefore no procedures have been established for the appointment of arbitrators or conciliators to the Panels of the Centre.

However, since under the provisions of the Convention (a copy of which is enclosed herewith for your convenience) the designation of members of the Panels is to be made by the Contracting States, except for a small number of designations by the Chairman, I suggest that you contact at the appropriate time the authorities of your country.

I shall, of course, keep your letter in our files which will be made available to the Centre as soon as it is established.

Sincerely yours,

A. Broches

A. Broches
General Counsel

Enclosure
PSella/ABroches/lj
cc: Mr. P. Sella
Legal Files (with incoming letter)

November 9, 1965

Dear Mr. Mantzoulinos:

I am writing to thank you most cordially for your letter of November 3rd and the photostat of your earlier letter of June 28, 1965. I am of course very pleased to learn from your second letter that the Government is now in the course of preparing a bill regarding the ratification of the Convention. I have no doubt that your reports and contacts with members of the Government, including the present Prime Minister, have been extremely valuable in explaining the Convention and securing their support.

During the year that has passed since the meetings of our Legal Committee I have from time to time met at other meetings colleagues with whom I had the privilege of working in November/December 1964. I sincerely hope that before too long I shall have the pleasure of meeting you again and revive some of the memories of that period which was both useful and pleasurable.

I take this opportunity to thank you once again for your cooperation and to send you best personal wishes, in which my wife joins me.

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Mr. Denys A. Mantzoulinos
19, Rue Democrite
Athens 136, Greece

ABroches:cml

1965 NOV 10 10 51 AM

RECEIVED
RECEIVED

November 9, 1962

Dear Mr. Mantzoulinos:

I am writing to thank you most cordially for your letter of November 7th and the photostat of your earlier letter of June 28, 1962. I am of course very pleased to learn from your second letter that the Government is now in the course of preparing a bill regarding the ratification of the Convention. I have no doubt that your reports and contacts with members of the Government, including the present Prime Minister, have been extremely valuable in explaining the Convention and securing their support.

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I take this opportunity to thank you once again for your cooperation and to send you best personal wishes, in which my wife joins me.

Sincerely yours,

A. Broches

A. Broches
General Counsel

Mr. Demetrios A. Mantzoulinos
19, Rue Demostrie
Athens 136, Greece

ABroches:cmj

1966 NOV 10 AM 10:27

RECEIVED
GENERAL FILES

810

From Sir Eric Griffith-Jones
K.B.E., C.M.G., 

52/54, Gracechurch Street,
London, E.C.3.

TELEPHONE:
MANSION HOUSE 1301.

8th November, 1965.

Dear Mr. Gilmartin,

✓
Thank you very much for your letter of 3rd November, received this morning, together with the report on the Convention which you enclosed. This document will be most interesting and useful to us, and I am most grateful to you for letting me have a copy.

With kind regards.

Yours sincerely,



W.M. Gilmartin, Esq.,
International Bank for Reconstruction and Development,
1818 H Street, N.W.,
WASHINGTON, D.C., 20433,
U.S.A.

no reply necessary
W.M. Gilmartin

Wm. H. ...
London, ...

From the ...
REC'D ...

SEP 15 1965

RECEIVED ...

Dear Mr. ...

I thank you very much for your letter of 3rd November, received this morning, together with the report on the Convention which you enclosed. This document will be most interesting and useful to us, and I am most grateful to you for letting me have a copy.

With kind regards,

Yours sincerely,

Wm. H. ...

W. M. ...
Institution for Reconstruction and Development,
1212 H Street, N.W.,
WASHINGTON, D.C. 20433,
U.S.A.

1965 NOV 10 AM 10:09

RECEIVED
GENERAL FILES

910
Files

Mr. John Duncan Miller

November 4, 1965

J.P. Simond *VS*

Patronat and the Convention.

A working party of the "Commission of Investors Abroad" was held on November 3. One of the items on the agenda dealt with the expected establishment of our International Centre for Settlement of Investment Disputes.

Mr. J. Alibert, Director of Banque Internationale pour l'Afrique Occidentale, made a statement on behalf of the standing committee whereby he advocated the Commission to take action upon the following points:

- 1) urging France to sign the Convention (otherwise French nationals investing abroad would not be able to take advantage of the Convention);
- 2) asking the World Bank to formulate its views as to the possible interpretation of the Convention on a few points (in particular with respect to the definition of the nationality of a French controlled investing company which has, for practical reasons, taken the nationality of the host country);
- 3) suggesting French speaking African countries to include in their internal legislation a provision which would permit a more liberal recourse to the arbitration of the International Centre.

Mr. Durand-Réville asked me privately what should be the procedure for approaching the Bank on (2). I told him, as you instructed me to do, that the best thing for them would be to write directly to Mr. Broches.

cc: Mr. Aron Broches
Mr. Harold N. Graves, Jr. ✓

November 3, 1965

Prince Mehmed Akrem
22 Avenue Peschier
Geneva, Switzerland

Dear Sir,

I wish to acknowledge your letter of October 18, 1965.

It is not the practice of this Bank to extend guarantees for loans made to other entities and there has never been any question of a guarantee by this Bank extending "automatically" to any financial operation. We therefore are at a loss to understand the question raised in your letter.

The statement you quote from the Indian commercial attache in Paris may refer to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which the Executive Directors of this Bank submitted to member governments last March.

For your convenience, I enclose herewith a copy of said Convention and the accompanying report of the Executive Directors.

From these documents you will realize that the procedures provided for in the Convention do not involve or assume any financial or other commitment by this Bank but are intended only to offer a suitable means for the settlement of investment disputes between States and foreign investors.

The Convention has already been signed by twenty-five countries (but not yet by India) and will come into effect when twenty of them will have ratified it.

I hope this information will be of some use to you.

Very truly yours,



Alexander Stevenson
Director
South Asia Department

1822 NOV - 3 11:53

Enclosure

GENERAL LINES RECEIVED

H

cc: Mr. Sella
New Delhi Office

PSella/HPollan/pd

79

November 3, 1965

Prince Mohamed Akrem
22 Avenue Pascher
Geneva, Switzerland

Dear Sir:

I wish to acknowledge your letter of October 18, 1965.

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The Convention has already been signed by twenty-five countries (but not yet by India) and will come into effect when twenty of them will have ratified it.

I hope this information will be of some use to you.

Very truly yours,

Alexander Stevenson
Director
South Asia Department

1965 NOV - 4 AM 11: 27

RECEIVED
GENERAL FILES

Enclosure

cc: Mr. Sella
New Delhi Office
Sella/HPolan/pb

P. 0

November 3, 1965

Mr. Jean Pol Simond
International Bank for Reconstruction
and Development
4 Avenue d'Iéna
Paris 16^e, France

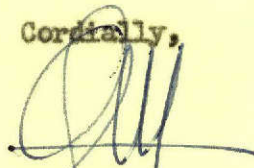
Dear Jean Pol:

This refers to your note addressed to Harold Graves
(copy to Mr. Broches) requesting a number of detailed clarifications on the Convention on the Settlement of Investment Disputes. Aron Broches is at the present out of the country but as soon as he returns he will answer you directly.

I hope all is well with you.

Best personal regards.

Cordially,



Giuseppe Morra
Information Department

cc: Mr. Lars Lind

GMorra/mj

8.10

November 3, 1965

Sir Eric Griffith-Jones
52/54 Gracechurch Street
London E.C. 3

Dear Sir Eric:

Thank you very much for your letter of October 25. You were kind indeed to spend so much time with us and to be so patient and helpful with all our questions.

The Reuter cable which you mentioned refers to the signature by Malaysia of a Convention on Settlement of Investment Disputes between States and Nationals of Other States. The Convention has been prepared and sponsored by the IBRD and will provide machinery for the conciliation and arbitration of investment disputes. It is now in the process of signature and ratification by member countries. You may be interested in further details of this and I am therefore enclosing a report which explains the whole thing.

Ray Goodman has asked me to convey his appreciation for your kindness in writing to Mr. Stenson in K.L. He is looking forward to visits to a rubber estate and the other Guthrie operations and hopes he will find time to take advantage of your Port Dickson bungalow.

Again, let me say how much we enjoyed your visit. Goodman and Waide join me in sending our best wishes.

Sincerely Yours,

W.M. Gilmartin

Encl: as above

W.M.Gilmartin:cn

cc: Mr. R. Goodman

ack. Nov. 8/65

November 2, 1965

Mr. James Obol Ochola
Ministry of Justice
P.O. Box 183
Kampala, Uganda

Dear Mr. Obol Ochola,

In reply to your letter of October 22, 1965 I am pleased to inform you that the Convention on the Settlement of Investment Disputes between States and Nationals of Other States has been signed on behalf of the following countries: Tunisia, United Kingdom, Jamaica, Ivory Coast, Pakistan, Nigeria, Mauritania, Niger, Central African Republic, United States, Liberia, Dahomey, Upper Volta, Ethiopia, Gabon, Cameroon, Japan, Sweden, Somalia, Sierra Leone, Nepal, Luxembourg, Denmark, Morocco and Malaysia.

The Federal Republic of Nigeria has deposited its instrument of ratification.

The Convention is not yet in force; it will come into force 30 days after the date of deposit of the twentieth instrument of ratification, acceptance or approval.

For your convenience I enclose herewith a copy of a Memorandum on Signature and Ratification, Acceptance or Approval of the Convention.

Truly yours,



M. M. Mandels
Secretary

Sella

Enclosure

PSella:lj

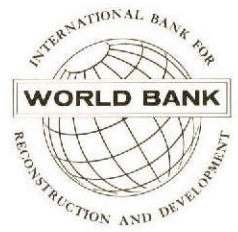


Record Removal Notice

File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date November 2, 1965	Document Type Memorandum			
Correspondents / Participants To: Mr. J. Guiterres Cano From: Piero Sella				
Subject / Title SID Convention - Signature and Ratification				
Exception(s)				
Additional Comments Declassification review of this record may be initiated upon request.		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group.		
		<table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

810

FOR IMMEDIATE RELEASE



INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT

1818 H STREET, N.W., WASHINGTON D. C. 20433 TELEPHONE: EXECUTIVE 3-6360

Bank Press Release No. 65/54
November 1, 1965

Subject: Settlement of Investment
Disputes

During October 1965, the Convention on Settlement of Investment Disputes between States and Nationals of Other States, submitted by the World Bank to governments in March of this year, was signed by Denmark (October 11), Morocco (October 11) and Malaysia (October 22).

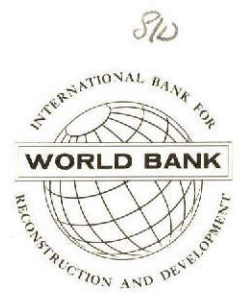
The Convention will come into force after signature and ratification by 20 States.

There are now 25 signatories to the Convention (listed chronologically in order of signing): Tunisia, United Kingdom, Jamaica, Ivory Coast, Pakistan, Nigeria, Mauritania, Niger, Central African Republic, United States, Liberia, Dahomey, Upper Volta, Ethiopia, Gabon, Cameroon, Japan, Sweden, Somalia, Sierra Leone, Nepal, Luxembourg, Denmark, Morocco and Malaysia.

The Government of Nigeria has ratified the Convention.

FOR IMMEDIATE RELEASE

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT



1818 H STREET, N.W., WASHINGTON D. C. 20433 TELEPHONE: EXECUTIVE 3-6360

Bank Press Release No. 65/54
November 1, 1965

Subject: Settlement of Investment
Disputes

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There are now 25 signatories to the Convention (listed chronologically in order of signing): Tunisia, United Kingdom, Jamaica, Ivory Coast, Pakistan, Nigeria, Mauritania, Niger, Central African Republic, United States, Liberia, Dahomey, Upper Volta, Ethiopia, Gabon, Cameroon, Japan, Sweden, Somalia, Sierra Leone, Nepal, Luxembourg, Denmark, Morocco and Malaysia.

The Government of Nigeria has ratified the Convention.

October 29, 1965

Dear Mr. Lannung:

It was very kind of you to take the time for our chat in the Delegates' Lounge, which I enjoyed very much.

In accordance with your request I attach the list of signatures of the Convention on the Settlement of Investment Disputes. A number of additional European, Asian and African countries have indicated their intention to sign in the near future. As I told you during our meeting, we are hopeful that enough of the present and future signatories will take prompt action towards ratification so that the Convention may enter into force by July 1, 1966.

If you find the time after your return from Europe to New York, I would be glad to hear of the plans of your committee of the Council of Europe with respect to the Convention and whether there is anything further in the way of information which you would want from me.

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Mr. Hermod Lannung
Danish Mission to the United Nations
235 E. 42nd Street
New York, N.Y.

ABroches:cml

October 29, 1965

Dear Mr. Sirefman:

I want to thank you for your letter of October 18, 1965.

I am sure that your article will stimulate the interest of the investing community in the Convention. As of today twenty-five countries have signed the Convention and several more in both the capital-exporting and capital-importing countries are expected to do so within the near future. We are quite pleased with the results so far.

With best wishes,

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Mr. Josef P. Sirefman
745 Fifth Avenue
New York 22, N.Y.

ABroches:cml

October 29, 1965

Dear Mr. Mantzoulinos:

I found your kind letter of October 10, 1965, after an absence from Washington, from which I learned that you wrote to me on June 28th. The letter must have been lost or mislaid because I do not seem to have it. I would be most grateful if you would send me a copy.

We have had no communication from the Greek Government as to their plans in regard to the Convention. I can report to you, on the other hand, that until now twenty-five countries have signed the Convention, as per attached list, while a number of European, African and Asian countries have announced their intention to sign in the very near future. We are therefore quite pleased with the progress made in the relatively short period since the Convention was submitted to governments. I can also inform you that during the recent meeting of the World Peace Through Law Center in Washington a resolution was adopted urging governments to adhere to the Convention, and that during that meeting your compatriot, Mr. Zepos, also expressed his strong support for the Convention.

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Mr. Denys A. Mantzoulinos
19, Rue Democrite
Athens, Greece

Enclosure
ABroches:cml

October 29, 1965

Dear Mr. Mayer:

I have received your letter of October 19, 1965 and I am gratified at the interest shown by you in the Convention on the Settlement of Investment Disputes. In view of your interest I would like to tell you how far we have progressed with the Convention as of now and what we expect our timetable to be.

The Convention, which was submitted to governments by the Executive Directors of the International Bank for Reconstruction and Development on March 18, 1965, will enter into force thirty days after the deposit of the twentieth instrument of ratification. As of today the twenty-five countries listed on the attachment have signed the Convention. We expect most of the European countries which have not already signed to do so in the near future. Although we have had no official word from France, I would think that France will sign in view of the favorable response on the part of former French territories in Africa. The ratification process is now under way and while it is very difficult to predict how long legislatures will take, we believe we have reason for thinking that the Convention will be in force by July 1, 1966.

I am sending you herewith a copy of the French text of the Convention and of the accompanying report of the Executive Directors. As you will see from Article 13, each Contracting State may designate four persons to the Panel of Conciliators and four persons to the Panel of Arbitrators. The President of the Bank, who is ex officio Chairman of the Administrative Council, may designate ten persons to each Panel. These ten persons must each have a different nationality. Since the purpose of the designations by the Chairman is to insure representation on the Panels of the "principal legal systems of the world and of the main forms of economic activity" (Article 14 of the Convention), I think that I might designate some persons soon after the Convention enters into force, leaving other places open until more countries have joined and I can have a clearer view of what designations might be desirable in order to "balance" the Panels in the sense of Article 14.

With warm regards,

Sincerely,
(Signed) George D. Woods
George D. Woods

Mr. René Mayer
21, rue de Lille
Paris (7), France

Enclosures

ABroches:cml
October 29, 1965

FORM NO. 92 (10-61)		IDA	IBRD	IFC
CORRESPONDENCE RECORD FORM				
FROM			DATED	
COUNCIL OF EUROPE, SECRETARIAT-GENERAL Strasbourg			Oct. 28, 1965	
SUBJECT				
Letter acknowledging Oct. 18th letter and list of countries that have signed the Convention on the Settlement of Investment Disputes.				
REFERRED TO			DATE RECEIVED	
Mr. Broches			Nov. 1, 1965	

October 27, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Malaysia on October 22, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures

His Excellency
Dato Ong Yoke Lin
Ambassador of Malaysia
2401 Massachusetts Ave., N.W.
Washington D. C.

cc: Messrs. Tazi and Broches

PA

PA:slb

October 26, 1965.

Dear Paul,

Oct. 24/65

Many thanks for your letter with the copy of the article from the Arbitration Journal.

It has been read with interest by our lawyers but I have not yet got around to reading it myself - and I am not sure that I shall!

Best regards,

Yours sincerely,

(Signed) G. M. Wilson

G. M. Wilson

Mr. Paul M. Herzog
14 East 75th Street
New York
New York 10021.

October 26, 1965

Re: Convention on Settlement of Investment Disputes

Dear Mr. Williamson:

With reference to our telephone conversation of yesterday, I am pleased to enclose herewith for your information two copies of the Convention on Settlement of Investment Disputes between States and Nationals of Other States in its English, French and Spanish versions. I also enclose one copy in English and one in French of the Report of the Executive Directors of the Bank which gives a historical background and explains certain provisions of the Convention.

As I told you, the Convention will enter into force after having been ratified, accepted or approved by 20 States (Article 68). As of today, it has been signed by 25 States, including the United States and Morocco.

Sincerely yours,


J.-J. Soulet
Attorney

Mr. Williamson
Deputy Manager
Société Générale
66 Wall Street
New York, New York

Enclosures: 4

JDR/jk

October 26, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Luxembourg on September 28, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures

His Excellency
Pierre Werner
Prime Minister and
Minister of Finance
Luxembourg, Luxembourg

MFC:rb

cc: Messrs. van Campenhout and Broches

October 26, 1965

Dear Mr. Domke:

It was very kind of you to send me a copy of the current issue of the Arbitration Journal containing Mr. Sirefman's article on the Convention on the Settlement of Investment Disputes.

With best regards,

Sincerely yours,
(Signed) A. Broches

A. Broches
General Counsel

Mr. Martin Domke
Vice President
American Arbitration Association
140 West 51st Street
New York, N.Y. 10020

ABroches:cml

From Sir Eric Griffith-Jones
K.B.E., C.M.G., ~~Q.C.~~

52/54, Gracechurch Street,
London, E.C.3.

TELEPHONE:
MANSION HOUSE 1301.

25th October, 1965.

Dear Mr. Gilmartin -

Just a line on my return to London to thank you for arranging my most useful discussions with you and your colleagues last week, and my most enjoyable lunch.

I have written to Stenson to tell him of Goodman's forthcoming visit to Malaya, and his wish to visit a rubber estate and our latex and Dynat plants at Siliau. I hope he will also call on our organisation out there for any assistance in other respects that they can afford.

Incidentally, there was apparently a reference in some Reuter cables a few weeks ago to an Agreement to be signed "shortly" between the Malaysian Government and the World Bank "on settlement of disputes between individual foreign investors and governments". The report went on to comment that "this would provide extra incentive for foreign industrialists to invest in Malaysia" - this having been attributed to Dr. Lim Swee Aun, the Malaysian Minister for Commerce and Industry. I wonder if you could enlighten me on the nature of this Agreement?

With renewed appreciation of your kindness to me in Washington.

Yours sincerely -
Eric Griffith-Jones

W.M. Gilmartin, Esq.,
The International Bank for Reconstruction
and Development,
WASHINGTON, D.C.,
U.S.A.

ack. Nov. 3/65

* M.A. Gendeg

22nd November 1965
London

From the ...

WASHINGTON HOUSE 1001

28th October, 1965.

Dear Mr. ...

Just a line on my return to London to thank you for arranging my most useful discussions with you and your colleagues last week, and my most enjoyable lunch.

I have written to Stimson to tell him of Goodman's forthcoming visit to Malaya, and his wish to visit a rubber estate and our latex and Dynal plants at Siliu. I hope he will also call on our organisation out there for any assistance in other respects that they can afford.

Incidentally, there was apparently a reference in some letter earlier a few weeks ago to an Agreement to be signed "shortly" between the Malaysian Government and the World Bank "on settlement of disputes between individual foreign investors and governments". The report went on to comment that "this would provide extra incentive for foreign industrialists to invest in Malaya" - this having been attributed to Dr. Lim Swee Ann, the Malaysian Minister for Commerce and Industry. I wonder if you could enlighten me on the nature of this Agreement?

With renewed appreciation of your kindness to me in Washington.

From ...

W.M. Gilchrist, Esq.,
The International Bank for Reconstruction
and Development,
WASHINGTON, D.C.,
U.S.A.

1965 OCT 28 PM 9:59

RECEIVED
GENERAL LINES
COMMUNICATIONS

SecM65-308

FROM: The Secretary

October 25, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed on October 22, 1965, on behalf of Malaysia by His Excellency Dato Ong Yoke Lin, Ambassador of Malaysia.
2. Malaysia became the twenty-fifth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

ROUTING SLIP

Date

October 26, 1965

NAME

ROOM NO.

Mr. Wilson

1220

To Handle

Note and File

Appropriate Disposition

Note and Return

Approval

Prepare Reply

Comment

Per Our Conversation

Full Report

Recommendation

Information


Signature

Initial

Send On

REMARKS

I have received copies of that article from the author and from Martin Domke who is the International Vice President of the American Arbitration Association. It is not a particularly good article but you can truthfully say that it has been read with interest.


A. Broches

From

SID

SALZBURG SEMINAR IN AMERICAN STUDIES

CAMBRIDGE · MASSACHUSETTS

Please reply to

PAUL M. HERZOG, *President*
14 East 75th Street
New York, N. Y. 10021
(212) Butterfield 8-1505

24 October, 1965

*Mr. Broches.
I shd. acknowledge this - is there
anything that I shd. add?*

*GMW
25/10*

Dear Geoffrey:

Perhaps you, or someone on your staff, will care to glance at the enclosed article on the World Bank's arbitration plan. It appears in the current issue of The Arbitration Journal, published by the Association of which I was President until 1963.

With best regards,

Very sincerely yours,



Paul M. Herzog
~~President~~

Hon. Geoffrey M. Wilson
Vice President
The International Bank for
Reconstruction and Finance
18th Street & Pennsylvania Avenue, N. W.
Washington, D. C.

cc: Dr. Martin Domke

ack. by Oct. 26/65

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Vice President

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*Administrative Vice President
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WALT W. ROSTOW
GREGORY SMITH
ALVIN TOFFLER
ROLLAND V. TOOKE
ARTHUR D. TROTTEBERG
FREDERIC WINTHROP

SecM65-304

FROM: The Secretary

October 22, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by Malaysia of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

Time: - 3:30 p.m., Friday, October 22, 1965
Place: - Mr. Mendels' Office, Room 1205
Signing Official: - His Excellency Dato Ong Yoke Lin
Ambassador of Malaysia

Those attending the signing are requested to be in Mr. Mendels' office shortly before 3:30 p.m.

Distribution:

Mr. Tazi
President
President's Council
Executive Vice President, IFC
Mr. Cargill
Mr. Sella
Mr. Pinto

October 21, 1965

Dear Mr. Phelps:

In accordance with a request which I received through Dr. Ferrer of the Council for Latin America, I have today sent off to you by first class airmail 200 copies of the Spanish text of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States together with the report of the Executive Directors with which the said Convention was presented to governments.

For your information and that of the participants in your meeting, the Convention has already been signed by the following countries: Cameroon, Central African Republic, Dahomey, Denmark, Ethiopia, Gabon, Ivory Coast, Jamaica, Japan, Liberia, Luxembourg, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Sierra Leone, Somalia, Sweden, Tunisia, United Kingdom, United States and Upper Volta. In addition the following countries have signified their intention to sign in the near future: Afghanistan, Austria, China, Congo (Brazzaville), Kenya, Korea, Malaysia and the Netherlands.

The ratification process is now under way. One signatory (Nigeria) has already deposited its instrument of ratification. In accordance with its provisions, the Convention will enter into force thirty days after the deposit of the twentieth instrument of ratification. We expect this stage to have been completed by the middle of 1966.

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Mr. John Phelps
CICYP
Caracas Chamber of Commerce
Avenida Este 2
Los Caobos
Caracas, Venezuela

cc: Dr. Ferrer
ABroches:cml

Le 21 octobre 1965

Bureau de Coordination Economique
Cabinet du Premier Ministre
Léopoldville
République Démocratique du Congo

Messieurs,

Faisant suite à la lettre du 13 octobre 1965 de M. Jean-Pol Simond de notre bureau de Paris, je vous envoie ci-joint trois exemplaires d'une Note concernant la signature et la ratification, l'acceptation ou l'approbation de la Convention pour le Règlement des Différends Relatifs aux Investissements entre Etats et Ressortissants d'Autres Etats.

Cette Note explique la procédure à suivre pour adhérer à la Convention. Si d'autres renseignements vous sont nécessaires, n'hésitez pas à nous écrire.

La Convention a déjà été signée par les pays suivants: Tunisie, Royaume-Uni, Jamaïque, Côte d'Ivoire, Pakistan, Nigéria, Mauritanie, Niger, République Centrafricaine, Etats-Unis, Libéria, Dahomey, Haute-Volta, Ethiopie, Gabon, Caméroun, Japon, Suède, Somalie, Sierra Leone, Népal, Luxembourg, Danemark et Maroc. La République Fédérale du Nigéria a déposé son instrument de ratification de la Convention.

Veuillez agréer, Messieurs, l'expression de mes sentiments très distingués.

(Signed) M. M. Mendels

M.M. Mendels
Secrétaire

Ci-joint: 3
PSella
PSella/lj
cc: Legal Files

October 20, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Morocco on October 11, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures

His Excellency
Ahmed Laraki
Ambassador of Morocco
1601 - 21st Street, N.W.
Washington D. C. 20009

cc: Messrs. Tazi and Broches

PA

PA:slb

October 20, 1965

Mr. Lawrence S. Lesser
1625 K Street, N.W.
Washington, D.C.

Dear Larry,

In answer to your request I am enclosing herewith (a) a copy of The Convention on the Settlement of Investment Disputes Between States and Nationals of Other States and the Accompanying Report of the Executive Directors and (b) the Report dated June 1, 1965, of the New York City Bar Association.

I also refer you to an article by Clifford J. Hynning entitled "The World Bank's Plan for the Settlement of International Investment Disputes" in the American Bar Association's Journal of June 1965, Vol. 51. If you have any questions I am sure that Ronnie Broches, who has been shepherding this convention for several years, will be glad to talk to you.

With best regards,

Sincerely yours,

Lester Nurick
Deputy General Counsel

LN:hf

LN



Record Removal Notice


File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date October 20, 1965	Document Type Memorandum			
Correspondents / Participants To: Mr. A. Tazi From: C.W. Pinto				
Subject / Title SID Signature by Malaysia				
Exception(s) Attorney-Client Privilege				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group.		
		<table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

October 19, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Denmark on October 11, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures

His Excellency
Torben Rønne
Ambassador of Denmark
3200 Whitehaven Street, N.W.
Washington, D. C. 20008

cc: Messrs. Broches and Thor


PA:slb

INTERNATIONAL DEVELOPMENT
ASSOCIATION

INTERNATIONAL FINANCE
CORPORATION

ROUTING SLIP

Date

Oct. 27, 1965

OFFICE OF THE PRESIDENT

Name

Room No.

Mr. A. Broches

810

Action

Note and File

Approval

Note and Return

Comment

Prepare Reply

Full Report

Previous Papers

Information

Recommendation

Initial

Signature

Remarks

Please see me re this.

From

G. D. Woods
G. D. Woods/s

810
OCT 20 REC'D

René MAYER
21, rue de Lille,
PARIS (7°)

PARIS, October 19th, 1965

Dear Mr. WOODS,

I just heard from Guy de Rothschild that you welcomed his suggestion of possibly including me in the list you will have to draw up for the execution of the Convention for the protection of investments in the less-developped countries.

Indeed I would be very happy and honoured if you could include me in the list of the arbitrators named by you. I had the opportunity, in the past, of exercising such functions at the League of Nations and I think that my financial and juridical practice could be useful if you feel so.

This is for me a very pleasant opportunity of telling you that I remain,

Very sincerely and cordially yours.



Mr. George WOODS,
~~Manager of~~ the B. I. R. D.,
1818 1/2 H Street N. W.,
WASHINGTON, 25 D. C.
(U. S. A.)

ack. Oct. 29/65

810

October 19, 1965

Dear Harry:

Please find enclosed copy of my letter to Mr. Robertson of the Council of Europe in reply to his of October 14th of which I understand you have a copy.

Please note that the Convention and the accompanying report of the Executive Directors have been drafted in three equally authoritative texts, English, French and Spanish. The European Office was sent a supply of the English and French texts and I have asked Mrs. Eliason of the Department of Information to see whether your supply needs to be replenished.

Best regards.

Sincerely yours,

(S) *Roches*

A. Broches

Mr. Harry G. Curran
European Office
International Bank for Reconstruction
and Development
4, Avenue d'Iéna
Paris 16e, France

Enclosure
ABroches:cml

1965 OCT 30 6 15: 12

COMMUNICATIONS
GENERAL LINES
RECEIVED

212

October 19, 1965

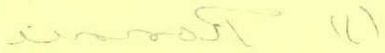
Dear Harry:

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Please note that the Convention and the accompanying report of the Executive Directors have been drafted in three equally authoritative texts, English, French and Spanish. The European Office was sent a copy of the English and French texts and I have asked Mrs. Elison of the Department of Information to see whether your supply needs to be replenished.

Best regards.

Sincerely yours,



A. Broches

Mr. Harry D. Gutter
European Office
International Bank for Reconstruction
and Development
1, Avenue d'Iéna
Paris 16e, France

Enclosure
ABroches:cmj

1965 OCT 20 PM 12:19

RECEIVED
GENERAL FILES
COMMUNICATIONS

October 18, 1965

Dear Mr. Robertson:

Thank you very much for your letter of October 14, 1965. Copies of the Convention on the Settlement of Investment Disputes in English and French have already been dispatched to you.

I attach a list showing the countries that have signed the Convention. Our information is that ratification will follow fairly promptly. At this time we have received an instrument of ratification only from Nigeria. In addition to the countries shown on the list, certain countries including Afghanistan, Austria, China, Congo (Brazzaville), Kenya, Korea, Malaysia and the Netherlands indicated at the Annual Meeting that they expected to sign the Convention in the near future.

Thank you for letting me know that Mr. Hermod Lannung of Denmark is the Chairman of the Legal Committee. I may be in New York within the next few weeks and will try to get in touch with him on that occasion.

With kind regards,

Sincerely yours,
A. Broches

A. Broches
General Counsel

Mr. A. H. Robertson
Head of the Directorate of
Human Rights
Council of Europe
Strasbourg, France

Enclosure
ABroches:cml
cc: Mr. Harry Curran

Mr. A. Broches

October 18, 1965

C. W. Pinto

SID - Miscellaneous questions on
Depositary's functions

During my visit to New York last month I met with Mr. Ladislav Kiernik, Chief of the U.N. Treaty Section and discussed with him some of the questions that had occurred to us regarding (a) the Bank's notification functions under the Convention and (b) the origin of instruments of ratification we would generally accept in deposit.

(a) Notification. Mr. Kiernik pointed out that the experience of the U.N. dealt mainly with the conventions which had been signed by plenipotentiaries at diplomatic conferences. However, he thought it might be of interest to note the Secretary General's practice in regard to later signatories. In those cases the Secretary General notified signatures in the course of transmitting a certified copy of the Convention to a new signatory. If there was a "closing date" for signature, a composite list of signatories as of that date might be issued to all signatories. If a Convention was left open for signature indefinitely each individual signature might be notified to other signatories as it was received. He did not off-hand recall a case where composite lists had been issued regularly.

Mr. Kiernik said the UN practice regarding notification generally was to give more publicity to signature adherence etc. by notifying say all countries entitled to become parties to a Convention. Sometimes it went even further to notify for purposes of information even those not entitled to become parties; for example, the entire UN membership was kept informed of adherence to some Conventions to which only European members could become parties.

As far as the SID Convention was concerned he thought we ought to keep all the Bank's members informed of signatories and ratifications by a circular letter each time action was taken. This would have the effect of reminding members of the Convention and even encouraging them to sign. He realized that this might go beyond what was required of the Bank under Section 75, but those "duties" he thought could be regarded as a minimum. However, a composite list might be circulated eventually when the pace of receipt of signatures slowed down.

Notifications by the UN were always addressed to the Minister of Foreign Affairs although they were sometimes, in accordance with prior instructions, channeled through a country's UN mission or other agency.

(b) Instruments of Ratification. An instrument of ratification was accepted by the Secretary General if it purported to be signed by a Head of State, Head of Government, or Minister of Foreign Affairs, and contained no serious errors e.g. in its reference to the title of the Convention. In such cases the UN would accept the instrument without

any further examination e.g. as to whether the country's internal ratification procedures had in fact been complied with. As to the signing authority, he knew of no deviation from the above practice. He recalled that, on the contrary, an instrument of ratification of an agreement sponsored by WHO had been rejected because it was signed by the Minister of Health.

As to a ratification containing a reservation the Secretary General would follow the rules laid down in the General Assembly Resolution on the subject i.e. circulate it to members without passing upon the validity of the instrument. However, in his notification to members the Secretary General would refer to "receipt" of the instrument rather than "deposit". If a Convention contained (as does SID) a provision stating that it is to enter into force a specified number of days following deposit of a specified number of initial ratifications but did not lay down any procedure regarding reservations, and one or more of the initial ratifications have reservations, the Secretary General would (1) after receipt of the requisite number of ratifications and lapse of the specified period, by circular letter recall the provisions on entry into force but would not proceed to registration immediately as he would have done in the absence of reservations; (2) allow a further period of - say 90 days - to elapse, and then if no objections to reservation had been received, register the agreement.

The procedure would be different if the reservation was to the constitution of an organization already in existence. In that event the Secretary General would decline to accept an instrument with a reservation in deposit. He would merely "receive" the instrument and send it to the competent organ of the organization for action. In many such instances the organization had then instructed the Secretary General to approach the country concerned and seek to have the reservation withdrawn.

CWP:es

October 15, 1965

Mr. N. Krishnamurthi
Secretary
The Indian Council of Arbitration
Federation House
New Delhi 1, India

Dear Mr. Krishnamurthi:

Thank you for your letter of October 7, 1965.

In response to your request, I am sending you herewith two copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. In this version of the document the text of the Convention is preceded by the Report of the Executive Directors of the Bank (who were responsible for the formulation of the Convention) which describes and explains the main features of the text. I am also attaching a list of signatories, now numbering twenty-four. The Convention will enter into force when twenty signatories have deposited instruments of ratification of the Convention. Several signatories have already taken steps to ratify the Convention and one country, Nigeria, has already deposited its instrument of ratification with the Bank.

We are very pleased to note your interest in the Convention, and will be glad to place the Council on the list of institutions to receive any official publications in connection with the International Centre for Settlement of Investment Disputes (ICSID). As you know, India was represented at and participated actively in all stages of the preparatory work on the Convention. We were particularly fortunate in having the assistance of Shri B. N. Lokur, Secretary to the Ministry of Law, towards the completion of our work.

I would like, in conclusion, to offer our good wishes to your own new organization which, I am sure, will do much to promote international commercial arbitration in India, and indeed, in Asia. I feel sure that ICSID, when it comes into existence - probably in the summer of 1966 - will be glad to cooperate with the Council on matters of mutual concern.

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Enclosures
CWPinto:cml

cc: Mr. Mendels

IDA	IBRD	IFC
FORM NO. 92 (10-61)		
CORRESPONDENCE RECORD FORM		
FROM		DATED
Council of Europe Strasbourg		Oct. 14, 1965
SUBJECT		
Letter re: Legal Cttes. of the Consultative Assembly re: CONvention on the Settlement of Investment Disputes of 18th Mar. 1965		
Addressed to &		
REFERRED TO	DATE RECEIVED	
Mr. Broches	Oct. 18, 1965ks	

October 14, 1965

William McCulloch, Esquire
c/o Asia Foundation
P. O. Box 257
Kabul, Afghanistan

Dear Mr. McCulloch:

As requested in your letter of October 9, 1965,
I have sent you under separate cover four copies in French
and four copies in English of the Convention on the
Settlement of Investment Disputes.

Sincerely yours,



Piero Sella

PS:me
Separate Cover

SecM65-284

FROM: The Secretary

October 11, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by the Kingdom of Morocco of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

- Time: - Monday, October 11, 1965, immediately following signing of Development Credit scheduled for 3:30 p.m.
- Place: - Board Room
- Signing Official: - His Excellency Ahmed Laraki
Ambassador of Morocco

Those attending the signing are requested to be in the Board Room shortly before 3:30 p.m.

Distribution:

Mr. Tazi
President
President's Council
Executive Vice President, IFC
Mr. El Emary
Mr. Sella
Mr. Pinto

SecM65-285

FROM: The Secretary

October 11, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. There are listed below for the information of the Executive Directors the signatories to the Convention on Settlement of Investment Disputes between States and Nationals of Other States, as of October 11, 1965:

<u>Government of</u>	<u>Date of Signature</u>
1. Tunisia	May 5, 1965
2. United Kingdom	May 26, 1965
3. Jamaica	June 23, 1965
4. Ivory Coast	June 30, 1965
5. Pakistan	July 6, 1965
6. Nigeria	July 13, 1965
7. Mauritania	July 30, 1965
8. Niger	August 23, 1965
9. Central African Republic	August 26, 1965
10. United States	August 27, 1965
11. Liberia	September 3, 1965
12. Dahomey	September 10, 1965
13. Upper Volta	September 16, 1965
14. Ethiopia	September 21, 1965
15. Gabon	September 21, 1965
16. Cameroon	September 23, 1965
17. Japan	September 23, 1965
18. Sweden	September 25, 1965
19. Somalia	September 27, 1965
20. Sierra Leone	September 27, 1965
21. Nepal	September 28, 1965
22. Luxembourg	September 28, 1965
23. Denmark	October 11, 1965
24. Morocco	October 11, 1965

2. An instrument of ratification was deposited by the Government of Nigeria on August 23, 1965. The Convention will enter into force 30 days after the date of deposit of the twentieth instrument of ratification, approval or acceptance.

3. It would be appreciated if Executive Directors whose governments have not yet signed would inquire as to the intentions of such governments in this connection.

Distribution:

Executive Directors and Alternates
 President
 President's Council
 Executive Vice President, IFC
 Department Heads (Bank and IFC)

SecM65-286

FROM: The Secretary

October 11, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 3:00 p.m. on behalf of Denmark by His Excellency Torben Rønne, Ambassador of Denmark; and at 3:30 p.m. on behalf of Morocco by His Excellency Ahmed Laraki, Ambassador of Morocco.
2. Denmark and Morocco became the twenty-third and twenty-fourth members, respectively, of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)



Record Removal Notice

File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date October 11, 1965	Document Type Memorandum			
Correspondents / Participants To: Mr. J. Burke Knapp From: A. Broches				
Subject / Title Letter dated September 24, 1965 from Export Group the Constructional Industries				
Exception(s) Attorney-Client Privilege				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group.		
		<table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

October 11, 1965

Dear Mr. Ambassador:

As we have now received the Full Powers, which designated you to sign the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, I am returning herewith the cable you left with us pending receipt of the Full Powers.

Yours sincerely,



M. M. Mendels
Secretary

Enc.

His Excellency
Ahmed Mohamed Adan
Ambassador of the Somali Republic
1806 New Hampshire Avenue, N.W.
Washington, D.C. 20009

neb

SecM65-282

FROM: The Secretary

October 8, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by the Kingdom of Denmark of the Convention on the Settlement of Investment Dispute between States and Nationals of Other States:

Time: - 3:00 p.m., Monday, October 11, 1965
Place: - Mr. Woods' Office, Room 1220
Signing Official: - His Excellency Torben Rønne
Ambassador of Denmark

Those attending the signing are requested to be in Mr. Woods' anteroom shortly before 3:00 p.m.

Distribution:

Mr. Thor
President
President's Council
Executive Vice President, IFC
Mr. Cope
Mr. Sella
Mr. Pinto

Mr. M. M. Mendels

October 7, 1965

C. W. Pinto

SID Convention - Signature by Nepal

Mr. S. K. Upadhyay, Minister without Portfolio in the Royal Nepalese Government signed the Convention on September 28, 1965 in my presence.

Previous to signing, Mr. Y. P. Pant, Secretary to the Ministry of Finance, assured us that Mr. Upadhyay did not require a specific authorization (say from the Minister for Foreign Affairs) to commit the Nepalese Government. That assurance is embodied in the attached "certificate" of authority which we accepted in lieu of a formal authorization. Mr. Pant went on to explain that even the authorization previously given the Nepalese Ambassador had issued from the Ministry of Finance.

cc. Messrs. Broches/Sella

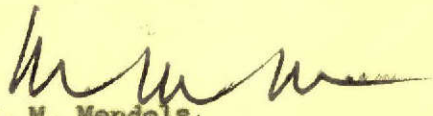
CWP:es

OCT 7 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Sweden on September 25, 1965.

Yours sincerely,


M. M. Mendels
Secretary

Enclosures

His Excellency
G. E. Straeng
Minister of Finance
Kungl. Finansdepartementet
Stockholm 2, Sweden

MFC:rb

cc: Messrs. Thor and Broches

OCT 7 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Sierra Leone on September 27, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures

His Excellency
Gershon B. O. Collier
Ambassador of Sierra Leone
1701 19th Street, N.W.
Washington, D.C. 20009

MFC:rb

cc: Messrs. Garba and Broches

OCT 7 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Nepal on September 28, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures

The Honorable
Sailendra Kumar Upadhyay
Minister without Portfolio
Singha Durbar
Kathmandu, Nepal

MFC:rb

cc: Messrs. Suzuki and Broches

OCT 7 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Somalia on September 27, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosures

His Excellency
Ahmed Mohamed Adan
Ambassador of the Somali Republic
1806 New Hampshire Ave., N.W.
Washington, D.C. 20009

MFC:rb

cc: Messrs. Kochman and Broches

October 7, 1965

Dear Governor,

As promised at the time of signature, I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which you signed on behalf of Ethiopia on September 21, 1965.

With best personal regards,

Yours sincerely,



M. M. Mendels
Secretary

Enclosures

His Excellency
Yilma Deressa
Minister of Finance
Ministry of Finance
Addis Ababa, Ethiopia

MMM:rb

cc: Messrs. Garba and Broches



Record Removal Notice

File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date October 5, 1965	Document Type Memorandum			
Correspondents / Participants To: Mr.J.G. Starke, The Australian National University From: A. Broches, General Counsel				
Subject / Title [Starke's paper on the Convention of Settlement of Investment Disputes between States and Nationals of Other States - Article 25]				
Exception(s) Attorney-Client Privilege				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group.		
		<table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

October 5, 1965

Mr. Hjortur Torfason
Tryggvagotu 8
Reykjavik, Iceland

Dear Mr. Torfason:

Mr. Fligler showed me your letter of September 17, 1965 concerning the meaning and background of Article 42(1) of the Convention. Since, as you may know, I took an active part in drafting the Convention and presided over the various meetings of legal experts discussing the draft, I shall be glad to try and give you the information you requested.

The meetings of legal experts took place in two stages. The first stage consisted of a series of four consultative meetings held on a regional basis in Addis Ababa, Santiago de Chile, Geneva and Bangkok during the winter of 1963-1964. These meetings had before them a Preliminary Draft of the Convention which constituted the Working Paper for their deliberations. In the Working Paper the subject matter which is now contained in Article 42(1) of the Convention appeared as Article IV, Section 4(1) and read as follows:

"In the absence of agreement between the parties concerning the law to be applied, and unless the parties shall have given the Tribunal the power to decide ex aequo et bono, the Tribunal shall decide the dispute submitted to it in accordance with such rules of law, whether national or international, as it shall determine to be applicable."

The comments made on this provision during the four regional consultative meetings and my own views are summarized in my report dated July 9, 1964 to the Executive Directors entitled "Issues Raised and Suggestions Made with Respect to the Preliminary Draft of a Convention on the Settlement of Investment Disputes Between States and Nationals of Other States" in paragraphs 57 through 62. I believe that these paragraphs speak for themselves. (For your information, the Roman numerals in parentheses which you will find after some statements are intended to refer to the regional meeting at which the comments mentioned were made, the numerals I, II, III and IV referring to the Addis Ababa, Santiago, Geneva and Bangkok meetings respectively.)

The second stage of consideration took the form of a meeting of legal experts in Washington in November/December 1964, called to advise the Executive Directors in formulating a definitive text. An expert from Iceland participated in the first half of these discussions.

The text placed before the Committee and numbered Article 45(1) was as follows:

"In the absence of agreement between the parties concerning the law to be applied, the Tribunal shall decide the dispute submitted to it in accordance with such rules of national and international law as it shall determine to be applicable. The term 'international law' shall be understood in the sense given to it by Article 38 of the Statute of the International Court of Justice."

As you will notice, this text differed only very slightly from the text in the Working Paper. The principal differences were that the reference to the power of the Tribunal to decide cases ex aequo et bono was removed to another paragraph; that a sentence was added explaining the term "international law"; and, finally, that the expression "rules of law, whether national or international" was replaced by "rules of national and international law". The latter change was made because we realized that a particular situation might well be governed both by national and by international law, or in part by one and in part by the other.

For the discussion of this text in the Legal Committee I refer you to the summary record of the meeting of December 7, 1964, morning session (SID/LC/SR/14). As you will see from that discussion, and as I had already indicated in my report of July 9, 1964 to the Executive Directors, the discussion of this provision was somewhat complicated by the fact that the insistence by some delegates on referring specifically to the law of the host State was motivated by quite different considerations. The first group was merely concerned to make sure that to the extent national law applied, it would be the law of the host State. This group had no objection to the applicability of international law in appropriate cases. The second group were concerned about the possibility that international law would override national law. In defending the provision as it stood I pointed out that by the application of normal principles of private international law, the law found to be applicable would normally be the law of the host State. However, in order to meet the point, I proposed what has become the final text, viz. "the law of the Contracting State party to the dispute (including its rules on the conflict of law)". On the second point the majority was content to recognize the possibility that international law might be found to be applicable, namely in those cases in which national law or action taken pursuant to national law would be found to violate international law. The example of discriminatory action was mentioned by several delegates in this connection.

The final text of the Convention (Article 42(1)) reflects the change mentioned above. In addition the text stresses more than did the earlier texts that the parties are expected to make their own agreement as to applicable law and that the remainder of Article 42(1) will only become applicable if they fail to do so. Finally, the definition of the term

"international law" was left out of the final version of Article 42(1) and transferred to the report of the Executive Directors accompanying the Convention.

I trust that the foregoing and the enclosed report and summary records will adequately clarify the meaning and background of the provision. In fact I think the provision is quite simple and straightforward. That is not to say that problems will not arise in its application to a particular situation, but those problems would not be related to the meaning of the provision but rather to the content of "international law".

If you have any further questions, please do not hesitate to write to me.

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

ABroches:cml
cc: Mr. Fligler

October 5, 1965

Dear Madame:

During the Annual Meeting you asked me for information concerning the countries which have already signed the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States as well as those which have indicated that they expect to sign in the near future.

As of this date the Convention has been signed on behalf of the following twenty-two countries (in alphabetical order): Cameroon, Central African Republic, Dahomey, Ethiopia, Gabon, Ivory Coast, Jamaica, Japan, Liberia, Luxembourg, Mauritania, Nepal, Niger, Nigeria, Pakistan, Sierra Leone, Somalia, Sweden, Tunisia, United Kingdom, United States and Upper Volta.

During the Annual Meeting the following additional countries signified their intention to sign in the near future: Afghanistan, Austria, China, Congo (Brazzaville), Denmark, Kenya, Korea, Malaysia and the Netherlands.

With kind regards,

Sincerely yours,
(Signed) A. Broches

A. Broches
General Counsel

Mrs. Suparb Yossundara
Director, Department of Economic Research
Bank of Thailand
Bangkok, Thailand

ABroches:cml

October 5, 1965

Hjortur Torfason, Esq.
Tryggvagotu 8
Reykjavik, Iceland

Dear Mr. Torfason:

Thank you for your letter of September 17, 1965. Concerning your inquiry about the provision on applicable law in the Convention on the Settlement of Investment Disputes between States and Nationals of Other States dated March 18, 1965, contained in its Article 42(1), I have discussed this matter with Mr. Broches, the General Counsel of the Bank, and he will be sending you a letter on this subject.

As far as I am aware, the legal studies that have been published on the Convention merely transcribe the text of this Article, without making an analysis of its provisions. If you wish to explore further the subject matter covered by this Article I would suggest that you look at the following materials:

- Fatouros, "Government Guarantees to Foreign Investors", Columbia University Press, New York, 1962.
- García Amador, Special Rapporteur, International Law Commission, "Responsibility of the State for Injuries Caused in its Territory to the Person or Property of Aliens - Measures affecting Acquired Rights", Doc. A/CN.4/119 (1959).
- Hyde, "Economic Development Agreements", 105 Recueil des Cours 271 (1962-I).
- Jennings, "State Contracts in International Law" 37 British Yearbook of International Law 156 (1961).
- Kaackebaeck, "The Protection of Vested Rights in International Law", 17 British Yearbook of International Law 1 (1936).
- Mann, "State Contracts and State Responsibility", 54 American Journal of International Law 572 (1960).
- McNair, "The General Principles of Law Recognized by Civilized Nations" 33 British Yearbook of International Law 1 (1957)

- Olmstead, "Economic Development Agreements Part II - Agreements between States and Aliens; Choice of Law and Remedy", 49 California Law Review 504 (1961).
- Ray, "Law Governing Contracts between States and Foreign Nationals", Proceedings of the 1960 Institute on Private Investments Abroad, Southwestern Legal Foundation, Dallas, Texas.
- Sohn and Baxter, "Responsibility of States for Injuries to the Economic Interests of Aliens", 55 American Journal of International Law 545 (1961).
- Wehberg, "Pacta Sunt Servanda", 53 American Journal of International Law 775 (1959).
- White, "Nationalisation of Foreign Property", Stevens & Sons Limited, London, 1961.
- Arbitration between Saudi Arabia and The Arabian American Oil Company, Award of August 23, 1958.
- Anglo-Iranian Oil Co. Case, Judgment of July 22, 1952, International Court of Justice Reports 1952, p.93.
- The Losinger & Co. Case, Permanent Court of International Justice, Series C, No. 78, 32 (1936).
- Case of Certain Norwegian Loans, Judgment of July 6, 1957, International Court of Justice Reports 1957, p.9.
- Resolution 1803 (xvii) adopted by the United Nations General Assembly on December 14, 1962, concerning Permanent Sovereignty over Natural Resources.

I hope that this will be of assistance to you, and I look forward to our meeting in Reykjavik later this month.

With kindest personal regards.

Sincerely yours,

Carlos Fligler
Attorney

October 5, 1965

Dear Governor Castillo:

During the Annual Meeting I received your letter dated September 15, 1965 informing me of the present status of the consideration being given by the Government of the Philippines to the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States.

For your information, as of this date the Convention has been signed on behalf of the following twenty-two countries (in alphabetical order): Cameroon, Central African Republic, Dahomey, Ethiopia, Gabon, Ivory Coast, Jamaica, Japan, Liberia, Luxembourg, Mauritania, Nepal, Niger, Nigeria, Pakistan, Sierra Leone, Somalia, Sweden, Tunisia, United Kingdom, United States and Upper Volta.

During the Annual Meeting the following additional countries signified their intention to sign in the near future: Afghanistan, Austria, China, Congo (Brazzaville), Denmark, Kenya, Korea, Malaysia and the Netherlands.

Very truly yours,

(Signed) George D. Woods

George D. Woods

The Honorable
Andres V. Castillo
Governor
Central Bank of the Philippines
Manila, Philippines

ABroches:cm1

1022 OCT-8 1965
Faint stamp or marking at the bottom center.

October 5, 1965

Dear Governor Castillo:

During the Annual Meeting I received your letter dated September 15, 1965 informing me of the present status of the consideration being given by the Government of the Philippines to the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States.

For your information, as of this date the Convention has been signed on behalf of the following twenty-two countries (in alphabetical order): Cameroon, Central African Republic, Dahomey, Ethiopia, Gabon, Ivory Coast, Jamaica, Japan, Liberia, Luxembourg, Mauritania, Nepal, Niger, Nigeria, Pakistan, Sierra Leone, Somalia, Sweden, Tunisia, United Kingdom, United States and Upper Volta.

During the Annual Meeting the following additional countries signified their intention to sign in the near future: Afghanistan, Austria, China, Congo (Brazzaville), Denmark, Kenya, Korea, Malaysia and the Netherlands.

Very truly yours,

(Signed) George D. Woods

George D. Woods

The Honorable
Andres V. Castillo
Governor
Central Bank of the Philippines
Manila, Philippines

ABROCHES:cmj

1965 OCT -6 PM 4:29

RECEIVED
GENERAL FILES
COMMUNICATIONS

510

OUTGOING WIRE

TO: DR. JULIO CUETO RUA
CORRIENTES 456
BUENOS AIRES

DATE: OCTOBER 4, 1965

CLASS OF SERVICE: ~~TELETYPE~~ *2131 Cueto R.*

ATT

COUNTRY: ARGENTINA

TEXT:

Cable No.:

IN CASE ARTICLE NOT YET PUBLISHED FOLLOWING ADDITIONAL COUNTRIES SIGNED
CONVENTION: ETHIOPIA, GABON, CAMEROON, JAPAN, SWEDEN, SOMALIA, SIERRA LEONE,
NEPAL AND LUXEMBOURG. BEST REGARDS.

A. BROCHES

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME A. Broches

DEPT. Legal

SIGNATURE *A. Broches*
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

CLEARANCES AND COPY DISTRIBUTION:
ABroches:cml

For Use by Archives Division

ORIGINAL (File Copy)

(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: *[Signature]*

SID

Files

October 4, 1965

A. Broches

SID - Kenya

During the Annual Meeting I talked to the Minister of Finance who said that his Government was planning to sign the Convention and that he believed the lawyers were giving the document a last looking over. Sometime this fall we might ask our Nairobi Office to check the status of this matter.

A Broches: C 70, 2

October 4, 1965

Concerne: Convention du 18 mars 1965 sur le règlement des différends relatifs aux investissements


Cher Monsieur,

Au printemps dernier, je vous avais signalé que nous espérons atteindre le nombre de 20 signataires à l'occasion de la Réunion Annuelle des Gouverneurs de la Banque. Par la suite, je m'étais permis de vous tenir au courant de l'état des signatures. J'ai maintenant le plaisir de vous indiquer que 12 Etats additionnels ont signé la Convention au cours du mois de septembre, ce qui porte à 22 le nombre de signatures.

Au cas où vous l'estimeriez utile, je vous laisse le soin de transmettre cette indication à l'imprimeur, aux fins de modifier éventuellement la note 8, laquelle pourrait être rédigée comme suit:

Note 8: "A l'heure actuelle, la Convention a été signée par le Cameroun, la Côte d'Ivoire, le Dahomey, les Etats-Unis d'Amérique, l'Ethiopie, le Gabon, la Haute-Volta, la Jamaïque, le Japon, le Libéria, le Luxembourg, la Mauritanie, le Népal, le Niger, le Nigéria, le Pakistan, la République Centrafricaine, le Royaume-Uni, la Sierra Leone, la Somalie, la Suède et la Tunisie. Elle a été ratifiée par le Nigéria."

En espérant que ce renseignement pourra vous être utile, je vous prie de croire, cher Monsieur, à l'expression de mes sentiments distingués.


J.-D. Roulet

Prof. Dr. K. Oftinger
Belsitostrasse 17
Zurich, Switzerland

J.-D. Roulet/jk

FOR IMMEDIATE RELEASE

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT



1818 H STREET, N.W., WASHINGTON D. C. 20433 TELEPHONE: EXECUTIVE 3-6360

Bank Press Release No. 65/50
October 1, 1965

Subject: Settlement of
Investment Disputes

The number of signatories to the Convention on Settlement of Investment Disputes between States and Nationals of Other States has now reached 22.

During September 1965, the Convention was signed on behalf of 12 countries: Liberia, Dahomey, Upper Volta, Ethiopia, Gabon, Cameroon, Japan, Sweden, Somalia, Sierra Leone, Nepal and Luxembourg.

The Convention will enter into force after signature and ratification by 20 States.

October 1, 1965

Mr. Arthur Brown
Financial Secretary
Ministry of Finance
Kingston, Jamaica

Dear Mr. Brown:

Re: Convention on Settlement of
Investment Disputes

I refer to your inquiry on further steps required on your side to complete the acceptance by Jamaica of the Convention on Settlement of Investment Disputes.

As Jamaica has already signed the Convention, the only remaining step is for your Government to deposit an instrument of ratification, acceptance or approval in accordance with the procedure outlined on page 3 of the attached memorandum, dated April 8, 1965, regarding this matter. I discussed this point briefly with Mr. Clarke on September 30, 1965.

With best personal regards,

Sincerely yours,

Shigemitsu Kuriyama
Western Hemisphere Department

Cleared in substance with & cc: Mr. Sella

cc: Messrs. Doucet
Nelson/van der Heijden
Wiens (3)



SKuriyama:sk

Mr. M. Mendels

September 30, 1965

A. Broches

SID Convention - Luxembourg signature

This is to certify that on September 28, 1965 Mr. Pierre Werner, Prime Minister and Minister of Finance of Luxembourg, in my presence signed the original copy of the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States.

Full powers were issued on September 26, 1965 and are expected to be received here within the next few days.

ABroches:cml

CROSS REFERENCE SHEET

COMMUNICATION: Memorandum

DATED: September 29, 1965

TO: Files

FROM: J. Baneth

FILED UNDER: IRAN - General Negotiations

SUMMARY: Annual Meetings: Staff Interview with the Iranian Delegation
Excerpt:

S.I.D.

7. With regard to the S.I.D. convention, the delegation stated that the project was still being examined by a number of government departments concerned, and by a special committee.

SecM65-274

FROM: The Secretary

September 29, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed on September 28, 1965, at 4:00 p.m. on behalf of Luxembourg by His Excellency Pierre Werner, Prime Minister and Minister of the Treasury of Luxembourg.
2. Luxembourg became the twenty-second member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

September 28, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of the Federal Republic of Cameroon on September 23, 1965.

Yours sincerely,



Lyell Doucet
Assistant to the Secretary

Enclosures

His Excellency
Jacques Kuoh Moukouri
Ambassador of the Federal
Republic of Cameroon
1705 New Hampshire Ave., N.W.
Washington D. C.

cc: Messrs. Kochman and Broches

LD:slb

September 27, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Gabon on September 21, 1965.

Yours sincerely,



Lyell Doucet
Assistant to the Secretary

Enclosure

His Excellency
Andre-Gustave Anguile
Minister of State of
Gabon
Sheraton Park Hotel
Maryland Suite
Washington, D. C.

cc: Messrs. Kochman and Broches

LD:slb

September 27, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Ethiopia on September 21, 1965.

Yours sincerely,

Lyell Doucet
Assistant to the Secretary

Enclosure

The Honorable
Yilma Deressa
Minister of Finance
of Ethiopia
Room B-424
Sheraton Park Hotel
Washington D. C.

CC: Messrs. Garba and Broches

LD:slb

September 27, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of Japan on September 23, 1965.

Yours sincerely,



Lyell Doucet
Assistant to the Secretary

Enclosures

His Excellency
Ryuji Takeuchi
Ambassador of Japan
2525 Massachusetts Ave., N.W.
Washington D. C. 20009

cc: Mr. Suzuki and Mr. Broches

LD:slb

SecM65-268

FROM: The Secretary

September 27, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed on September 25, 1965, at 5:00 p.m. on behalf of Sweden by His Excellency G. E. Straeng, Minister of Finance; on September 27, 1965, at 9:00 a.m. on behalf of Somalia by His Excellency Ahmed Mohamed Adan, Ambassador for Somalia; and on September 27, 1965, at 9:15 a.m. on behalf of Sierra Leone by His Excellency Gershon B. O. Collier, Ambassador for Sierra Leone.
2. Sweden, Somalia and Sierra Leone became the eighteenth, nineteenth and twentieth members, respectively, of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

September 23, 1965

Sir:

In reply to your Embassy's note of September 21, 1965, I wish to advise you that the Convention on the Settlement of Investment Disputes between States and Nationals of Other States was opened for signature on March 18, 1965.

As of today the Convention will have been signed by seventeen States. In accordance with its provisions, the Convention will enter into force after signature and ratification by twenty States.

At the opening session of the Annual Meeting of the Board of Governors on September 27, 1965, a review of the year's activities will include a report on the status of the Convention. For that reason I would express the hope that your Government will find it possible to sign the Convention prior to that time. I shall be pleased to make the necessary arrangements for the purpose.

Yours sincerely,



M. M. Mendels
Secretary

His Excellency
Maurice Steinmetz
Ambassador of Luxembourg
2210 Massachusetts Ave., N.W.
Washington, D.C. 20008



LDoucet/MMMendels/rb

cc: Mr. Toussaint

Mr. Alfred Matter

September 23, 1965

A. Broches

SID Convention - Springuel's cable No. 52

Law 65.237 of June 26 approved the Convention and authorizes the President to ratify it but does not in itself constitute the ratification required by the Convention. What is still required is an instrument of ratification in customary diplomatic form of which the Foreign Office of the Ivory Coast certainly has many examples. Please see in this connection paragraph 3 on page 6 of the Memorandum on Signature and Ratification, Acceptance or Approval of the Convention.

There is no particular reason for deposit of the instrument of ratification during the Annual Meeting and, as a matter of fact, the Minister of Finance would not be the proper person to sign it as follows from the passage in the Memorandum above referred to. It would be appreciated if upon Mr. Saller's return the matter could be taken up with him so that he could in turn alert the Minister of Foreign Affairs or the President of the Republic.

cc: Mr. El Emary/Mr. Williams
Mr. Springuel

ABroches:cml

SecM65-267

FROM: The Secretary

September 23, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 4:30 p.m. on behalf of Japan by His Excellency Ryuji Takeuchi, Ambassador of Japan.
2. Japan became the seventeenth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

810

INCOMING CABLE

DATE AND TIME OF CABLE: **SEPTEMBER 23, 1965** **1053**

LOG NO.: **WU 3**

TO: **GHOSHAL INTBAFRAD**

FROM: **KUALA LUMPUR**

ROUTING	
ACTION COPY:	MR. GHOSHAL
INFORMATION COPY:	
DECODED BY:	

TEXT:

YRTEL 22ND SEPTEMBER GOVERNMENT HAS DECIDED TO SIGN
 INVESTMENT DISPUTE CONVENANT BUT WOULD BE GRATEFUL
 IF NOT ADVANCE PUBLICITY IS GIVEN AS MINISTER WISHES
 TO ANNOUNCE THIS DECISION WHILE HE IS IN WASHINGTON.
 PLEASE CONTACT CHONG. REGARDS

RAMIAYER

MT

I N C O M I N G C A B L E

DATE AND TIME
OF CABLE:

SEPTEMBER 22, 1965 1047

LOG NO.: WU 26

TO: INTBAFRAD

FROM: KATHMANDU

R O U T I N G

ACTION COPY: MR. BROCHES

INFORMATION
COPY:

DECODED BY:

TEXT:

REURTEL 19TH AUGUST GLAD TO ADVISE AMBASSADOR KHATRI SINGH CONVENTION
SETTLEMENT INVESTMENT DISPUTES ON BEHALF NEPAL SUBJECT TO SUBSEQUENT
RATIFICATION ACCORDING NEPAL CONSTITUTIONAL PROCEDURE

FINANCE SECRETARY

NOTE: ~~TEXT BEING SERVICED.~~ UNABLE TO IDENTIFY TELEGRAM AS QUOTED

AB

INCOMING CABLE

DATE AND TIME
OF CABLE:

SEPTEMBER 22, 1965

1640

LOG NO.:

WU 25

TO:

INTBAFRAD

FROM:

ABIDJAN

ROUTING

ACTION COPY: MR. MATTER

INFORMATION COPY: MR. EL EMARY
MR. WILLIAMS

DECODED BY:

TEXT:

✓ 52 FOR MATTER

Sept. 21/65

REURCAB 47 SID CONVENTION RATIFIED BY LAW 65.237 OF JUNE 26TH.

MAILING TODAY COPY OF OFFICIAL GAZETTE CONTAINING LAW. IF

NEEDED MAYBE MINISTER FINANCE COULD DEPOSIT FORMALLY RATIFICATION

LAW WHILE IN WASHINGTON. NOBODY HERE SEEMS PREPARED ACT DURING

HIS ABSENCE

SPRINGUEL

MT

810

Form No. 27
(7-61)

INTERNATIONAL DEVELOPMENT
ASSOCIATION

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT

INTERNATIONAL FINANCE
CORPORATION

OUTGOING WIRE

TO: SVEND HARTLEV
HANDELSMINISTERIET
KOPENHAGEN

277

DATE: SEPTEMBER 22, 1965

CLASS OF SERVICE: Full Rate

COUNTRY: DENMARK

TEXT:
Cable No.:

FOR YOUR INFORMATION SWEDEN SIGNING CONVENTION THIS WEEKEND REGARDS

BROCHES

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME A. Broches

DEPT. Legal

SIGNATURE A. Broches
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

CLEARANCES AND COPY DISTRIBUTION:

ABroches:cml

For Use by Archives Division

ORIGINAL (File Copy)
(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: [Signature]

SecM65-265

FROM: The Secretary

September 22, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by Japan of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

Time: - 4:30 p.m., Thursday, September 23, 1965
Place: - Mr. Mendels' office, Room 1205
Signing Official: - His Excellency
Ryuji Takeuchi
Ambassador of Japan

Those attending the signing are requested to be in Mr. Mendels' office shortly before 4:30 p.m.

Distribution:

Mr. Suzuki
President
President's Council
Executive Vice President, IFC
Mr. Cargill
Mr. Sella
Mr. Pinto

SecM65-264

FROM: The Secretary

September 22, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed on September 21, 1965, at 4:00 p.m. on behalf of Gabon by His Excellency Andre-Gustave Anguile, Minister of State of Gabon.
2. Gabon became the fifteenth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

OUTGOING WIRE

TO: SPRINGUEL

DATE: September 21, 1965

INTBAFRAD

CLASS OF
SERVICE: NLT

ABIDJAN

COUNTRY: IVORY COAST

RCA

TEXT:

Cable No.: 47

PLEASE INFORM YOUR FOLLOW UP WITH AHMETIER ON SELLAS LETTER RE
TRANSMISSION RATIFICATION INSTRUMENTS SID CONVENTION STOP IDEAL
SOLUTION WOULD BE FOR DOCUMENTS TO BE BROUGHT BY DELEGATION
OR SENT TO BANK DURING MEETING

MATTER

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME Alfred E. Matter
Africa

DEPT.

SIGNATURE *Alfred E. Matter*
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

AEMatter:sma

ORIGINAL (File Copy)

(IMPORTANT: See Secretaries Guide for preparing form)

CLEARANCES AND COPY DISTRIBUTION:

ack. Sept. 22/65

For Use by Archives Division

Checked for Dispatch: *[Signature]*

OUTGOING WIRE

TO: RAMA IYER
TREASURY
KUALA LUMPUR

DATE: SEPTEMBER 21, 1965

CLASS OF
SERVICE: IBF GOVT.

177

COUNTRY: (MALAYSIA)

TEXT:
Cable No.: REFERENCE OUR DISCUSSIONS IN KUALA LUMPUR ABOUT INVESTMENT DISPUTE
COVENANT STOP WOULD APPRECIATE INFORMATION REGARDING GOVERNMENT
DECISION AND WHETHER COVENANT WILL BE SIGNED HERE NEXT WEEK STOP
REGARDS

GHOSHAL

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME U. K. Ghoshal

DEPT. Far East

SIGNATURE _____
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

Ghoshal 9/21

CLEARANCES AND COPY DISTRIBUTION:

Mr. Broches (with reference to our
discussion)

For Use by Archives Division

UKGhoshal:os
IERD

ORIGINAL (File Copy)

(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: _____ *mt*

INTERNATIONAL FINANCE CORPORATION

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

INTERNATIONAL INVESTMENT ASSOCIATION

OUTGOING WIRE

SEP 21 1 07 PM 1965

SEP 21 12 46 PM 1965

TO: KUALA LUMPUR
YASAM T
KUALA LUMPUR

CLASS OF SERVICE: I.B.F. GOVT.

COUNTRY: (MALAYSIA)

MEMORANDUM OF DISCUSSION IN KUALA LUMPUR ABOUT INVESTMENT DISPUTES
GOVERNMENT STOP WOULD APPROPRIATE INFORMATION REGARDING GOVERNMENT
DECISION AND WHETHER COVENANT WILL BE SIGNED HERE NEXT WEEK STOP

REGARDS

GENERAL

HOW TO BE TRANSMITTED

CLEARANCE AND CONFIRMATION
Mr. Roehen (with reference to our discussion)

U. K. Ghoshal
FAI Dept

For Use by Archive Division

Checked for signature

1965

September 20, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which was signed by you on behalf of the Republic of Upper Volta on September 16, 1965.

Yours sincerely,



M. M. Mendels
Secretary

Enclosure

His Excellency
John Borema Kabore
Ambassador of Upper Volta
5500 16th Street, N.W.
Washington D. C. 20011

cc: Messrs Kochman and Broches



LD:slb

CROSS REFERENCE SHEET

COMMUNICATION: Letter

DATED: Sept. 21, 1965

TO: Southern Methodist University

FROM: Mr. Broches

FILED UNDER: India - General

SUMMARY:

Requesting background information on Mr. S.V. Ramanna of the Bangalore Bar.

Extract:

. Mr. Ramanna in his letter expresses interest in the Bank's work and the desire to establish some form of contact, especially regarding the Bank's new activities in the ~~field~~ feild of the settlement of investment disputes.

SMA

SecM65-262

FROM: The Secretary

September 21, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 11:00 a.m. on behalf of Ethiopia by The Honorable Yilma Deressa, Minister of Finance of Ethiopia.
2. Ethiopia became the fourteenth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

P. 10

INCOMING CABLE

DATE AND TIME
OF CABLE:

SEPTEMBER 20, 1965

1445

LOG NO.:

ITT 19

TO:

PRESIDENT INTBAFRAD

FROM:

ADDIS ABABA

ROUTING

ACTION COPY:	MR. WOODS
INFORMATION COPY:	MR. KRUTHOF MR. EL EMARY
DECODED BY:	MR. WILLIAMS MR. BROCHES

TEXT:

THIS IS TO INFORM YOU THAT H.E. ATO YILMA DERESSA,
ETHIOPIAN MINISTER OF FINANCE, IS AUTHORIZED TO SIGN
ON BEHALF OF THE ETHIOPIAN GOVERNMENT THE CONVENTION ON
THE SETTLEMENT OF INVESTMENT DISPUTE. CREDENTIALS FOLLOW.

ATO SEYOUM HAREGOT ACTING FOREIGN MINISTER

FCA

SARZ

S, D

SecM65-261

FROM: The Secretary

September 20, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on the Settlement of Investment Disputes between States and Nationals of Other States was signed at 5:00 p.m. on Thursday, September 16, 1965, by His Excellency John Borema Kabore, Ambassador of Upper Volta, on behalf of the Republic of Upper Volta.

2. Upper Volta became the thirteenth member of the Bank to sign the Convention.

Distribution:

- Executive Directors and Alternates
- President
- President's Council**
- Executive Vice President, IFC
- Department Heads (Bank and IFC)

IDA	IBRD	IFC
FORM NO. 92 (10-61) CORRESPONDENCE RECORD FORM		
FROM BANK OF ISRAEL Jerusalem		DATED Sept. 16, 1965
SUBJECT Re: Convention on the Settlement of Investment Disputes bet. States and Nationals of other States.		
REFERRED TO Mr. Broches		DATE RECEIVED Sept. 23, 1965

SecM65-249

FROM: The Secretary

September 15, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by the Republic of Upper Volta of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

Time: - 5:00 p.m., Thursday, September 16, 1965
Place: - Mr. Mendels' office, Room 1205
Signing Official: - His Excellency
John Borema Kabore
Ambassador of Upper Volta

Those attending the signing are requested to be in Mr. Mendels' office shortly before 5:00 p.m.

Distribution:

Mr. Kochman
President
President's Council
Executive Vice President, IFC
Mr. El Emary
Mr. Sella
Mr. Pinto

Mr. Woods -

Have sent a spare copy to Mr. Broches.

Mr Broches

Pls prepare a ^S 9/26
polite but terse
response for me
done 9/26

Recd 9/26/65

Central Bank of the Philippines

MANILA

OFFICE OF THE GOVERNOR


September 15, 1965

Mr. George D. Woods
President
International Bank for Reconstruction
and Development
Washington, D.C. 20433
U. S. A.

Dear Mr. Woods:

In attention to your inquiry regarding adherence of the Philippines to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, I wish to enclose, for your information, copy of the letter sent by me to the Secretary of Foreign Affairs of the Philippine Government on the matter. Considering the scope and importance of the Convention, the decision on the part of the Philippines to accept and when to accept the Convention will be made by the President of the Philippines, after consultation with the Cabinet Committee on Foreign Economic Policy of which the Secretary of Foreign Affairs is the Chairman.

Very truly yours,


ANDRES V. CASTILLO
Governor

Encl.: As stated.

ack: bet 5/65

July 9, 1965

The Honorable Secretary
Department of Foreign Affairs
M a n i l a

Attn: Mr. Ganttier F. Bionar
Asst. Secretary for Legal Affairs

S i r :

In reply to your letter dated June 3, 1965 requesting our comments and/or recommendation on whether or not the Philippines should be a party to the Convention on the Settlement of Investment Disputes between States and Nationals of other States, I am pleased to furnish you here-with a copy of the official report of Mr. Amado R. Brifias, Deputy Governor of this Bank, who was the Philippine delegate to the sessions of the Legal Committee on Settlement of Investment Disputes held in November-December of 1964 in Washington, D.C., under the sponsorship of the World Bank.

The undersigned, in his capacity as Governor of the Central Bank and Governor of the World Bank (IBRD) for the Philippines, concurs in the recommendations of Mr. Brifias in his attached official report. Particular attention is invited to his suggestion that acceptance of the Convention by the Philippines should be through an enabling statute and such step should be taken only if a substantial number of capital-importing countries shall have already accepted or ratified the Convention.

Very truly yours,

ORIGINAL SIGNED
ANDRES V. CASTILLO
Governor

GCS/lc

SecM65-249

FROM: The Secretary

September 15, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by the Republic of Upper Volta of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

Time: - 5:00 p.m., Thursday, September 16, 1965
Place: - Mr. Mendels' office, Room 1205
Signing Official: - His Excellency
John Borema Kabore
Ambassador of Upper Volta

Those attending the signing are requested to be in Mr. Mendels' office shortly before 5:00 p.m.

Distribution:

Mr. Kochman
President
President's Council
Executive Vice President, IFC
Mr. El Emary
Mr. Sella
Mr. Pinto

SID

CROSS REFERENCE SHEET

COMMUNICATION: Memorandum

DATED: September 14, 1965

TO: Mr. Alexander Stevenson

FROM: O. J. McDiarmid

FILED UNDER: IRAN - General Negotiations

SUMMARY:

Excerpt:

3. SID Convention: This matter is now in the hands of the Minister of Finance, who told me that he proposed to take it up soon with the Council of Ministers. He is recommending approval but was not sure that Iran would be among the first twenty adherents. There is no substantive difficulty, and the Minister understands that the oil agreements can be excluded. I suggested that action be expedited as much as possible, and the Minister promised to do so.

Mr. Broches

September 14, 1965

L. Nurick /initialed/ L.N.

Tanzania; S.I.D.

When I was in Tanzania I spoke to Mr. Mtei, Principal Secretary of the Treasury, about Tanzania's adhering to the S.I.D. Convention. Mr. Bomani was out of the country. Mr. Mtei told me that the Government had decided not to sign for the time being since, in their opinion, private foreign investors have more than ample protection under the Tanzania Investment Act. (This Act does go very far in regard to matters such as repatriation of profits, but it provides for access to local courts.) Mr. Mtei thought that a letter had already been sent to the Bank to the above effect. I told him that up to the time I left Washington no such letter had been received.

I also explained to him the status of the Convention. He was particularly interested in the fact that other African countries had signed it, but he did not indicate that the Government would change its mind.

I later spoke to Roland Brown, Attorney General, and told him of the foregoing. Mr. Brown said that he thought Tanzania should sign the Convention and that he would like to pick the right time to raise the matter again in the Government. I also spoke about the matter to David Kadane, an old friend of mine who happens to be working as a Peace Corps lawyer for Roland Brown on commercial, financial and investment agreements. He is very close to Roland Brown, who thinks highly of him. Kadane too thought that Tanzania should sign.

cc: Mr. Pinto
Mr. Sella

LNurick:vv

Mr. Broches

September 11, 1965

L. Nurick /initialed/ L.N.

Kenya; S.I.D.

I spoke to Mr. Gichuru, Minister of Finance of Kenya, when I was there last week about S.I.D. At first he didn't know what I was talking about but then recalled the matter. He said that he would certainly recommend to the Cabinet that Kenya sign the Convention at the proper time, but he has not done so yet. He said that he would review the matter again and would talk to me at the Annual Meeting if he has any problems. I think it would be useful if you could see him yourself during the meeting. I will try to do so in any case.

LNurick:vv

cc: Mr. Sella
Mr. Pinto

SecM65-253

FROM: The Secretary

September 14, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by Sierra Leone of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

Time: - 4:00 p.m., Thursday, September 16, 1965
Place: - Mr. Mendels' office, Room 1205
Signing Official: - His Excellency
Gershon B. O. Collier
Ambassador of Sierra Leone

Those attending the signing are requested to be in Mr. Mendels' office shortly before 4:00 p.m.

Distribution:

Mr. Garba
President
President's Council
Executive Vice President, IFC
Mr. El Emary
Mr. Sella
Mr. Pinto

September 13, 1965

Dear Sir:

I enclose two certified copies of the
Convention on the Settlement of Investment
Disputes between States and Nationals of Other
States which was signed by you on behalf of the
Republic of Dahomey on September 10, 1965.

Yours sincerely,




M. M. Mendels
Secretary

Enclosure

His Excellency
Louis Ignacio-Pinto
Ambassador of Dahomey
Embassy of Dahomey
Washington D. C.

cc: Messrs. Kochman and Broches



LD:slb

Septiembre 13, 1965

Dr. Raúl Sapena Pastor
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Asunción, Paraguay

Estimado Raúl:

Tengo el gusto de enviarle el No. 3 del Volumen II de la publicación conjunta del Fondo Monetario Internacional y El Banco Internacional de Reconstrucción y Fomento titulado "Finanzas y Desarrollo". El primer artículo trata sobre el "Arreglo de Diferencias Relativas a Inversiones". El artículo contiene una interesante exposición sobre el Convenio.

La revista "Finanzas y Desarrollo" se distribuye trimestralmente a las personas interesadas en la labor del Fondo y del Banco. Estoy pidiendo que de ahora en adelante se la envíen a usted porque estoy seguro que encontrará muchos artículos de interés especial.

Su afectísimo amigo y seguro servidor,

César Durán-Ballén
Departamento del
Hemisferio Occidental

P. D. En mi carta del 23 de agosto le decía que siete países ya habían firmado el Convenio. A la fecha son 10 los países firmantes: Tunisia, Reino Unido, Estados Unidos, Pakistan, Mauritania, Nigeria, Jamaica, Costa de Marfil, República Centro Africana, Niger. Creo que antes del 27 se habrán completado las 20 firmas.

cc: Dr. César Romeo Acosta

CésarDuránBallén/tr

Anexo

SecM65-250

FROM: The Secretary

September 10, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 4:00 p.m. on behalf of Dahomey by His Excellency Louis Ignacio-Pinto, Ambassador of Dahomey.
2. Dahomey became the twelfth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

X-413-72
Jenl files

September 10, 1965

Dr. Aurelio Garcia Sayan
Jiron Cuzco 177
Tercer Piso
Lima, Peru

Dear Aurelio:

I acknowledge receipt of your letter of August 18 which awaited me upon my return from my vacation.

We are glad to have your memorandum with respect to the procedures for adoption of the Convention for the Settlement of Investment Disputes. In accordance with our discussion in Lima recently, I understand you will make informal inquiries with members of the Commission, or others, with respect to the consideration being given the Convention and attitudes expressed about it.

I am also grateful for the clipping from La Prensa, i.e., the Open Letter to Engineer Renato Rossi. It is my impression that such a letter is unusual. When you have an occasion to write me, would you let me know whether that impression is correct? I have made particular point of calling this Open Letter to the attention of the appropriate people in the Bank.

It was, as always, a pleasure to see you and Lucha in Lima. Please convey my remembrances to her and to your associates, especially Manuel Echeopar.

With most cordial personal regards,

Sincerely yours,

C EW

C. Eugene Webb

CEW:bmc

510

September 10, 1965

Embassy of Panama
2601 29th Street, N.W.
Washington D.C. 20008

Dear Sirs:

All the documents which have been forwarded to Mr. Carlos Lopez Tejada who attended the Convention on the Settlement of Investment Disputes between States and Nationals of Other States at the address indicated on the attached returned envelope have been returned to this office.

I shall be very pleased if you could forward these documents to him.

Very truly yours,



Piero Sella
Attorney

Encl.

PSella/ar

811

FORM NO. 92 (10-61)		IDA	IBRD	IFC
CORRESPONDENCE RECORD FORM				
FROM			DATED	
Embassy of Sierra Leone Washington (E.E. Mbayo)			Sept. 10, 1965	
SUBJECT				
Encl. doc. empowering Mr. G.B.O. Collier to sign all docs. relating to "Convention on the Settlement of Investment Disputes between States and Nationals of other States"				
Addressed to Mr. Mendels &				
REFERRED TO			DATE RECEIVED	
Office of Sec'ty			Sept. 13, 1965 ks	

Le 10 septembre 1965

Monsieur Berthold Goldman
15, rue Clément Marot
Paris (8e), France

Mon cher Ami,

Je suis en train d'achever l'article sur la Convention pour le règlement des différends relatifs aux investissements que tu m'as demandé de préparer pour le Clunet.

Il faut bien entendu que je le discute avec M. Broches avant de pouvoir te l'envoyer. Néanmoins, je pense qu'il me sera possible de te le faire parvenir d'ici quelques semaines.

Je te serais reconnaissant de m'indiquer quand tu comptes pouvoir le publier. L'article devrait comporter de 25 à 30 pages imprimées.

Toujours bien amicalement à toi,

Georges R. Delaume

GRDelaume/nn



September 9, 1965

Dear Mr. Sapateiro:

Thank you for your kind letter which I found upon my return from Europe. I shall be looking forward to learning from the Portuguese Governor what the attitude of your Government is on the Convention.

I want to assure you that I, too, have retained the best memories of the meetings of the Legal Committee and of our collaboration on that occasion.

Sincerely yours,

(Signed) A. Broches

A. Broches
General Counsel

Mr. J. Luis Sapateiro
Ministerio de Finanzas
Lisbon
Portugal

ABroches:cml

1882 2EB 10 0415: S1

CONFIDENTIAL
RECEIVED

September 9, 1965

Dear Mr. Sapatiro:

Thank you for your kind letter which I found upon my return from Europe. I shall be looking forward to learning from the Portuguese Governor what the attitude of your Government is on the Convention.

I want to assure you that I, too, have retained the best memories of the meetings of the Legal Committee and of our collaboration on that occasion.

Sincerely yours,

Richard A. Broches

A. Broches
General Counsel

Mr. J. Luis Sapatiro
Ministerio de Finanças
Lisbon
Portugal

ABroches:cmj

1965 SEP 10 PM 12:21

RECEIVED
GENERAL FILES
COMMUNICATIONS

810

Form No. 27
(7-61)

INTERNATIONAL DEVELOPMENT
ASSOCIATION

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT

INTERNATIONAL FINANCE
CORPORATION

OUTGOING WIRE

TO: N. U. JAYAWARDENA
MERCREDIT
COLOMBO

DATE: SEPT. 9, 1965

CLASS OF SERVICE: FULL RATE

2/21

COUNTRY: CEYLON

TEXT:
Cable No.:

GRATEFUL YOU EXPLORE INFORMALLY STATUS OF CONSIDERATION BY GOVERNMENT OF ACTION ON CONVENTION ON SETTLEMENT OF INVESTMENT DISPUTES STOP IF ACTION TO BE POSITIVE PERHAPS LEADER OF DELEGATION TO BANKS ANNUAL MEETING MAY BE EMPOWERED TO SIGN CONVENTION STOP BANK CONSIDERS OBTAINING OF TWENTY SIGNATURES BEFORE ANNUAL MEETING TO BE OF HIGH PRIORITY STOP TO DATE ELEVEN COUNTRIES HAVE SIGNED NINE OF THEM CAPITAL IMPORTERS.

CHRISTOPHER

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME C. Pinto

DEPT. Legal

SIGNATURE *C. Pinto*
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

CLEARANCES AND COPY DISTRIBUTION:

For Use by Archives Division

ORIGINAL (File Copy)
(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: *[Signature]*

OUTGOING WIRE

TO: U. S. BANK
 DATE: SEP 9 1965
 CLASS OF SERVICE: TELETYPE
 REFERENCE: NY 100

COUNTRY: USA
 TEXT: NY 100
 CABLE NO.:

URGENT. YOU EXPRESS IMMEDIATE STATUS OF CONSIDERATION BY MEMBERS
 OF ACTION ON CONVICTION ON SETTLEMENT OF INVESTMENT DISPUTES AND TO
 AGREE TO BE POSITIVE PREPARS LEADER OF DELEGATION TO BANKS ANNUAL
 MEETING MAY BE EMPOWERED TO SIGN CONVICTION STOP BANK MEMBERS
 CERTAINLY OF TWENTY SIGNATURES BEFORE ANNUAL MEETING TO BE OF HIGH
 PRIORITY STOP TO DATE ELEVEN COUNTRIES HAVE SIGNED MEMO OF
 UNDERSTANDING

RECEIVED

SEP 9 6 21 PM 1965

COMMUNICATIONS
 GENERAL

NOT TO BE TRANSMITTED

REMARKS AND OTHER INFORMATION

NAME: _____

DEPT: _____

SIGNATURE: _____

FOR USE BY ROUTING SLIP ADDRESS DIVISION

ORIGINAL FILE COPY

IMPORTANT: See instructions regarding form checked in checked for errors

SecM65-244

FROM: The Secretary

September 8, 1965

SETTLEMENT OF INVESTMENT DISPUTES

Arrangements have been made for signing by the Republic of Dahomey of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States:

<u>Time</u>	- 4:00 p.m., Friday, September 10, 1965
<u>Place</u>	- Mr. Mendels' office, Room 1205
<u>Signing Official</u>	- His Excellency Louis Ignacio-Pinto Ambassador of Dahomey

Those attending the signing are requested to be in Mr. Mendels' office shortly before 4:00 p.m.

Distribution:

Mr. Kochman
President
President's Council
Executive Vice President, IFC
Mr. El Emary
Mr. Sella
Mr. Pinto



Record Removal Notice

File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date September 8, 1965	Document Type Memorandum			
Correspondents / Participants To: Mr. Othmar Haushofer From: A. Broches				
Subject / Title Settlement of Investment Disputes - Austria				
Exception(s)				
Additional Comments Declassification review of this record may be initiated upon request.		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group. <table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

September 7, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of other States which was signed by you on behalf of the Government of Liberia on September 3, 1965.

Sincerely yours,



M. M. Mendels
Secretary

Enclosure

Mr. J. Charles Hansford
Counselor
Embassy of Liberia
5201- 16th St., N. W.
Washington D. C. 20011

cc: Messrs. Garba and Broches.



LD:slb

810

SecM65-242

FROM: The Secretary

September 7, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed on September 3, 1965 at 4:30 p.m. on behalf of Liberia by Mr. J. Charles Hansford, Counselor at the Liberian Embassy in Washington.
2. Liberia became the eleventh member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

SID

CROSS REFERENCE SHEET

COMMUNICATION: Memorandum Attached to letter # 94 ✓
DATED: September 6, 1965
TO: Mr. Kruithof (letter) - Files (Memorandum)

FROM: Mr. Burney

FILED UNDER: SOMALIA - General Negotiations

SUMMARY:

Excerpt:

Pinto/Sella
SID. I casually asked the Minister of Finance and the Minister of State for Planning, the status of signature by Somalia of the SID Convention and I was given to understand that the government had no objection in principle to joining the Centre. It was possible that the Convention would be approved by the Council of Ministers and signed before the Annual Meeting. The Convention was with the Minister of Foreign Affairs and the Minister of State for Planning promised that he would follow-up this matter. I did not push this further because of the wishes of Washington that I should only make informal inquiries.

(I was told, confidentially, by Dr. Palamenghi-Crispi that there might be some objection in the Parliament about Somalia's joining SID as some members felt that the country would be giving up some of its sovereign rights by joining SID. He agreed that it was the question of proper explanation and presentation to the Parliament as to the scope and function of SID and the obligations of its members, which certainly do not prejudice ~~their~~ ~~sovereign rights.~~ ~~of member countries.~~)

SID

CROSS REFERENCE SHEET

COMMUNICATION: Letter # 9h and Memorandum ✓
DATED: September 6, 1965
TO: Mr. Kruthof (Letter) Files (Memorandum)

FROM: Mr. Burney

FILED UNDER: Sudan - General Negotiations

SUMMARY: Excerpt:

(g) SID. Abdel Rahim was still waiting for the Arabic translation from El Fishawy. What he had received (translated in Arabic) was a memorandum summarizing the main features of the Convention and not the full text of the Convention. While in Khartoum I sent a personal cable to El Fishawy asking when the government could expect a full translation. I have not heard anything as yet. Abdel Rahim said that the Attorney General's Office had started the translation on its own and it was quite likely that it would have been presented to the Council of Ministers and approved before the Annual Meeting. I am, however, doubtful that Sudan will sign before the Annual Meeting, unless the Arabic translation is available immediately.

Mr. Burney
9/11/65

le 3 septembre 1965

Buchdruckerei
Schulthess & Co. AG
8022 Zurich
Switzerland

Concerne: Règlement des différends relatifs
aux investissements

Messieurs,

Au cas où mon article sur la question ci-dessus n'aurait pas encore été imprimé et dans la mesure où vous auriez encore la possibilité d'apporter quelques modifications sans trop de complications d'ordre technique, je me permets de vous suggérer de remplacer la note 8 par le texte suivant, afin de tenir compte des nouvelles accessions à la Convention:

Note 8: "A l'heure actuelle, la Convention a été signée par la Côte d'Ivoire, les États-Unis d'Amérique, la Jamaïque, le Libéria, la Mauritanie, le Niger, le Nigéria, le Pakistan, la République Centrafricaine, le Royaume-Uni et la Tunisie, et a été ratifiée par le Nigéria."

Veuillez agréer, Messieurs, l'expression de mes sentiments distingués.


J.-D. Roulét

cc: Prof. Dr. Otfinger

1002 2E5 -J EN 2:15

CONFIDENTIAL
RECEIVED

Le 3 septembre 1965

Buchdruckerei
Schulthess & Co. AG
8022 Zurich
Schweiz

Gouvernement des différents relatifs
aux investissements

Messieurs,

En cas de non article sur la question ci-dessus n'aurait pas encore été imprimé et dans la mesure où vous auriez encore la possibilité d'apporter quelques modifications sans trop de complications d'ordre technique, je me permets de vous suggérer de remplacer la note 8 par le texte suivant, afin de tenir compte des nouvelles additions à la Convention:

Note 8: "A l'heure actuelle, la Convention a été signée par la Côte d'Ivoire, les États-Unis d'Amérique, la Jamaïque, le Libéria, la République Centrafricaine, le Nigeria, le Pakistan, la République Centrafricaine, le Royaume-Uni et la Tunisie, et a été ratifiée par le Nigeria."

Veuillez agréer, Messieurs, l'expression de mes sentiments distingués.

J.-D. Roulet

cc: Prof. Dr. Orfinger

1965 SEP -7 PM 5:42

RECEIVED
GENERAL FILES
COMMUNICATIONS

SID

Mr. Piero Sella

September 3, 1965

Alexander Stevenson

Iran's Adherence to SID

Mr. McDiarmid's mission has discussed Iran's adherence to SID and expects to do so again with the Finance Minister. At the present time, however, they do not think it likely that Iran would be able to sign before the Annual Meeting.


AStevenson:bl

ROUTING SLIP

Date
Sept. 2

OFFICE OF THE PRESIDENT

Name

Room No.

~~Mr. Mendels~~

~~Mr. Wishart~~

Action

Note and File

Approval

Note and Return

Comment

Prepare Reply

Full Report

Previous Papers

Information

Recommendation

Initial

Signature

Remarks

Please see and then return to me for
Mr. Woods.
No doubt you will let us know when
arrangements have been fixed for this
signing.

From

G.C. Wishart

810
SEP 2 REC'D

INCOMING CABLE

DATE AND TIME OF CABLE: SEPTEMBER 2, 1965 1258

LOG NO.: RC 30

TO: WOODS INTBAFRAD

FROM: MONROVIA

ROUTING	
ACTION COPY:	MR. WOODS
INFORMATION COPY:	MR. BROCHES
DECODED BY:	

TEXT:

WISH TO INFORM THAT J CHARLES MANSFORD CHARGE D'AFFAIRES AI OF THE LIBERIAN EMBASSY WASHINGTON HAS BEEN AUTHORIZED TO SIGN ON BEHALF OF GOVERNMENT CONVENTION ON SETTLEMENT DISPUTES BETWEEN STATES AND NATIONALS OF OTHER STATES. REGARDS

J RUDOLPH GRIMES
SECRETARY OF STATE OF LIBERIA

~~1. Mr. Mendenhall.~~ ³ 2 Sep.

2. Ms. Woods. (in return)

To see for information.

JW
25/9/65

810

INCOMING CABLE

DATE AND TIME
OF CABLE:

SEPTEMBER 2, 1965 1258

LOG NO.:

RC 30

TO:

WOODS INTBAFRAD

FROM:

MONROVIA

ROUTING

ACTION COPY:	MR. WOODS
INFORMATION COPY:	MR. BROCHES
DECODED BY:	

TEXT:

WISH TO INFORM THAT J CHARLES MANSFORD CHARGE D'AFFAIRES AI OF THE
 LIBERIAN EMBASSY WASHINGTON HAS BEEN AUTHORIZED TO SIGN ON BEHALF
 OF GOVERNMENT CONVENTION ON SETTLEMENT DISPUTES BETWEEN STATES AND
 NATIONALS OF OTHER STATES. REGARDS

J RUDOLPH GRIMES
 SECRETARY OF STATE OF LIBERIA

Legal Files

September 2, 1965

Piero Sella

S.I.D. Convention - Liberia

The Liberian Secretary of State has cabled Mr. Woods that the Liberian Chargé d'Affaires a.i. in Washington has been authorized to sign the Convention.

cc: Mr. Broches o/r
Mr. Clark
Mr. El Emery

PS

PSella/ar

810

Letter # 50

September 1, 1965

Mr. Alfred Matter
International Bank for Reconstruction
and Development
P.O. Box 1850
Abidjan
IVORY COAST

S.I.D. Convention - Ivory Coast

Dear Alfred:

Ronnie Broches has asked me to write to you about Ivory Coast's ratification of the Convention on the Settlement of Investment Disputes. As you probably know, Nigeria has become the first signatory State to ratify the Convention and deposit its instrument of ratification with the Bank. Since Ivory Coast had obtained some time ago the necessary authority from its Parliament to ratify the Convention, it would be a good thing if they could proceed with the deposit of its instrument of ratification before the forthcoming Annual Meeting.

Perhaps you could be so kind as to take up this matter with the proper authorities in Abidjan.

The Convention has now been signed by ten countries, the last being the United States, and we still hope to have twenty signatures and a few ratifications before the Annual Meeting.

For your convenience I enclose herewith two copies of a Memorandum on Signature and Ratification of the Convention which was issued some time ago by the Bank and sent to all member Governments. It may be useful for your conversations with the Ivory Coast authorities.

I hope to see you in Washington during the Annual Meeting.

With kindest regards,

Sincerely yours,



Piero Sella
Attorney

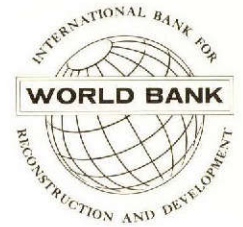
Encl.

cc: Mr. Broches
Mr. Pinto

PSella/ar

FOR IMMEDIATE RELEASE

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT



1818 H STREET, N.W., WASHINGTON D. C. 20433 TELEPHONE: EXECUTIVE 3-6360

Bank Press Release No. 65/41
September 1, 1965

Subject: Settlement of Investment
Disputes

During August 1965, the Convention on Settlement of Investment Disputes between States and Nationals of Other States, submitted to governments by the Executive Directors of the World Bank, was signed on behalf of the Republic of Niger (August 23), the Central African Republic (August 26) and the United States of America (August 27).

There are now ten signatories to the Convention.

The Federal Republic of Nigeria became the first country to ratify the Convention by depositing its instrument of ratification on August 23.

The Convention will enter into force after signature and ratification by 20 States.

810

I N C O M I N G C A B L E

DATE AND TIME
OF CABLE:

AUGUST 30, 1965 1915

LOG NO.:

WU 2

TO:

MENDELS INTBAFRAD

FROM:

RABAT

R O U T I N G

ACTION COPY:	MR. MENDELS
INFORMATION COPY:	
DECODED BY:	

TEXT:

PRIERE INFORMER MONSIEUR WOODS QUE DECRET ROYAL RELATIF
 CONVENTION SUR INVESTISSEMENTS EST A LA SIGNATURE INSTRUCTIONS
 SERONT DONNES SOUS FEU A NOTRE AMBASSADE WASHINGTON POUR
 SIGNER DOCUMENTS EN QUESTION POUR LE MAROC MEILLEURS SENTIMENTS

TAZI

August 30, 1965

Dr. Jose Luis Sapateiro
Banco de Fomento Nacional
Rua Braamcamb, 5
Lisbon
PORTUGAL

Dear Dr. Sapateiro:

Thank you very much for your letter.

Yves Rovani has thoroughly convinced me that the Algarve is the place to go: alas, after all the dutiful visits to parents and relatives at home, time and funds became short and we had to skip Portugal this time. I hope that with better planning, next leave we shall come.

I was glad to hear that the Convention is being studied by the appropriate offices in your Government. It is certainly not a perfect instrument and I share some of your dislike of Article 25, although probably for different and perhaps opposite reasons. But I am convinced that it is the best that could be worked out and agreed at this time and that it will prove very useful for many countries.

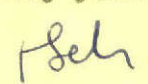
The Convention, however, is receiving a rather encouraging acceptance: in addition to the countries mentioned in my last letter, Niger, the Central African Republic and the United States have signed it and Nigeria has been the first signatory State to deposit its instrument of ratification.

We have not yet heard anything from Latin America, but if one is to believe certain straws in the wind, we might soon have some signatories from that part of the world.

Will you not be coming with Mr. Pinto Barbosa to the Bank's Annual Meeting? I hope in any case to see you again soon.

With kindest regards, I am,

Sincerely yours,



Piero Sella

PSella/ar

August 28, 1965

Mr. Lind

Harold Graves

SID Convention

Mr. Garba called me yesterday to inquire whether publicity might be given to the fact that Nigeria had become the first country to ratify (the next step beyond signature) the SID Convention. I told him that we would undertake to include a sentence about this in the draft of our next monthly announcement of SID signatures; but that I did not know what the lawyers might do to the draft.

cc: Mr. Sella
Miss Maher

HNG
HNG:ap

August 27, 1965

Mr. Eugene R. Black
Chase Manhattan Bank
1 Chase Manhattan Plaza
New York, New York

Dear Gene:


I attended the ceremony in Joe Fowler's office this morning in which the United States affixed its signature, subject to ratification by the Senate, to the Convention for the Settlement of International Investment Disputes. I thought you might be interested to see the text of the Treasury Press Release on this subject (copy enclosed).

With best regards,

Sincerely yours,

J. Burke Knapp
Vice President

Enclosure

 JBK:pp:sjj

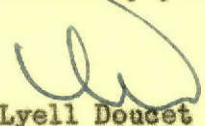
August 27, 1965

Dear Mr. Hirschtritt:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of other States which was signed by The Honorable Henry H. Fowler, Secretary of the Treasury, on behalf of the Government of the United States on August 27, 1965.

If additional copies are required please let me know.

Sincerely yours,



Lyell Doucet
Assistant to the Secretary

Enclosure

Mr. Ralph Hirschtritt
Special Assistant to the
Assistant Secretary of the
Treasury for International Affairs
Main Treasury Building, Room 3213
Washington D. C. 20220

cc: Messrs. Merchant and Broches

LD:slb

SecM65-234

FROM: The Secretary

August 27, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 11:30 a.m. on behalf of the United States by The Honorable Henry H. Fowler, Secretary of the Treasury.
2. The United States became the tenth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

August 26, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of other States which was signed by you on behalf of the Government of the Central African Republic on August 26, 1965.


Sincerely yours,


M. M. Mendels
Secretary

Enclosure

His Excellency
Michel Gallin-Douathe
Ambassador of the Central
African Republic
1618 22nd Street, N. W.
Washington D. C. 20008

cc: Messrs. Kochman and Broches


LD:slb

SecM65-232

FROM: The Secretary

August 26, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 10:00 a.m. on behalf of the Central African Republic by His Excellency Michel Gallin-Douathe, Ambassador of the Central African Republic at Washington.
2. The Central African Republic became the ninth member of the Bank to sign the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

510

Form No. 27
(7-61)

INTERNATIONAL DEVELOPMENT
ASSOCIATION

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT

INTERNATIONAL FINANCE
CORPORATION

OUTGOING WIRE

TO: A. BROCHES
BOITE POSTALE NO. 7
SEILLANS (VAR)

INR

DATE: AUGUST 26, 1965

CLASS OF SERVICE: FULL RATE

COUNTRY: FRANCE

TEXT:
Cable No.:

CENTRAL AFRICAN REPUBLIC SIGNED CONVENTION TODAY USA SIGNING TOMORROW

REGARDS

SELLA

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME P. Sella

DEPT. Legal

SIGNATURE Pino Sella
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

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(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: _____

INTERNATIONAL TELEPHONE AND TELEGRAPH COMPANY

INTERNATIONAL TELEPHONE AND TELEGRAPH COMPANY

INTERNATIONAL TELEPHONE AND TELEGRAPH COMPANY

OUTGOING WIRE

TO: A. BROOKS
1011 POSTAL NO. 7
SHELTON (VIR)

DATE: AUGUST 26, 1965
CLASS OF SERVICE: FULL RATE

COUNTRY: FRANCE

GENERAL AERIAL SERVICE TO BE USED FOR ALL AIR MAIL COMMUNICATIONS

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AUG 26 3 12 PM 1965

AUG 26 3 15 PM 1965
F. Sells
Legal

COMMUNICATIONS
GENERAL

COMMUNICATIONS
GENERAL

Handwritten signature

DISPATCHED

For Use by Receiver Division

Checked for postage

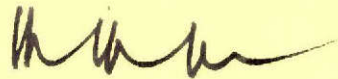
IMPORTANT: see instructions on back for operating form

August 25, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of other States which was signed by you on behalf of the Government of Niger on August 23, 1965.

Sincerely yours,



M. M. Mendels
Secretary

Enclosure

Mr. Illa Salifou
Counselor
Embassy of the Republic
of Niger
2013 Q Street, N.W.
Washington D. C. 20009



LD:slb

cc: Mr. Kochman
Mr. Broches

1822 WNC SE 211 S: 10

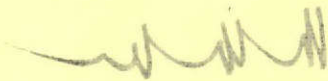
RECEIVED
GENERAL LITER
RECEIVED

August 25, 1965

Dear Sir:

I enclose two certified copies of the Convention on the Settlement of Investment Disputes between States and Nationals of other States which was signed by you on behalf of the Government of Niger on August 23, 1965.

Sincerely yours,



M. M. Mendais
Secretary

Enclosure

Mr. Ilya Salikov
Counselor
Embassy of the Republic
of Niger
2013 G Street, N.W.
Washington D. C. 20009



ID:ajp

cc: Mr. Kochman
Mr. Broches

1965 AUG 26 PM 2:44

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GENERAL FILES
COMMUNICATIONS

Mr. C. P. Pinto

August 25, 1965

Arie Kruihof

SID - Signature by Ethiopia

The following paragraph from Mr. Burney's letter No. 87 of August 16, 1965 is of interest to you.

"Signature of SID: I have taken up this matter with Ato Menasse and the Minister of Finance. The Amharic translation of the convention has been completed and I have been promised that the Minister of Finance will present it to the Council of Ministers within a day or two for approval, and will have the authorization to sign when he comes to Washington (about September 15). I have been pressing for earlier signature by the Ethiopian Ambassador in Washington."

AKruihof:pa

8/13

Senjogine - Gen

Washington 24/8/65 ^{S.10}

My dear Sir,

²¹²
^{4th.}
^{21st}
^{9/11}
Further to our conversation on S.10 prior to your departure, I am enclosing herewith a few documents which might be of use in your discussions. This documents are, of course, confidential, and are for your information only.

Since your departure, ~~we~~ we have had our first ratification viz. Nigeria. Nigeria is thus the first actual party to the Convention. In addition, Niger has become the eighth signatory. The other signatories are: Mauritania, Pakistan, Ivory Coast, Jamaica, United Kingdom, Tunisia and Nigeria (now a full party.) Others in the "wings" are the U.S., Japan, Dahomey, Morocco and Senegal. There is also no question but that the 4 principle Scandinavian countries will sign before the Annual Meeting.

Good luck! and warmest regards

Chris Puro

S D

Agosto 24, 1965

Dr. César Romeo Acosta
Presidente
Banco Central del Paraguay
Asunción, Paraguay

Mi querido tocayo:

Debía haberle escrito hace varios días para agradecerle por sus múltiples atenciones durante mi deliciosa estadía en Asunción. Como usted sabe pasé encantado y muy honrado por haber sido recibido por el Consejo Nacional de Coordinación Económica. Espero que la exposición que allí hice haya sido de interés para el Presidente y para los miembros del Consejo.

PA 396/12
Todavía no he recibido la solicitud formal del Gobierno del Paraguay para la ruta Coronel Oviedo-Villarica pero es posible que la traiga Sitjar cuando él venga la semana próxima.

En estos días debe estar usted atareado atendiendo a Schaefer-Kehnert y a Steckhan quienes están analizando el segundo plan ganadero. Espero que el informe técnico esté listo muy pronto para así poder entrar a discutir un segundo préstamo para la ganadería.

PA 396/12
El Ministro Barrientos me ha comunicado que la ley que creó la Administración Nacional de Navegación y Puertos fué sancionada por el Parlamento y espero que de acuerdo con las conversaciones que tuvimos con el Dr. Saldivar se hayan efectuado los cambios que sugerí. Quiero agradecerle por el gran interés que tomó y por su preocupación por este asunto.

51)
Por último quisiera enviarle, adjunta a la presente, copia de la carta que me permití dirigir a Raúl Sapena Pastor insistiéndole en que el Paraguay sea el primer país latinoamericano y uno de los fundadores del Centro para Arreglos de Diferencias Relativas a Inversiones. Yo creo que si usted lee nuevamente el Convenio y sus antecedentes verá que no hay razón para que un país se oponga ingresar a dicho centro. El centro se basa sobre el principio del consentimiento (le ruego leer especialmente el Artículo 25 y notará que es necesario consentimiento por escrito en cada caso para que el Centro pueda actuar). He hablado con Juan Plate sobre la conveniencia de que el Paraguay suscriba el Convenio y él me ha dicho que escribirá al Presidente de la República recoméndandolo. Si usted y Raúl

Dr. César Romeo Acosta

- 2 -

Agosto 24, 1965

hicieran lo mismo estoy seguro que el Presidente consentiría a autorizar a suscribir el Convenio.

En unión de Chiquita reciba usted los más cordiales y afectuosos saludos de Popy, César Agustín y míos.

Su afectísimo amigo y seguro servidor,

César Durán-Ballén
Departamento del
Hemisferio Occidental

P. D. Ya tengo arreglada su máquina Polaroid.

810

Mrs. Marvel O. Pollock

August 24, 1965

Piero Sella

S.I.D. Convention - Instrument of Ratification

In order to facilitate the consultation of the instruments of ratification (or acceptance or approval) of the S.I.D. Convention by our Department, I shall be grateful if you will send a photostat copy of such instruments to Legal Files shortly after they have been deposited in your files.

cc: Mr. Fowler
Legal Files


PSella/ar

Mr. Piero Sella

August 24, 1965

Michael H. Wiehen

SID Convention - Costa Rica

During my visit to Costa Rica last week I met with Dr. Rodolfo Lara, who is Chairman (and not Vice Chairman) of the Board of Directors of the Banco Central de Costa Rica, to enquire about the status of deliberations in the Costa Rican Government regarding the SID Convention. Dr. Lara told me that only a day before I met with him he had received a lengthy legal opinion of the Legal Department of the Banco Central which he called "very favorable". I had a chance to read the opinion very quickly and saw that it comes to the conclusion that (a) it will be very advantageous for Costa Rica to sign the Convention and (b) there are no legal reasons why Costa Rica should not sign. Dr. Lara told me that this legal opinion would now be submitted to the Board of the Banco Central for their recommendation. He said there was no doubt in his mind that the Board would make a favorable recommendation to the Government. Thereafter the Government will have to analyze the Convention. Dr. Lara said he was "almost sure" that the Government would come to a favorable decision. As a next step then the Government would instruct its Ambassador in Washington to sign the Convention. Thereafter the Convention will be submitted to Congress for ratification. Dr. Lara said he could make no prediction as to what Parliament might do with the Convention.

Asked about the timing of the steps to be taken now, Dr. Lara replied that he was very hopeful that the Ambassador would be instructed to sign the Convention in about two weeks or at least before the Annual Meeting. When I told Dr. Lara how interested Mr. Woods and Mr. Broches are in seeing the Convention signed by Costa Rica before the Annual Meeting, he promised to put all his weight behind the proposal. He also promised to talk to the Finance Minister that same afternoon about the Convention.

I also asked Dr. Lara if there was any attempt by other Latin American countries to form a common front. He replied that a few weeks ago indeed such an attempt was made, and that his answer had been that Costa Rica would join such a common front if the basic attitude towards the Convention were positive. He said that Costa Rica would have joined such a common front even if some changes in the Convention had been asked for by other Latin American countries. However, since their basic attitude was negative, Costa Rica refused to join.

MHW

MHW:tsb

cc: Messrs. Alter/Vignes, Broches and Pinto

August 23, 1965

Gentlemen:

This will acknowledge the deposit today, with the International Bank for Reconstruction and Development, of the Instrument of Ratification, dated at Lagos on August 10, 1965, by the Federal Republic of Nigeria of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

Yours sincerely,



M. M. Mendels
Secretary

Office of the Commissioner
General for Economic Affairs
Embassy of Nigeria
1333 16th Street, N.W.
Washington, D.C. 20036

MMM:neb

cc: Mr. Garba
Mr. El Emary
Mr. Sella

OUTGOING WIRE

TO: A. BROCHES
BOITE POSTALE NO. 7
SEILLANS (VAR)

DATE: AUGUST 23, 1965

CLASS OF SERVICE: FULL RATE

WUI

COUNTRY: FRANCE

TEXT:
Cable No.:

NIGER SIGNED AND NIGERIA DEPOSITED INSTRUMENT RATIFICATION TODAY

REGARDS

SELLA

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME Mr. P. Sella
Legal

DEPT.

SIGNATURE *Piero Sella*
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

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(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: *[Signature]*

INTERNATIONAL FINANCE CORPORATION

INTERNATIONAL TRADE EXHIBITION AND DEVELOPMENT

INTERNATIONAL DEVELOPMENT ADMINISTRATION

OUTGOING WIRE

DATE AUGUST 23, 1965

DATE

TIME RATE

CLASS OF SERVICE

FIG 1

TO: A. BROOKS
BOX 102
SULLY (VAR)

FRANCE

COUNTRY

TEXT

Code no.

RECORDS AND INFORMATION DEPARTMENT RECALCULATION TODAY

RECORDS

SULLY

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MESSAGE AUTHORIZED BY

NAME: Mr. P. Sully
Jesly

AUG 23 6 28 PM 1965

GENERAL INVESTIGATIVE DIVISION

Handwritten signature

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Checked for Release

(INSTRUCTIONS: See Secretariat Guide for preparing form)

811

SecM65-230

FROM: The Secretary

August 23, 1965

~~Ampl~~
~~...~~
~~...~~
~~...~~
F1/85

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 3:00 p.m. on behalf of the Republic of Niger by Mr. Illa Salifou, Charge d'Affaires of the Embassy of the Republic of Niger.

The Republic of Niger became the eighth member of the Bank to sign the Convention.

2. The Federal Republic of Nigeria deposited today its Instrument of Ratification of the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

August 23, 1965

M.D. Bomani Esq.
Solicitor General
Office of the Second Vice President
Justice Division
P.O. Box 2481
Dar es Salaam
Tanzania

Dear Mr. Bomani:

In the absence of Mr. Broches I wish to acknowledge receipt of your letter of August 15, 1965 which will be brought to Mr. Broches' attention promptly upon his return.

I am sure that Mr. Nurick will be sorry not to be able to meet you during his visit in Dar es Salaam.

With best regards,

Sincerely yours,

PS

Piero Sella
Attorney

cc: Mr. Broches o/r

PSella/ar

810

DECLASSIFIED

AUG 21 2023

Agosto 23, 1965

WBG ARCHIVES

PERSONAL

Dr. Raúl Sapena Pastor
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Asunción, Paraguay

Estimado Raúl:

Después de mi última visita a Asunción he regresado a Washington más lleno de entusiasmo por el Paraguay, y copado de agradecimiento por las innumerables gentilezas de mis "conciudadanos" paraguayos. Fué para mí un verdadero honor y un gran placer ser recibido por el Presidente Stroessner en el Consejo Nacional de Coordinación Económica. Como usted habrá notado, estuve muy emocionado al mismo tiempo que sentí una gran satisfacción personal por haber contribuído con unas pocas gotas a que la situación del Paraguay sea tan buena y sobre todo a que su futuro sea tan amplio y claro.

Como usted recordará manifesté en dicha reunión que mi misión incluiría tratativas con el Gobierno sobre importantes asuntos. Estoy muy contento de que esos asuntos se han movido con gran celeridad: primero, usted envió al día siguiente la solicitud al Fondo Especial de las Naciones Unidas sobre la donación complementaria requerida para el estudio del Triángulo; segundo, el Parlamento sancionó la ley que crea la Administración Nacional de Navegación y Puertos, según me ha comunicado el Ministro Barrientos, y esto nos permitirá una pronta negociación de un préstamo para la ampliación y modernización del Puerto de la Capital; tercero, la misión para evaluar y analizar la continuación del Plan Ganadero salió hoy de Washington y esperamos que muy pronto estaremos negociando un segundo préstamo para el fomento de la ganadería.

Como usted verá, los resultados de la visita han sido concretos y muy satisfactorios.

Quisiera en esta oportunidad volver a tratar de algo que dije durante la reunión del Consejo Nacional de Coordinación Económica. Dije en esa oportunidad que el Paraguay había dado grandes pasos en el desarrollo de sus sectores de transporte, fuerza y agricultura, pero que no debía descuidarse un sector muy importante del desarrollo del Paraguay, el sector industrial

privado. Yo creo, y así lo expresé, que el Gobierno ha sentado firmes bases materiales para el desarrollo industrial. La energía eléctrica de Acaray y los caminos que atraviesan el país son dos elementos indispensables para que la industria pueda establecerse y desarrollarse con agilidad; hay, sin embargo, otro aspecto no material que es indispensable desarrollar para atraer al inversionista extranjero y poner a trabajar los grandes recursos con que Dios ha dotado al Paraguay. Este elemento indispensable, como usted sabe, es la confianza que el inversionista extranjero debe tener en el país. Gracias al programa de estabilidad económica que con tanto éxito ha llevado a cabo el Gobierno esta confianza tiene una buena base pero es indispensable que el inversionista, que está pensando a largo plazo, sepa que en el futuro va a tener también estabilidad. Nosotros, en el Banco Mundial, creemos que dicha confianza será más firme si el inversionista sabe que existe una institución en la cual pueda él y el Gobierno, de mutuo acuerdo, ventilar sus diferencias.

51D
No necesito alargarme mucho en explicarle los fundamentos del Convenio sobre Diferencias Relativas a Inversiones entre estados y Nacionales de Otros Estados ya que le dejé una copia en su despacho, pero si quisiera volver a insistir, en mi deseo de ayudar al progreso del Paraguay, sobre la conveniencia de suscribir el Convenio.

El Convenio, como usted habrá notado, está basado en el principio del consentimiento, y, al suscribir el Convenio, su Gobierno no se compromete a someter toda disputa concerniente a inversiones extranjeras a conciliación o arbitraje ante el Centro para Arreglos de Diferencias Relativas a Inversiones que se establece bajo el Convenio, si no tan sólo que podrá, en los casos en que su Gobierno lo considere útil y práctico, llegar a acordar con un inversionista el uso de las facilidades del Centro para el arreglo de sus diferencias.

El grado al que el Gobierno acordará con los inversionistas a someter diferencias existentes o futuras a la conciliación o arbitraje ~~existente~~ en el Paraguay, es enteramente a la discreción del Gobierno. Más aún, en su Artículo 25 (4) se estipula claramente que cualquier estado contractual puede notificar anticipadamente, y así hacerle saber, las clases de diferencias que está dispuesto o no está dispuesto a someter a la jurisdicción del Centro, y así evitar malos entendidos. El Artículo 26 estipula además que como condición a su consentimiento al arbitraje de una diferencia en el Centro, un estado contractual puede exigir el agotamiento previo de sus vías administrativas o judiciales.

Así el Convenio proporcionará un marco dentro del cual cada estado contractual podrá acordar los arreglos más apropiados con aquellos inversionistas extranjeros que el estado desea que inviertan en el país.

Ya siete países han suscrito el Convenio. En cuanto se completen 20 firmas y ratificaciones el Convenio será una realidad y verá usted como entonces muchos países latinoamericanos accederán a suscribirlo. Sin embargo, como entonces entrarán en manada, el mundo inversionista ya no dará la atención que dará a los primeros 20 países ya que estos 20 países serán los verdaderos fundadores del Centro. Yo creo que el Convenio se convertirá en

Agosto 23, 1965

realidad antes de la Reunión Anual de Gobernadores del Banco que se llevará a cabo en Washington del 27 de septiembre al 2 de octubre ya que doy por descontado que se conseguirán las 20 firmas requeridas. Como le dije a usted, yo creo que el Paraguay "se anotaría un poroto", como decimos en Guayaquil, si fuese el primer país de América Latina que suscriba el Convenio y más aún si fuese uno de los primeros 20 países, o sea, si fuese fundador. Esto sería un magnífico golpe de efecto y una gran paso para el desarrollo industrial del Paraguay, y que decir de las relaciones del Paraguay y del Banco. Por eso le recomiendo hablar con el Presidente Stroessner y pedirle su autorización para suscribir el Convenio en Washington antes de la Reunión Anual.

Durante mi estadia en Asunción no discutí con Ud. las formalidades legales requeridas para acceder al Convenio. Estas formalidades son sumamente sencillas y consisten sólo en dos pasos:

Primero, la firma del texto del Convenio (que está depositado en los archivos del Banco), por parte de un representante del Gobierno, que puede ser, por ejemplo, el Embajador en Washington, autorizado por el Presidente de la República o el Ministro de Relaciones Exteriores.

Segundo, ratificación del Convenio a través del depósito del instrumento de ratificación después de que los requisitos constitucionales internos para tales ratificaciones hayan sido cumplidos. Naturalmente que este paso tomará un poco de tiempo más que el primero.

Le estoy adjuntando dos copias del memorandum sobre la firma y ratificación del Convenio que ha sido publicado por el Banco y que detalla los pasos a tomarse. Como usted verá, el español es uno de los tres idiomas en el cual puede realizarse las formalidades relacionadas con la firma del Convenio y su ratificación.

Esta carta se la envié en carácter personal ya que como funcionario del Banco no podría transmitirle todo el entusiasmo y todo el interés que tengo en que el Paraguay sea no sólo el primer país signatario en la América Latina si no uno de los 20 países fundadores. Le agradezco considerar esta, por consiguiente, como una nota personal escrita tan sólo en mi deseo de estrechar aún más las relaciones entre el Banco y el Paraguay. Sin embargo, me estoy permitiendo enviar copia de esta carta a mi tocayo, Dr. Acosta, Gobernador del Paraguay ante el Banco, con quien como usted sabe mantengo un íntimo contacto y estrecha amistad.

Le agradezco muchísimo me hiciera saber a la brevedad posible la decisión del Gobierno paraguayo sobre este particular y ojalá que la decisión sea positiva.

Reciba usted un muy estrecho abrazo de su afectísimo amigo y seguro servidor,

CDuránBallén/tr

cc: Dr. César Romeo Acosta

Mr. Broches/Sella

Mr. Loftus

César Durán-Ballén

Departamento del
Hemisferio Occidental

realidad antes de la Reunión Anual de Gobernadores del Banco que se llevará a cabo en Washington del 27 de septiembre al 2 de octubre ya que hoy por desafortunadamente se conmemoran las 50 firmas repudiadas. Como le dije a usted, yo creo que el Paraguay "se anotará un poroto", como decimos en Guaymas, si fuese el primer país de América Latina que suscriba el Convenio y más aún si fuese uno de los primeros 50 países, o sea, si fuese fundador. Esto sería un magnífico golpe de efecto y una gran paso para el desarrollo industrial del Paraguay, y que decir de las relaciones del Paraguay y del Banco. Por eso le recomiendo hablar con el Presidente Stroessner y pedirle su autorización para suscribir el Convenio en Washington antes de la Reunión Anual.

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Le agradeceré muchísimo me hiciera saber a la brevedad posible la decisión del Gobierno paraguayo sobre este particular y ojalá que fuese una decisión positiva.

Reciba usted un cordial saludo de su afectísimo amigo y seguro

servidor,

Hemisferio Occidental
Departamento del
Gesar Durán-Ballén

RECEIVED
GENERAL FILES
COMMUNICATIONS

Mr. Lotfus
Mr. Broches/Sella
cc: Dr. Cesar Romeo Acosta
Guanáballe/Dr

SecM65-230

FROM: The Secretary

August 23, 1965

SETTLEMENT OF INVESTMENT DISPUTES

1. The Convention on Settlement of Investment Disputes between States and Nationals of Other States was signed today at 3:00 p.m. on behalf of the Republic of Niger by Mr. Illa Salifou, Charge d'Affaires of the Embassy of the Republic of Niger.

The Republic of Niger became the eighth member of the Bank to sign the Convention.

2. The Federal Republic of Nigeria deposited today its Instrument of Ratification of the Convention.

Distribution:

Executive Directors and Alternates
President
President's Council
Executive Vice President, IFC
Department Heads (Bank and IFC)

Mr. Gerald Alter

August 23, 1965

John A. Loftus

PARAGUAY - Convention for Settlement of Investment Disputes

The background of this memorandum and draft letter is as follows: Just before Mr. Reitter left on his mission to Chile, Mr. Broches called him and asked him to sound out informally in Santiago whether there was any disposition emerging either to lessen or to strengthen the concerted Latin American opposition to SID embodied in the so-called "pact of Tokyo". As it happened Mr. Reitter was unable to get any indication one way or another of any change in the Chilean attitude. Mr. Chaufoournier, however, suggested that, since Mr. Duran-Ballen was going to Paraguay shortly, he might attempt a pitch in Asuncion that might have the effect of breaking the solidarity of the Latin American bloc. This possibility was explored orally within the Bank; and it was decided that Mr. Duran-Ballen would see what he could do.

The attached memorandum states the nature of the effort he made and indicates the possibility of a favorable outcome. The draft letter attached would be an informal written follow-up of Mr. Duran-Ballen's oral presentation.

Attchmts.


JALoftus:VM

Con cordiales saludos

JUAN PLATE

EMBAJADOR EXTRAORDINARIO

✓ PLENIPOTENCIARIO DEL PARAGUAY

EMBAJADA DEL PARAGUAY
WASHINGTON, D. C.

Agosto 31, 1965

~~H. L. P.~~
~~H. Sella~~
CAB
~~H. Durán Ballén~~
File
SID

Señor Presidente:

Tengo a honra dirigirme a Vuestra Excelencia con motivo del "Proyecto de Convenio sobre Arreglos de Diferencias relativas a Inversiones entre Estados y Nacionales de otros Estados" patrocinado por el Banco Internacional de Reconstrucción y Fomento, a objeto de establecer un Foro de conciliación y arbitraje para casos de diferencias entre Estados e inversionistas extranjeros.

Este Proyecto reconoce como antecedente un Informe de los Directores Ejecutivos del Banco, aprobado por Resolución del mismo del 10 de Setiembre de 1964 y tiene por propósito la creación de un instrumento de jurisdicción internacional que contribuya a crear una mayor confianza a los inversionistas extranjeros ofreciendo la posibilidad de solucionar conflictos de intereses que escapan a la jurisdicción ordinaria de los Tribunales de cada Estado.

Me han instado nuestros amigos del Banco Internacional, y muy especialmente el Ingeniero César Durán Ballén a sugerir la adhesión del Paraguay a este Convenio entre los primeros veinte Gobiernos que han de suscribir para dar vigencia al mismo, sin esperar que la mayoría de los países miembros del Banco lo suscriban y ser uno de los que se adhieran en la corriente de la totalidad.

Respecto al Convenio cuyo texto en español acompaño adjunto, están enterados el Señor Ministro de Relaciones Exteriores, el Señor Ministro de Hacienda y el Señor Presidente del Banco Central del Paraguay.

En el preámbulo del mismo se establecen los propósitos del Convenio y en cuyo último Apartado se declara " que la mera aceptación o aprobación de este Convenio por parte del Estado Contratante, no se reputará que constituye una obligación de someter ninguna diferencia determinada a conciliación ó arbitraje, a no ser que medie el consentimiento de dicho Estado."

A Su Excelencia
El Presidente de la República
General de Ejército Alfredo Stroessner
Asunción, Paraguay

- 2 -

Aclarando este aspecto el Informe de los Proyectistas dice en su Párrafo 23, Apartado V: "El consentimiento de las partes es la piedra angular en que descansa la jurisdicción del Centro. El consentimiento a la jurisdicción debe darse por escrito y una vez dado no puede ser revocado unilateralmente (Art. 25-1)", y, dicho Artículo 25, Capítulo II establece que "la jurisdicción del Centro se extenderá a las diferencias de naturaleza jurídica que surjan directamente de una inversión entre un Estado Contratante (ó cualquiera sub-división política ú Organismo público de un Estado Contratante acreditados ante el Centro por dicho Estado) y, el nacional de otro Estado Contratante y que las partes hayan consentido por escrito en someter al Centro. El consentimiento dado por las partes no podrá ser unilateralmente retirado", y en el Apartado 3 del mismo Artículo se establece que "el consentimiento de una sub-división política ú organismo público de un Estado Contratante requerirá la aprobación de dicho Estado, salvo que éste notifique al Centro que tal aprobación no es necesaria."

Sobre la extensión y oportunidad de la clase o clases de diferencias que los Estados Contratantes aceptarían someter ó no a la jurisdicción del Centro se refiere el Apartado 4º del mencionado Artículo 25. El Banco Internacional entiende que este Convenio ayudará a promover una mayor confianza para las inversiones extranjeras en los países que necesitan capital, y que proveerá una jurisdicción internacional para buscar soluciones de conciliación y arbitraje en los diferendos que pudieren sobrevenir entre inversionistas y Estados.

La jurisdicción no será obligatoria y ella pues requerirá el consentimiento escrito de las partes y con lo cual se salva toda cuestión que pudiera menguar la plenitud del ejercicio natural o legal de los tribunales de cada Estado.

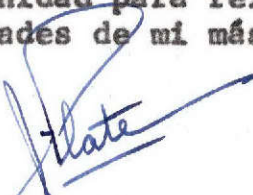
Atento a la sugestión cordial de nuestros amigos del Banco Internacional me permito llevar hasta Vuestra Excelencia este asunto rogando quiera tener a bien hacerme llegar sus instrucciones acerca de la respuesta que corresponde dar.



- 3 -

En caso de que el Gobierno de Vuestra Excelencia estime a bien suscribir el Convenio aludido, bastará una carta-poder autorizando suficientemente al Embajador a firmar en nombre del Gobierno de la República el Convenio sobre Arreglos de Diferencias relativas a Inversiones entre Estados y Nacionales de otros Estados, abierto para su firma entre los Miembros del Banco Internacional de Reconstrucción y Fomento.

Válgome de esta oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y respetuosa consideración.



Juan Plate
Embajador

INCOMING CABLE

DATE AND TIME
OF CABLE:

AUGUST 20, 1965 1645

LOG NO.:

RC 38

TO:

INDEVAS

FROM:

RANGOON

TEXT:

ROUTING	
ACTION COPY:	MR. BROCHES
INFORMATION COPY:	
DECODED BY:	

2118

KINDLY SEND BY AIR 3 COPIES OF ENGLISH TEXT CONVENTION ON SETTLEMENT OF INVESTMENT DISPUTES. ALSO LIST OF COUNTRIES (WITH DATES) WHICH HAVE ALREADY RATIFIED

FINANCE

AB

INCOMING CABLE

ROUTING	
ACTION OFF:	MR. JOHNSON
INFORMATION:	
REFERRED TO:	

DATE AND TIME OF CABLE: 10:30 AM
 TO: BANGKOK
 FROM: HKT

ALL
 KINDLY SEND BY AIR 3 COPIES OF ENGLISH TEXT CONVERSION OF SETTLEMENT
 OR INVESTMENT DISBURSE. ALSO LIST OF COMMENTS (WITH RATES) WHICH
 HAVE ALREADY SATISFIED
 FINANCE

FOR INFORMATION REGARDING CABLES, PLEASE CALL THE OPERATIONS UNIT (EXT. 5000)
 1953 JUN 20 11 41 AM 1953

August 20, 1965


Mr. Alberto Navarro Brin
Technical Director for Planning
Planning Office
Panama City
PANAMA

Dear Mr. Navarro:

I am writing concerning the Bank's Convention on the Settlement of Investment Disputes between States and Nationals of Other States (SID) which we discussed when I was in Panama in connection with the Road Project. You will recall that we were unable to locate Mr. Lopez Tejada, one of the representatives of Panama at the SID Meeting, to obtain information on the status of the Convention in Panama.

Since then, you have probably learned more about the prospects for the Convention in Panama and, I would, therefore, be most grateful if you could let me know informally what steps, if any, have been made in this regard. You may be interested to know that seven countries have now signed the Convention and several have announced their intention to do so in the near future.

I should like to take this opportunity to thank you on behalf of the mission for the kindness that you showed us during our stay in Panama. We expect to be communicating with you shortly regarding the Road Project.

Sincerely yours,

Peter W. Eccles
Attorney

PWE/tsb
cc: Mr. Sella

August 20, 1965

Ministry of Finance
Rangoon
Burma

Gentlemen:

In compliance with your cable request of August 20, 1965 I enclose herewith three copies in English of the text of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States and of the accompanying report of the Executive Directors of this Bank.

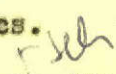

For your convenience, I also enclose three copies of a Memorandum on Signature and Ratification, Acceptance or Approval of the Convention.

The Convention has to this date been signed on behalf of the following countries on the dates indicated in parenthesis: Tunisia (May 4, 1965), Great Britain (May 26, 1965), Jamaica (June 23, 1965), Ivory Coast (June 30, 1965), Pakistan (July 6, 1965), Nigeria (July 13, 1965) and Mauritania (July 30, 1965). We have been informed that several other countries intend to sign the Convention in the coming weeks.

No instrument of ratification, acceptance or approval of the Convention has yet been deposited by the signatory State. We have been informed that the National Assembly of Ivory Coast has authorized ratification of the Convention.

Very truly yours,


M. H. Mendels
Secretary

Encs. 

PSella/IDoucet:phm

cc: Mr. Broches
Mr. Cargill
Messrs. Pinto/Sella

Legal Files

August 20, 1965

Piero Sella

S.I.D. Convention - China

Dr. Chen told me today that the Ministry of Finance has recommended to the Executive Yuan that China sign the Convention. The matter is now pending before the Executive Yuan. Dr. Chen has recommended that signature take place before the Annual Meeting. He will cable Taipei again and follow this matter up. At this point, Dr. Chen is confident that signature will take place before the Annual Meeting.

cc: Mr. Broches o/r
Mr. Clark/Mr. Pinto
Mr. Cargill/Mr. Street

PS
PSella/ar

Mr. John A. Loftus

August 20, 1965

César Durán-Ballén *[Signature]*

PARAGUAY - Convention for Settlement of Investment Disputes

During my visit to Asunción (August 3 - 8) and following the instructions of my terms of reference, I explored the possibilities of Paraguay acceding to the Convention on the Settlement of Investment Disputes. I would say that I did more than explore as I strongly recommended to President Stroessner and his cabinet that Paraguay be the first Latin American country to accede to the Convention. The opportunity for this was an invitation from the Consejo Nacional de Coordinación Económica (National Council for Economic Coordination) to speak on the relations between the Bank and Paraguay. This meeting was held on August 5 with the attendance of all the members of the Council which are the President, the nine ministers, the Presidents of the Central Bank and Development Bank, the President of the Supreme Court, the President of Parliament, the President of the National University, the Army Chief of Staff, the Archbishop of Asunción and the Secretary of the Planning Board.

In my statement I reviewed the past, present and future relations of the Bank and IDA with Paraguay. I said that I considered that there had been three different stages in our relationship. One, the period from the establishment of the Bank until about 1960 when we had made only one loan due to the poor financial position of Paraguay and to the lack of well prepared projects. Two, the period from 1960 to 1965 during which we have made loans in two important sectors of the economy: transport and agriculture. The invitation which I had presented to negotiate the loan for the Port of Asunción would close the second stage and the third stage was starting now with the Bank looking into the future for increasingly greater financing in the two main sectors of the economy which we had chosen. I added that now we had a better basis to go ahead on a larger scale because we had experience in agricultural lending and in highway construction and we were completing a study of the development program through the Ross mission. Furthermore, the highway and agricultural survey financed by the United Nations Special Fund should permit the Bank to consider additional loans in these two fields.

I indicated that larger lending to Paraguay was possible because of the stabilization program that the Government had successfully carried out throughout these years and that the continuation of such a program would be a necessary element for increased lending. I congratulated the Central Bank and the Ministry of Finance for their intelligent handling of the Paraguayan economy and I thanked the Government for its decision to purchase World Bank bonds.

I continued by saying that there was a very important sector of the economy which had not developed very much. This sector was the private industrial sector. While the Government was laying some foundation for industrial development such as the availability of power and improved transport network, it was also desirable if not necessary to be able to

obtain foreign investments in industry. For this, confidence by the foreign investor is required. Unfortunately, I said, the Latin American countries are considered by foreign investors as a bloc, and actions that a Latin American country might take against a foreign investor have repercussions throughout the hemisphere. While the Paraguayan courts might have a reputation for being just and quick in their decisions, the fact was that many foreign investors fear the delays in the settlement of investment disputes which have characterized the courts of many countries. The SID was a convention which the World Bank had decided to sponsor for the purpose of making available a court of arbitration and conciliation which could be used both by the investor and by the country where the investment was made for a quick and fair settlement. I believe, I told them, that if Paraguay were to accede to the Convention and be the first country in Latin America to do so, it would be possible that many of the projects which might already be in the minds of foreign investors, such as a paper mill near the Acaray hydroelectric plant, could become a quick reality. I ended by saying that Paraguay on joining SID would be giving evidence to the investors throughout the world of its strong desire to welcome foreign capital needed for the development of the country.

The President requested the Minister of Foreign Affairs, the Minister of Finance and the President of the Central Bank to have further conversations with me on this subject and seemed inclined to accept the Convention.

The next day I had a long conversation with Dr. Raúl Sapena Pastor, the Minister of Foreign Affairs, a prominent lawyer who has been proposed at various times as judge to the International Court of The Hague (unfortunately for Sapena, having been the Foreign Minister of a Government which has been considered a dictatorship for many years, he has not been able to get the required votes from his fellow Latin Americans). Dr. Sapena seemed to be really interested and promised to study the Convention immediately for the purpose of recommending to the President that he sign it. I also talked to Dr. Acosta, the President of the Central Bank, who was a little cooler to the idea, because he was afraid that the signers of the Tokyo Pact might consider Paraguay sort of a traitor. I told him that he should not think so because the Convention would come into existence as soon as 20 nations signed the treaty and that sooner or later some Latin American country would sign the Convention and that Paraguay would probably follow. I told Acosta that I did not consider the Tokyo Pact to be a "pacto de caballeros" and consequently Paraguay would not be breaking a promise by acceding to the Convention.

Action Recommended: I believe that if we exert a little pressure it might be possible for the Paraguayan Government to accede before the Annual Meeting. This pressure could be in the form of: first, a letter to the Foreign Minister on a personal basis (attached draft) and a letter from the Ambassador of Paraguay to President Stroessner pointing out the benefits that Paraguay might derive in its relations with the World Bank family if it were the first Latin American country to join the Convention.

Piero Sella, with whom I have discussed this matter, agrees with the proposed action. I have talked to the Ambassador and he would be willing to send the letter to his Government.

August 20, 1965

Mr. David Horowitz
Governor
Bank of Israel
Mispah Building
P.O. Box 91
Jerusalem
ISRAEL

Dear Governor Horowitz:

In Mr. Woods' absence I wish to acknowledge your letter of July 27, 1965 concerning the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The decision of the Government of Israel not to sign the Convention has been noted. While we regret this decision, we can only accept it. However, since you refer to several amendments proposed by Israel and regarded by the Government as pertaining to matters of principle, I should like to take this opportunity to make a few personal comments.

As I recall them, the principal Israeli objections to the proposal were addressed to the following points:

(a) The fact that the Convention opens the way for disputes between a State and a foreign citizen to be settled directly and without involving diplomatic or intergovernmental procedures. I must say that I learned with surprise that a State which prides itself on its progressive attitude to international law should object to the recognition of the individual as having a procedural standing before an international tribunal. Personally, I think that it is one of the principal merits of the Convention that, to the extent it is used, it will remove investment disputes from the political atmosphere. The Israeli delegation has specifically referred to the possibility that use by an Israeli investor in a developing country of the facilities offered by the Convention might endanger relations between that country and Israel. Accepting this line of reasoning it may be pointed out that there is nothing contained in the Convention that would prevent Israel from requiring Israeli investors to obtain the consent of their government before bringing proceedings against another State.

(b) The provision that, unless the parties otherwise state, an agreement to have recourse to arbitration will be regarded as an agreement to have recourse to arbitration to the exclusion of any other

remedy, that is to say, among other things, that the investor need not first bring action in the local courts of the host State. The Israeli delegation felt that the so-called exhaustion of local remedies should be the rule rather than the exception. It seems to me that since the Convention leaves the parties free to write their agreement as they see fit, Israel when asked to consent to arbitration could solve this problem quite effectively by conditioning its consent on prior exhaustion of local remedies and specifying the grounds on which the investor could appeal to the Centre from a decision of the Israeli courts. Paragraph (4) of Article 25 of the Convention enables a Contracting State to notify the Centre at any time of the types of disputes which it is in principle willing to submit to the Centre, thus enabling a country like Israel to make its views known well in advance of any actual dispute and thereby avoid misunderstanding.

(c) The fact that the Convention leaves it to the free will of the parties to determine the issues to be submitted to arbitration, whereas the Israeli delegates considered that certain issues, for instance those arising out of legislation dealing with health or labor, should be excluded. It is precisely the difficulty of defining on an internationally acceptable basis arbitrable and non-arbitrable issues which has led the drafters and the legal committees considering successive drafts to leave the decision to the parties. However, paragraph (4) of Article 25 of the Convention, to which I have already made reference, enables those countries that wish to define in advance and in the abstract the types of issues they consider arbitrable to make their own definition and notify the Centre.

I thought it useful to make these few comments for purposes of clarification. As you say, after the Convention has entered into force, the Israeli Government may wish to re-consider its attitude in the light of experience. As you probably know, the initial reaction to the Convention on the part of the developing countries has been favorable and a number of them have already signed the Convention, including Pakistan, Nigeria, Jamaica, Ivory Coast, Tunisia and Mauritania. I expect that twenty countries will have signed the Convention by the time of the Annual Meeting of the Board of Governors and that the ratifications required to perfect these signatures and bring the Convention into force will have been obtained by the middle of 1966.

Sincerely yours,



A. Broches
General Counsel

cc: Mr. Woods
Mr. Cope
Legal Files

TS
PSella/ar

SID

~~DDE~~

Sella

Documents
File

OFFICE MEMORANDUM

TO: Mr. M.M. Mendels
FROM: Odd Høkedal
SUBJECT: Convention on Settlement of Investment Disputes

DATE: August 20, 1965

I refer to your office memorandum to Mr. Thór, dated August 16.

Today I had a letter from Suomen Pankki, Finland. They inform me that the Ministry of Justice recently has reached a positive conclusion on SID.

As soon as the Convention has been translated into Finnish and Swedish, the President of Finland will be asked to give power of attorney to sign the Convention.

Until now I have not received any preliminary indication from the other Nordic countries as to whether they are going to sign the SID.

Of course, I will inform you as soon as further information is received.

O.H.

August 19, 1965

Mr. Marcelo Raffaelli
First Secretary
Brazilian Embassy
3007 Whitehaven Street, N.W.
Washington, D.C.

Dear Mr. Raffaelli:

In compliance with your request I am sending you herewith the following documents:

- (i) three copies of Preliminary Draft of a Convention on the Settlement of Investment Disputes between States and Nationals of Other States (Doc. COM/MI/1) which was discussed at Santiago de Chile in February 1964;
- (ii) three copies of Summary Proceedings of the 1964 Annual Meeting of the Board of Governors of the International Bank for Reconstruction and Development and the International Development Association held in Tokyo in September 1964 (your attention is called to pages 22 and 34);
- (iii) three copies of Summary Proceedings of Meetings of the Legal Committee on Settlement of Investment Disputes (Bank Report E-15) held in November-December, 1964.

I am also sending you herewith for your convenience three copies of the Draft Convention on the Settlement of Investment Disputes between States and Nationals of Other States dated September 11, 1964 (Bank Report E-12) which was considered by the Legal Committee.

As I have mentioned to you over the telephone the final text of the Convention was formulated by the Executive Directors of the Bank and submitted to member governments in March 1965. Also for your convenience I am sending you herewith the copies of the Convention and of the accompanying report of the Executive Directors of the Bank.

The Convention is deposited in the archives of the Bank and is open for signature by member countries of the Bank. To this date the Convention has been signed by the following countries: Tunisia, United Kingdom, Jamaica, Ivory Coast, Pakistan, Nigeria and Mauritania. We expect signature by several more countries in the next few weeks.

Sincerely yours,
P. Sella
Piero Sella
Attorney

Encl.

cc: Mr. Broches o/r
Mr. Cancio, Mr. Pinto, Mr. Wiese
PSella/ar

Legal Files

August 19, 1965

Piero Sella

S.I.D. Convention - Dahomey

Mr. Kochman has been formally informed by the Minister of Finance of Dahomey that the Council of Ministers approved the Convention on July 22, 1965 and that the necessary steps are being taken by the Ministry of Foreign Affairs to enable the Dahomey Ambassador in Washington to sign the Convention.

cc: Mr. Broches
Messrs. Clark/Pinto
Mr. El Emery

PSella/er

Legal Files

August 18, 1965

Piero Sella

S.I.D. Convention - Iran and Saudi Arabia

Mr. Khosropur today told me that he had been in contact with Teheran and that the question of Iran's accession was still under consideration. The Iranian authorities were still concerned about the effects of the Convention on their relation with the oil companies and he had tried to point out that under the terms of the Convention they could exclude beforehand from the jurisdiction of the Centre any class of dispute they might want. Mr. Khosropur expected a decision before the arrival of the Iranian delegation for the Annual Meeting so that signature before or during the Annual Meeting was conceivable. He planned to raise the question with the Iranian authorities again.

As for Saudi Arabia, Mr. Ahmed Zaki Saad seemed to be against accession to the Convention, for reasons unknown; Mr. Khosropur would try to argue him out of his opposition.

Mr. Khosropur suggested that the S.I.D. Convention be mentioned at all meetings with delegations during the Annual Meeting.

- cc: Mr. Broches
- Messrs. Clark/Pinto
- Mr. Mendels
- Mr. Stevenson

HS

PSella/ar

Mr. O.J. McDiarmid

August 17, 1965

S.M. Tolbert

IRAN: Signing of SID Convention

Mr. Stevenson has asked you to take up this matter with the Iranian authorities during your forthcoming visit to Tehran. I attach a copy of a memorandum to me from Mr. Suratgar giving the substance of his letter to the Legal Advisor to the Prime Minister, Mr. Fuad Rouhani. The letter was written on a personal basis. In part it was prompted by the thought that Iranian adherence to the Convention might be delayed if the Iranians did not clearly understand that existing disputes and government contracts could be exempted, ~~and~~ as well as, if necessary, future oil agreements. I think you will find the memo self-explanatory, but if you want to talk with Mr. Suratgar you should call him promptly since he will be leaving for England this afternoon.

cc: Mr. Stevenson

SMT

SMTolbert:rgw

CROSS REFERENCE SHEET

COMMUNICATION: Letter No. 87 ✓

DATED: August 16, 1965

TO: Mr. Cyrus Samii

FROM: Mr. M.A. Burney

FILED UNDER: Ethiopia - General Negotiations

SUMMARY:

Excerpt:

Signature of SID. I have taken up this matter with Ato Menasse and the Minister of Finance. The Amharic translation of the convention has been completed and I have been promised that the Minister of Finance will present it to the Council of Ministers within a day or two for approval, and will have the authorization to sign when he comes to Washington (about September 15). I have been pressing for earlier signature by the Ethiopian Ambassador in Washington.

x to SID

T

August 16, 1965

Mr. A. Broches
Boite Postale No. 7
Seillans (Var)
FRANCE

Dear Ronnie:

Enclosed is the letter to Governor Horowitz with some minor changes in form; Mr. Woods being away, Lester thought it would be better for you to sign than for Mr. Knapp.

Please note that date is missing: to be filled in if and when you sign and mail the letter.

S.I.D. is proceeding at snail's pace: however, U.S. seems about ready to jump into the pool and Suzuki swears that Japan is rushing in. I have accumulated a huge postal bill for the Bank, without much success yet. I hope you have received copy of my notes of my meeting with Miss Steeg. More of this nonsense from developed countries and I shall believe that Burma was right. It is a pity that the only sensible country is the United Kingdom and soon they will not be in the capital exporting business any more.

Dr. Machado has confidentially (the Italians say: beat your wife so that your mother-in-law will understand) told me that an old friend of his who is very influential etc. etc. in Costa Rica has written to him that Costa Rica might want to be the first Latin American country to join. "Se son rose fioriranno." Mike Wiehen is down there now and may be able to sniff something.

In the meantime we shall continue our missionary work with delegates and Executive Directors hoping for the blessed number 20. Mr. Malaplate told me that France would like to be number 21.

How is Provence? Have you seen anybody of the Sella tribe?

Best regards to "you all".

Sincerely yours,



Encl.

PS. Please send back yellow copy. Upon its receipt I shall distribute the internal copies as marked.

PSella/ar

August 16, 1965

Mr. Samin Bilgen
Chief Legal Adviser and
Director General of Disputed Claims
Ministry of Finance
Ankara
TURKEY

Dear Mr. Bilgen:

Mr. Broches who is away from Washington for a few weeks has asked me to keep you informed on the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

To this date the Convention has been signed by the following seven countries: Tunisia, United Kingdom, Jamaica, Ivory Coast, Pakistan, Nigeria and Mauritania. We expect shortly signature by the United States, Japan and Morocco.

Since in your letter of June 10, 1965 you mentioned that the Convention was about to be submitted to the Council of Ministers, we shall be very grateful to know what decision was taken by your Government and when signature on behalf of Turkey can be expected.

The Annual Meeting of the Board of Governors of the Bank which will take place at the end of September will be a good time to take stock of the progress made and, as Mr. Broches mentioned it in his letter to you of May 14, 1965, Mr. Woods, the President of the Bank, hopes that by that time the Convention will have been signed by at least twenty countries. Progress made thus far has been encouraging and we very much hope to hear soon that your Government has decided to add its signature to the Convention.

We hope to hear from you very soon.

With kindest regards, I am,

Yours sincerely,

Piero Sella
Attorney

cc: Mr. Broches
Mr. Pinto
PSella/ar

Mr. Stokes M. Tolbert

August 16, 1965

David Suratgar

Possible Iranian Adherence to the Convention on the Settlement of Investment Disputes

At the suggestion of Mr. Broches and Mr. Pinto, I took up the subject of the possibility of Iran signing the Convention in a personal letter written August 4, 1965, to a Mr. Fuad Rouhani. Mr. Rouhani, formerly General Counsel of the National Iranian Oil Company and until recently Secretary General of the Organization of Petroleum Exporting Countries (OPEC) was Iran's representative at the Conference of Legal Experts called by the Bank to discuss the S.I.D. Convention. He is currently Legal Adviser to the Prime Minister and Secretary General of the Organization set up to develop regional cooperation between Iran, Turkey and Pakistan. He can be reached at the following address:

Mr. Fuad Rouhani
Secretary General
R.C.D.
c/o H.E. Dr. Majid Rahnama
Ministry of Foreign Affairs
Tehran, Iran

I believe the first paragraph of this letter is the one that would interest Mr. McDiarmid.

"Last week in a review of the progress of the Convention on the Settlement of Investment Disputes mention was made of the fact that Iran has not as yet signed. Other members of the Legal Department suggested that I might write to you on this matter. What is the immediate outlook? Would you be kind enough to send me whatever information you might have on this point. My colleague, Mr. Christopher Pinto, suggests that I should call to your attention the fact that Iranian adherence may be made subject to the proviso that the Convention be inapplicable to existing disputes and government contracts, and if necessary to present or future oil agreements. I would also appreciate information on the outcome of your plans for Iranian adherence to the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitration Awards."

One of the current disputes which may be deterring the Government from moving ahead with the Convention is the controversy between the Plan Organization and its related Government Lumber Corporation in the Province in Gilan on the one hand, and on the other hand a California lumber enterprise that was brought in at the suggestion of AID to manage a sawmill under a service contract. I believe that there is also one other major dispute involving the possible use of the Hickenlooper Amendment to the Foreign Aid Legislation, on this I have no details. I would be pleased to talk to Mr. McDiarmid before my departure on Tuesday afternoon for England.

DS:la

cc Mr. Pinto

Miss R. Skalak

August 13, 1965

Piero Sella

Law Library Purchase

I suggest that the Law Library subscribe to the following Italian
law journal:

DIRITTO INTERNAZIONALE
Published by I.S.P.I.
Via Clerici 5
Milano

cc: Mr. Delaume

PSella/ar



Legal Files

August 13, 1965

Piero Sella

S.I.D. Convention - Afghanistan

Mr. Stevenson told me that, at a recent luncheon with the Afghani Ambassador, the question of Afghanistan's accession to the Convention was raised. The Ambassador undertook to do all he could for speeding up consideration of the Convention by his government.

Mr. Stevenson will send him a copy of the Convention and Mr. Woods' transmittal letter.



cc: Mr. Broches
Mr. Stevenson
Mr. Pinto

PSella/ar

August 13, 1965

His Excellency
Dr. Abdul Majid
Ambassador of Afghanistan
2341 Wyoming Avenue, N.W.
Washington, D.C. 20008

My dear Mr. Ambassador:

In accordance with our conversation about the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, I am enclosing:

- (1) A copy of Mr. Woods' letter of March 23, 1965 transmitting to the member governments the Convention and the accompanying Report and Resolutions of the Executive Directors;
- (2) A memorandum explaining the procedure for signature and subsequent ratification; and
- (3) A copy of Mr. Woods' letter of May 21, 1965 to the Minister of Finance of Afghanistan. We have not had an answer to this letter.

As I explained to you, Mr. Woods is anxious to have at least twenty signatures to the Convention before the Annual Meeting of the Bank which begins on September 26. So far seven countries have signed the Convention and two or three more are expected to do so very soon.

I am very grateful for your offer of assistance in this matter. Any indication of the likelihood of Afghanistan signing the Convention would be most welcome.

Sincerely yours,



Alexander Stevenson
Director
South Asia Department

Enclosures

AStevenson:ptv
IBRD Exec.

cc: Mr. Tolbert
Mr. Sella

August 13, 1965

The Honorable
K. Amoako-Atta
Minister of Finance
P.O. Box M. 40
Accra, Ghana

Dear Mr. Minister:

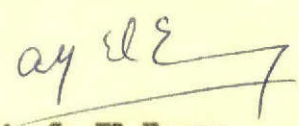
As you will recall, in March 1965 the Executive Directors of the Bank submitted to the member governments of the Bank the text of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

On May 3, 1965 Mr. Woods wrote to you expressing the hope that your Government would give early consideration to the text of the Convention. The Convention has thus far been signed by Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania. We have received indications that other countries will be signing during the next few weeks.

We should be grateful if you could advise us about the likelihood that Ghana will be among the signatories of the Convention in the near future, possibly before the forthcoming Annual Meeting of the Bank. Mr. Woods would be very happy to be able to report to the Board of Governors that your Government was among the initial signatories of the Convention. We understand, of course, that ratification might take longer.

With best wishes,

Yours sincerely,



A. G. El Emery
Director
Africa Department

JH Williams

PSella/JHWilliams:mem

cc: Mr. Sella
Africa B

28/13



Record Removal Notice

File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date August 12, 1965	Document Type Memorandum			
Correspondents / Participants To: Legal Files From: Piero Sella				
Subject / Title S.I.D. Convention - Germany				
Exception(s) Information Provided by Member Countries or Third Parties in Confidence				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group.		
		<table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

Mr. A. Broches (through Mr. Sella)

August 12, 1965

J.M. Jentgen

Tunisia - Convention on the Settlement of Investment Disputes

1. During my recent visit to Tunisia I met with Mr. Boubaker Mabrouk, President of the Banque de Tunisie, the oldest and by far the most important private deposit bank in Tunisia.

2. In the course of our conversation Mr. Mabrouk asked me whether I believed in the Convention which has already been signed by Tunisia. I told him that we are very hopeful to have the Convention signed in due time by the minimum number of countries required for its entry into force, and that we think it could become an important additional guarantee for private foreign investment. Mr. Mabrouk then explained that his bank is currently engaged in active negotiations for attracting foreign partners in a number of industrial projects in Tunisia, and that the fact that Tunisia has already signed the Convention has become his main argument for proving the good faith of Tunisia which admittedly in the past dealt rather high-handedly with certain private properties.

cc: Mr. John H. Williams

JMJentgen: dp

August 12, 1965

Dear Mr. Bloemsma:

I apologise for the delay in replying to your letter of 28 June, 1965.


With reference to your inquiry regarding our study of the subject of State immunity from jurisdiction or execution, I very much regret that we do not have any more material than that to which you will no doubt have had access. Although, when drafting the Convention, we did consider in some detail the main aspects of this complex and controversial area of the law, we did not find it necessary to collect and analyse material on the subject as it was one which the Convention was not designed to cover. Articles 54(3) and 55 of the Convention are intended to reflect our basic position of refraining from formulating any rules regarding State immunity from execution both in the territories of the State party to the dispute against whom the award is made or in any other Contracting State.

A provision along the lines of Article 55 of the Convention was in fact first introduced in the draft of the Convention submitted to the Legal Committee at the end of last year - and then only because some of the delegates to our round of regional meetings felt that the provisions on enforcement of arbitral awards might be construed as derogating from the law of State immunity. This was not, of course, our intention.

The Annex to this letter contains a brief list of references to discussions of the subject of State immunity from execution which we found useful in the course of our work. I hope these will prove of some value to you.

Sincerely yours,

Aron Broches



Mr. M. P. Bloemsma
Koninginnegracht 27
The Hague
Netherlands

ANNEX

Sucharitkul

State Immunities and Trading Activities in International Law
(1959)

Lauterpacht

"The Problem of Jurisdictional Immunities of Foreign States,
British Yearbook of Int. Law," 28(1952), p.220

Schmithoff

"The Claim of Sovereign Immunity in the Law of International
Trade", International and Comparative Law Quarterly, 7(1958)
p.452

Castel

"Immunity of a Foreign State from Execution: French Practice",
American Journal of Int. Law, 46(1952) p.520

Griffin

"Execution against the Foreign Sovereign's Property", Proceed-
ings of the American Society of Int. Law, April 27-29, 1961,
pp.105-113

Setser

"The Immunity Waiver for State-Controlled Business Enterprises
in U.S. Commercial Treaties". Ibid, pp.89-105

Delson

"Applicability of Restrictive Theory of Sovereign Immunity to
Actions to Perfect Attachment". Ibid, pp.121-130

Virginia Law Review, 51 (1965), p.316

Note: "Judicial Adoption of Restrictive Immunity for Foreign
Sovereigns".

Legal Files

August 12, 1965

G. W. Pinto

SID - Japan, Nepal, Ceylon

I spoke yesterday to Mr. Suzuki about prospects for obtaining signature of the Convention by the above three countries.

Mr. Suzuki said that Japan would definitely sign and that they were well aware of Mr. Woods' desire to obtain 20 signatures before the annual meeting. He had recently reminded the Japanese authorities by sending them a copy of the printed Memorandum on Ratification, and he expected action soon. In any event he would follow up this with a telegram.

Regarding Nepal, he had found officials inclined to await developments. He had indicated to them that Japan was going to sign and urged that they should do the same. He said he would send a telegram the same day to Nepal recalling that Japan (i.e. one of his countries) was going to sign and requesting Nepal (as being another of his countries) to indicate its position.

I outlined to Mr. Suzuki my communications at a personal level with people in Ceylon. He said he would send Ceylon a telegram the same day substantially in the form of the one to Nepal.

CWP:es

cc. Messrs. Broches, Nurick, Sella

CWP



Record Removal Notice

File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date August 12, 1965	Document Type Memorandum			
Correspondents / Participants To: Legal Files From: Piero Sella				
Subject / Title S.I.D. Convention - Germany				
Exception(s) Information Provided by Member Countries or Third Parties in Confidence				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group.		
		<table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

August 12, 1965

F. Burrows, Esq.
Assistant Legal Adviser
Foreign Office
London, S.W. 1

Dear Mr. Burrows:

In the absence of Mr. Broches I wish to thank you for your letter of August 9, 1965 which will be brought to Mr. Broches' attention upon his return to Washington early next month.

I personally think your suggestion is excellent and I hope that we shall be able to do something about it.

I hope that you will enjoy your new assignment in Bonn.

Yours sincerely,

Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto


PSella/ar

Mr. Michael Wiehen

August 11, 1965

Piero Sella

S.I.D. Convention - Costa Rica

During your visit to Costa Rica you might contact Dr. Rodolfo Lara, Vice Chairman (or Chairman?) of the Board of Directors of the Central Bank and enquire informally about the attitude of Costa Rica toward signing the Convention in the foreseeable future.

As you know Mr. Woods is anxious to have at least 20 signatures before the Annual Meeting; we are not counting on any Latin American country signing at this point, but it would be very good if we could have at least one of them.

Dr. Lara represented Costa Rica on the S.I.D. Legal Committee last December. He took a very positive attitude towards the Convention and disassociated himself (and his country) from some of the more negative attitudes of other Latin American countries. He is an old, wise and learned lawyer and was on friendly terms with Mr. Broches throughout the S.I.D. meeting. It is hard to say to what extent his views and feelings were shared by his government.

We have heard that there might be some attempt to create again a common "Latin American front" against the Convention. Please let us know if you hear anything about it.

I enclose copy of the correspondence exchanged thus far with Dr. Lara on the Convention.

Encl.

Sella

cc: Mr. Alter/Mr. Vignes
Mr. Broches o/r
Mr. Pinto

PSella/ar

✓

Messrs. A. Broches (on return) and Piero Sella

August 11, 1965

C. Eugene Webb

PERU: Conversation on the Settlement of Investment Disputes

Today, I met for three hours with Dr. Gonzalo Ortiz de Zeballos, who is Chairman of a Committee appointed by the Ministry of Foreign Relations to study the Convention. The other members of the Commission are Dr. Jorge Vega Garcia, a lawyer in private practice with Estudios Oleachea, one of the most prominent firms in Lima (and a "lawyers' lawyer", reports Aurelio Garcia Sayan) and Dr. Marchant, who is a very senior lawyer in the Ministry of Foreign Relations. Dr. Ortiz is a very prominent trial lawyer, Aurelio also reports.

Aurelio is preparing a memo on the procedures for ratification. He has promised also to send the full names and all the addresses of the above Commission, or Committee.

Dr. Ortiz had three preoccupations:

1. He commented that Article 52 involved a procedure in which both parties to the arbitration were not represented. There were overtones of the Calvo Doctrine in this. I made what must be the usual argument that the Article 52 procedure concerned itself not with the merits but solely with the alleged irregularity.
2. He commented that once an award had been made Peruvian courts had no function except enforcement; that they could not inquire whether Peruvian law had been infringed. I treated this argument seriously, but I regard it in reality as an excuse.
3. He asked whether we could provide a list of disputes which the Bank has in the past been asked to consider. This request arose as a result of my disquisition in the reasons for the formulation of the Convention.

It is clear that the Commission above described is a serious one. Dr. Ortiz reports that it is working and that it will prepare a report. He stated that they were concerned only with legal analysis; that the policy considerations would arise after their report had been made.

I encouraged Dr. Ortiz to write to the Bank about any questions he had.

I have informed Aurelio Garcia Sayan (in fact, he arranged my appointment with Dr. Ortiz) of our great desire to have Peru act favorably. He has promised to follow the matter.

In talking with Aurelio and with Dr. Ortiz I stressed the voluntary nature of the submission of disputes. The ambiente in which the Calvo Doctrine flourished is still with us, however, and ratification by Peru will be difficult.

OUTGOING WIRE

TO: A. BROCHES
BOITE POSTALE NO. 7
SEILLANS (VAR)

DATE: AUGUST 11, 1965

CLASS OF SERVICE: FULL RATE

WOT

COUNTRY: FRANCE

TEXT:
Cable No.: ~~XXXXXXXXXX~~

PRIMO BURNEY INSTRUCTED AUGUST FIVE TO CONTACT ETHIOPIANS AND MIRGHANI
NO REPORT YET RECEIVED SECUNDO WILLIAMS WAS UNABLE TO SEE GHANA FINANCE
MINISTER STOP WE ARE PREPARING FOLLOW UP TO WOODS LETTER OF MAY 3 TO
FINANCE MINISTER OF GHANA TERTIO HAVE BEEN ADVISED THAT CONVENTION JUST
SENT TO RUSK WHO IS EXPECTED TO APPROVE AND THEN SEND IT TO PRESIDENT
WHO MUST THEN AUTHORIZE FOWLER TO SIGN STOP EXPECTED THAT THIS PROCESS
WILL TAKE SEVERAL DAYS BUT THAT US SHOULD SIGN SOMETIME NEXT WEEK STOP
WILL KEEP YOU ADVISED

NURICK

NOT TO BE TRANSMITTED

MESSAGE AUTHORIZED BY:

NAME LESTER NURICK

DEPT. LEGAL

SIGNATURE *L Nurick*
(SIGNATURE OF INDIVIDUAL AUTHORIZED TO APPROVE)

CLEARANCES AND COPY DISTRIBUTION:

cc: Mr. Sella
Mr. Pinto

For Use by Archives Division

LN:mu

ORIGINAL (File Copy)

(IMPORTANT: See Secretaries Guide for preparing form)

Checked for Dispatch: *[Signature]*

OUTGOING WIRE

DATE: AUGUST 11, 1965

TO:

A. PROGRES
BOITE POSTALE NO. 7
SEILLANS (VAR)

CLASS OF SERVICE: FULL RATE

FRANCE

TEXT

Cable No.

PRIMO BUREAU INSTRUCTED AUGUST FIVE TO CONTACT ETHIOPIANS AND MORGENTHAU
 NO REPORT YET RECEIVED SECUNDO WILLIAMS WAS UNABLE TO SEE GHANA FINANCE
 MINISTER STOP WE ARE PREPARING FOLLOW UP TO WOODS LETTER ON MAY 3 TO
 FINANCE MINISTER OF GHANA TRATIO HAVE BEEN ADVISED THAT CONVENTION LAST
 SENT TO HURK WHO IS EXPECTED TO APPROVE AND THEN SEND IT TO PRESIDENT
 WHO MUST THEN AUTHORIZE TOWERS TO SIGN STOP EXPECTED THAT THIS PROCESS
 WILL TAKE SEVERAL DAYS BUT THAT US SHOULD SIGN SOMETIME NEXT WEEK STOP
 WILL KEEP YOU ADVISED

MURICK

NOT TO BE TRANSMITTED

CLEARANCE AND COPY DISTRIBUTION

MESSAGE AUTHORIZED BY:

AUG 11 11 08 AM 1965
 Mr. Sella
 Mr. Pindo
 GENERAL INVESTMENTS
 GENERAL INVESTMENTS

AUG 11 11 27 AM 1965
 LESTER MURICK
 LEGAL
 ORIGINAL (See Copy)
 DISPATCHED

For Use by Receiver Division

SIGNATURE AUTHORIZED TO APPROVE

J.M:ms

Checked for Dispatch

IMPORTANT: See Director's Guide for preparing form

August 11, 1965

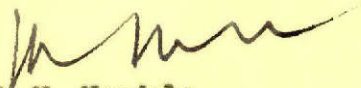
My dear Mr. Ambassador:

I have the honor to transmit to your Government herewith:

- (a) Copy of a letter of the President of the Bank which was addressed to all member governments of the Bank on March 23, 1965, together with the documents referred to in said letter;
- (b) A certified copy of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which is deposited in the archives of the Bank and which is open for signature by States in accordance with Article 67 thereof; and
- (c) A memorandum outlining the steps to be taken by a State wishing to sign and ratify, accept or approve the Convention.

I shall be grateful if you will forward the above documents to the appropriate authorities in your Government.

Sincerely yours,


M. M. Mendels
Secretary

Enclosures

His Excellency
V. H. B. Gondwe
Ambassador of Malawi
Malawi Embassy
2019 Q Street, N.W.
Washington, D.C. 20009

PSella/LDoucet/rb

cc: Mr. El Emary
Mr. Broches



(Encl: copy of Mr. Woods' letter of March 23, 1965; Resolution No. 65-14 of E.D.'s; Convention with Report of E.D.'s in English, French and Spanish; certified copy of Convention in the three texts as signed; memorandum in printed form.)

f Sella

Legal Files

August 11, 1965

Piero Sella

S.I.D. Convention - African Countries

I talked today with Mr. Garba about signature of the Convention by the countries he represents.

Mr. Garba had not received any indication from any of these countries after his return from his visit to East Africa.

He would send a reminder to the governments concerned and let me know of any reaction.

He thought it unlikely that Tanzania would sign the Convention in the near future as they were considering some expropriation on nationalization. He also did not think that Mali would be likely to sign the Convention.

When I mentioned Mr. Nurick's forthcoming visit to Tanzania and Kenya Mr. Garba suggested that Mr. Nurick contact the Finance Ministers of these countries.

He also commented that even those of his countries that were in favor of the Convention might not feel the urgency to sign it. His reminder to them, however, might help.

- cc: Mr. Broches o/r
- Mr. El Esary
- Mr. Mandels
- Mr. Nurick/Mr. Pinto

PSella/ar

Mr. John Williams

August 10, 1965

Piero Sella

S.I.D. Convention - Ghana

I attach the draft of a letter from you to Minister of Finance of Ghana, to follow up on Mr. Woods' letter of May 3, 1965.

Of course the draft is very tentative, as I do not know how you would want to approach the Finance Minister.

I thought that at this point it would be better for you to write than for Mr. Woods, whose letter would have to express at least some surprise at not having received an answer.

Should you be writing to the Finance Minister on other subjects, then perhaps you could insert therein some reference to S.I.D.

Encl.

- cc: Mr. Nurick
- Mr. Pinto
- Mr. Broches o/r

RS

PSella/ar

Legal Department
DRAFT
PS-111a
August 10, 1965

[Dear Mr. Minister]

During my recent visit in Accra I was unable to discuss with you the question of Ghana's acceptance of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

As you will recall, in March, 1965 the Executive Directors of the Bank submitted to the member governments of the Bank the text of the Convention.

On May 3, 1965 Mr. Woods wrote to you expressing the hope that your Government would give early consideration to the text of the Convention.

We are now reviewing the progress made towards acceptance of the Convention by the member countries of the Bank. The Convention has thus far been signed by Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania. We have received indications that other countries will be signing during the next few weeks.

We should be grateful if you could advise us about the likelihood that Ghana will be among the signatories of the Convention in the near future, possibly before the forthcoming Annual Meeting of the Bank. Mr. Woods would be very happy to be able to report to the Board of Governors that your Government was among the initial signatories of the Convention. We understand, of course, that ratification might take longer.

510

IDA

IBRD

IFC

FORM NO. 92
(10-61)

CORRESPONDENCE RECORD FORM

FROM

F. Burrows
Foreign Office
London S.W.1.

DATED

August 9, 1965

SUBJECT Convention on the Settlement of Investment
Disputes between States and Nationals of
other States

Letter re Report No. Z-15 of 1 February 1965,
summary proceedings of meetings of Legal Committee.

REFERRED TO

Mr. Broches

DATE RECEIVED

August 12, 1965 ec

August 9, 1965

Mr. M. D'Haese
Director General
Ministry of Finance
33 Avenue des Arts
Brussels
BELGIUM

Dear Sir:

In the absence of Mr. Broches I wish to acknowledge receipt of your letter of July 29, 1965 (Your reference TT No. 71/202-25) concerning the Convention for Settlement of Investment Disputes between States and Nationals of Other States.

The contents of your letter have been conveyed to Mr. Broches.

Yours very truly,



Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto

PSella/ar

I N C O M I N G C A B L E

DATE AND TIME OF CABLE: **AUGUST 9, 1965 440PM**

LOG NO. : **TELEX**

TO: **INTBAFRAD**

FROM: **PARIS**

TEXT:

R O U T I N G	
ACTION COPY:	MR. NURICK
INFORMATION COPY:	
DECODED BY:	

406 FOR NURICK

REFERENCE SID PLEASE CABLE BROCHES PRESENT STATUS US SIGNATURE ALSO

WHETHER ANY NEWS FROM WILLIAMS BURNEY REGARDING GHANA ETHIOPIA

CHATENAY

AB

INCOMING CABLE

ROUTING

ACTING DIR. MR. BURICK
INFORMATION
DECORATED BY

ALPHA

AUGUST 9, 1965

DATE AND TIME
OF CABLE:

TEXT

100 NO.

INTERNATIONAL

TO

PARIS

FROM

TEXT

ACK FOR NUMBER

REVIEWERS AND PLEASE CABLE NUMBERED PERMIT STATUS TO SIGNATURE ALSO

REVIEWERS ANY MORE FROM WILLIAM BURICK REGARDING ORANGE THERMIST

ORIGINAL

AUG 9 11 55 AM 1965

COMMUNICATIONS
GENERAL FILLS

DECLASSIFIED

SEP 06 2023

PERSONAL

WBG ARCHIVES

August 6, 1965

Mr. A. Thesleff
Director, Legal Affairs
Ministry for Foreign Affairs
Helsinki
Finland

Dear Mr. Thesleff:

Mr. Broches has asked me to keep you informed of the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Convention thus far has been signed on behalf of Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania.

We have been unofficially informed that several other countries, including Japan and the United States, are considering signature in the next few weeks.

With kindest regards, I am,

Yours sincerely,



Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto

PSella/ar

August 6, 1965

Mr. Dionyssios Mantsoulinos
Ministry of Co-ordination
19, Rue Democrite
Athens 136
Greece

Dear Mr. Mantsoulinos:

Mr. Broches has asked me to keep you informed of the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Convention thus far has been signed on behalf of Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania.

We have been unofficially informed that several other countries, including Japan and the United States, are considering signature in the next few weeks.

With kindest regards, I am,

Yours sincerely,



Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto

PSella/ar

August 6, 1965

Dr. Rodolfo Lara
Vice President
Board of Directors
Banco Central de Costa Rica
San José
Costa Rica

Dear Dr. Lara:


Mr. Broches has asked me to keep you informed of the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Convention thus far has been signed on behalf of Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania.

We have been unofficially informed that several other countries, including Japan and the United States, are considering signature in the next few weeks.

With kindest regards, I am,

Yours sincerely,


Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto

PSella/ar

Settlement of
Investment
disputes

August 6, 1965


Mr. Raja S. Himadeh
Government Commissioner to BCAF
Ministry of Finance
Beirut
Lebanon

Dear Mr. Himadeh:

In Mr. Broches' absence, I wish to thank you for your letter of July 31, 1965 and for the information contained therein, which I have conveyed to Mr. Broches.

With best regards,

Sincerely yours,


Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto

PSella/ar

DECLASSIFIED

AUG 21 2023

PERSONAL

WBG ARCHIVES

August 6, 1965

Mr. Sv. Hartlev
Handelsministeriet
Slotsholmsgade 10
Copenhagen K.,
Denmark

Dear Mr. Hartlev:

Mr. Broches has asked me to keep you informed of the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Convention thus far has been signed on behalf of Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania.

We have been unofficially informed that several other countries, including Japan and the United States, are considering signature in the next few weeks.

With kindest regards, I am,

Yours sincerely,



Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto

PSella/ar

August 5, 1965

Mr. Saad El Fiahawy
Kuwait Fund for Arab Economic Development
P.O. Box 2921
Kuwait

Dear Saad:

Ronnie has asked me to keep you informed of the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Convention thus far has been signed on behalf of Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania.

We have been unofficially informed that several other countries, including Japan and the United States, are considering signature in the next few weeks.

Please give my best regards to Mona and the children.

With kindest regards,

Yours sincerely,

Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto

PSella
PSella/ar

Letter no. 86 ✓

August 5, 1965

Mr. M.A. Burney
IBRD Representative
Chamber of Commerce Building
P.O. Box 3372
Addis Ababa, Ethiopia

Dear Mahmud:

Mr. Woods is very anxious that the Convention on the Settlement of Investment Disputes be signed by at least twenty countries before the Annual Meeting. So far seven countries have signed. These are: Tunisia, United Kingdom, Jamaica, Ivory Coast, Pakistan, Nigeria and Mauritania. We are expecting Japan and the U.S. to sign in the very near future.

We would like you to take up this matter with Ato Yilma Deressa and Ato Menassa Lemma and also with Abdel-Rahim in your forthcoming trip to Khartoum.

In the conferences held on this subject in Addis and Washington the Ethiopian delegation gave the impression of being in favor of the Convention. Subsequently, Mr. Broches wrote to Ato Menasse Lemma (who was the principal representative of Ethiopia at the Addis meeting) on June 23 (copy attached) asking for early consideration of the Convention by the Government. As yet we have not heard from him. Since Ato Yilma Deressa will be Chairman of the Annual Meeting and would be reporting on the progress made on the signing and ratification of the Convention we assume he would also wish to report that his Government has been among the initial signatories. What Mr. Woods is primarily interested in at this stage is the signing. Obviously ratification by Parliaments will most probably take some time and cannot be expected before the Annual Meeting. Please let us have any reaction you get on this question. Do you think that it would help to get the Government's approval of the Convention if Mr. Woods writes to Ato Yilma Deressa ? Let us know as soon as possible.

I am also sending you copy of our correspondence with Abdel Rahim. He should have by now collected from El Fishawy the Arabic translation of the text of the Convention. If you could nudge him to get it approved by the Council of Ministers and signed by the Ambassador in Washington it would be greatly appreciated.

Woods not want you to discuss this matter officially with the Somali authorities during your visit in Mogadiscio. Mr. Kochman has asked us and we have agreed not to take any action with regard to his countries until he comes back to Washington. However, you may, in passing mention the Convention and write us what progress, if any, has been made.

b
./.

Mr.M.A. Burney
Addis Ababa

- 2 -

August 5, 1965

I am sending you, under separate cover, five copies of the "Memorandum of Signature and Ratification, Acceptance or Approval of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States". You may need to refer to the publication in answering procedural questions that might be raised in your discussions in Ethiopia and the Sudan.

Wishing you good luck in this undertaking and with kind personal regards,

Yours sincerely,

Cyrus Sami.

cc: Mr. Sella

CSami:jk

CS

Mr. Alexander Stevenson

August 5, 1965

Piero Sella

S.I.D. Convention - Afghanistan *f. sh*

I attach hereto copy of Mr. Woods' letter to Mr. Rishtiya dated May 21, 1965. No reply has yet been received.

Afghanistan was not represented at the Asian Regional Meetings of Bangkok and on the Legal Committee which prepared the last draft of the Convention. We have, however, no indication that this was due to hostility to the basic ideas of the Convention. This is confirmed by the attached letter which we received in reply to Mr. Woods' invitation to send experts to the Bangkok meeting (no experts from Afghanistan were ever designated).

As you know, Mr. Woods is anxious to have at least twenty signatures before the Annual Meeting; any indication on the likelihood of Afghanistan signing the Convention would therefore be most welcome.

Thus far the following countries have signed the Convention: Tunisia, the United Kingdom, Jamaica, Ivory Coast, Pakistan, Nigeria and Mauritania. Japan and the United States are expected to sign soon.

2 Encls.

cc: Mr. Broches o/r
Mr. Hurick
Mr. Pinto

PSella/ar

002 000 - 0 00 00 00

COMMUNICATIONS
GENERAL LITER
RECEIVED

August 2, 1965

Mr. Alexander Stevenson

Plano 8611A

My

S.I.D. Convention - Afghanistan

I attach hereto copy of Mr. Woods' letter to Mr. Rabinovitch dated May 21, 1965. No reply has yet been received.

Alghanistan was not represented at the Asian Regional Meetings of Bangkok and on the Legal Committee which prepared the first draft of the Convention. We have, however, no indication that this was due to hostility to the basic ideas of the Convention. This is confirmed by the attached letter which we received in reply to Mr. Woods' invitation to send experts to the Bangkok meeting (no experts from Afghanistan were ever designated).

As you know, Mr. Woods is anxious to have at least twenty signatures before the Annual Meeting; my indication on the likelihood of Afghanistan signing the Convention would therefore be most welcome.

Thus far the following countries have signed the Convention: Tunisia, the United Kingdom, Jordan, Ivory Coast, Pakistan, Nigeria and Mauritania. Japan and the United States are expected to sign soon.

2 Enclos.

cc Mr. Broches
Mr. Hurlock
Mr. Pinto

1965 AUG - 6 PM 4:47

RECEIVED
GENERAL FILES
COMMUNICATIONS

8611A/87

August 5, 1965

Mr. Asbjørn Sand
Chief, Foreign Loans Division
The Royal Norwegian Ministry of
Commerce and Shipping
Oslo
Norway

Dear Mr. Sand:

Mr. Broches has asked me to keep you informed of the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Convention thus far has been signed on behalf of Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania.

We have been unofficially informed that several other countries, including Japan and the United States, are considering signature in the next few weeks.

With kindest regards, I am,

Yours sincerely,



Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto

PSella/ar

August 5, 1965

Dr. C.W. van Santen
Ministry of Foreign Affairs
The Hague
Netherlands

Dear Dr. van Santen:

Mr. Broches has asked me to keep you informed of the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Convention thus far has been signed on behalf of Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania.

We have been unofficially informed that several other countries, including Japan and the United States, are considering signature in the next few weeks.

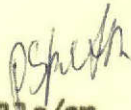
With kindest regards, I am,

Yours sincerely,



Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto


PSella/ar

DECLASSIFIED

SEP 06 2023

PERSONAL

WBG ARCHIVES

August 5, 1965

Mr. Vidar Hallners
Assistant Head of Division
Ministry for Foreign Affairs
Stockholm
Sweden

Dear Mr. Hallners:


Mr. Broches has asked me to keep you informed of the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Convention thus far has been signed on behalf of Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania.

We have been unofficially informed that several other countries, including Japan and the United States, are considering signature in the next few weeks.

With kindest regards, I am,

Yours sincerely,


Piero Sella
Attorney

cc: Mr. Broches c/r
Mr. Pinto

PSella/ar

August 5, 1965

Dr. Ladislav Serb
Assistant Chief Legal Adviser
Secretariat of State for
Foreign Affairs
Belgrade
Yugoslavia

Dear Dr. Serb:

Mr. Broches has asked me to keep you informed of the progress made in the signature of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Convention thus far has been signed on behalf of Tunisia, the United Kingdom, Ivory Coast, Jamaica, Pakistan, Nigeria and Mauritania.

We have been unofficially informed that several other countries, including Japan and the United States, are considering signature in the next few weeks.

We shall, of course, be grateful for any indication about the intention of your government in this matter.

With kindest regards, I am,

Yours sincerely,



Piero Sella
Attorney

cc: Mr. Broches o/r
Mr. Pinto

PSella/ar

Mr. Stokes M. Tolbert

August 5, 1965

Alexander Stevenson

Signing of SID Convention - Afghanistan and Iran

1. I talked to Mr. Sella today about any action we might take to stimulate countries to sign the SID Convention before the Annual Meeting. As I think you know, Mr. Woods is anxious to have twenty signatures from Governments before that date and has urged the Departments to do all they can to make this possible.
2. As far as Afghanistan is concerned, I said I would talk to the Ambassador about this when I see him a week from today.
3. As regards Iran, I suggested that Mr. McDiarmid should take this up on the occasion of his forthcoming visit. Will you please see that he has the necessary briefing. I gather that a new Iranian lawyer on our staff has written to the Iranian Legal Advisor to the Prime Minister on this subject.



AStevenson:ptv

cc: Mr. McDiarmid
Mr. Sella



Record Removal Notice

File Title Operational - Arbitration - Settlement of Investment Disputes [SID] - Correspondence - Volume 6		Barcode No. 1069925		
Document Date August 5, 1965	Document Type Letter			
Correspondents / Participants To: Mr. Walter Hill, Secretary-General, International Chamber of Commerce From: Lester Nurick, Deputy General Counsel				
Subject / Title [Questions about the Convention on the Settlement of Investment Disputes]				
Exception(s) Attorney-Client Privilege				
Additional Comments		The item(s) identified above has/have been removed in accordance with The World Bank Policy on Access to Information or other disclosure policies of the World Bank Group.		
		<table border="1"><tr><td>Withdrawn by Kim Brenner-Delp</td><td>Date August 21, 2023</td></tr></table>	Withdrawn by Kim Brenner-Delp	Date August 21, 2023
Withdrawn by Kim Brenner-Delp	Date August 21, 2023			

SID

INCOMING CABLE

DATE AND TIME
OF CABLE:

AUGUST 4, 1965 1838

LOG NO.:

ITT 21

TO:

MENDELS INTBAFRAD

FROM:

RABAT

TEXT:

ROUTING	
ACTION COPY:	MR. MENDELS
INFORMATION COPY:	
DECODED BY:	

COMME SUITE VOTRE DERNIER MESSAGE VOUS
 INFORME QUE DECRET AUTORISANT APPROBATION
 GOUVERNEMENT MAROCAIN SUR CONVENTION
 INVESTISSEMENT ACTUELLEMENT SOUNIS SIGNATURE
 MINISTRE FINANCES. RECEVREZ SOUS PEU DE
 JOURS CONFIRMATION OFFICIELLE. PRIERE INFORMER
 MONSIEUR WOODS MEILLEURS SENTIMENTS

TAZI

ECC

INCOMING CABLE

DATE AND TIME
OF CABLE:
TO:
FROM:
INFO:

AUGUST 4, 1965
1234
WORLDWIDE INFORMATION
ACTION COPY

BOLTING

MR. WOODS

INFORMATION
COPY:
DECIDED BY:

YOUR COPY OF THE MESSAGE IS BEING
FORWARDED TO THE APPROPRIATE
DEPARTMENT AND TO THE
RELEVANT ATTACHEES FOR THEIR
ACTION. PLEASE ADVISE US OF
YOUR OFFICE'S COMMENTS.
THANK YOU.

AUG 4 5 25 PM 1965

COMMUNICATIONS
GENERAL FILES

Legal Files

August 4, 1965

C. W. Pinto

SID Convention - Trinidad and Tobago

On Tuesday August 3, 1965 Mr. Demas, head of the Economic Planning Division of the Prime Minister's Office and Mr. Daniel, Senior Economist in the same Division called at the Bank for general discussion regarding possible Bank operations in Trinidad.

I took the opportunity of inquiring about the status of the Convention. Mr. Demas said he had read the Convention, but had not really studied it and was not aware of what was being done about it. He did not seem too anxious to say much about the Convention beyond asking who had signed it to date. He did say, however, that Mr. Cherry (who, when Solicitor General, attended the Santiago meeting) had since become a judge of the Supreme Court. Both Mr. Demas and Mr. Daniel undertook to try to have some action taken on the Convention in the near future.

cc. Mr. Broches
Mr. Sella

LWP

August 4, 1965

Mr. Raja S. Hinadeh
Government Commissioner to BGAIF
Ministry of Finance
Beirut
Lebanon

Dear Mr. Hinadeh:

I refer to Mr. Broches' letter to you of June 22, 1965 concerning the Convention on the Settlement of Investment Disputes.

Mr. Broches is now in Europe and before leaving asked me to write to you to enquire informally about the likelihood of any action by the Government of Lebanon on the Convention before the Annual Meeting of the Bank next September.

You may be interested to know that the Convention has been signed by the following countries: Ivory Coast, Jamaica, Mauritania, Nigeria, Pakistan, Tunisia and the United Kingdom. We have been informally advised that the Government of Japan and the United States plan to sign the Convention in the next few weeks. Other countries have indicated their intention to proceed with the signature of the Convention soon.

Hoping to hear from you soon.

I am, with kindest regards,

Sincerely yours,



Piero Sella
Attorney

cc: Mr. Broches
Mr. Pinto

PSella/ar

August 4, 1965

Mrs. Christine Villgrattner
Ministry of Foreign Affairs
Ballhaus Platz 2
Vienna
Austria

Dear Mrs. Villgrattner:

Mr. Broches before leaving for Europe has asked me to write to you with reference to his letter of June 21, 1965 to you which has remained unanswered.

That letter may have gone astray and I enclose herewith a copy of it.

Mr. Broches would be very grateful if you could let him know informally whether it is likely that the Austrian Government will sign the Convention on the Settlement of Investment Disputes between States and Nationals of Other States before the next Annual Meeting of the Bank which will take place in Washington at the end of September.

I am pleased to inform you that the Convention has been signed on behalf of the United Kingdom, Tunisia, Ivory Coast, Pakistan, Jamaica, Nigeria and Mauritania. We have been informally advised that the governments of the United States and Japan plan to sign the Convention in the next few weeks. Other countries have expressed the intention of signing the Convention soon.

Mr. Broches will be in Europe for a few weeks and all mail will be forwarded to him promptly.

With kind regards, I am,

Sincerely yours,

PS
Piero Sella
Attorney

Encl.

cc: Mr. Broches
Mr. Pinto

PSella/ar

August 3, 1965

Mr. A. Broches
Boite Postale No. 7
Seillans (Var.)
France

Dear Ronnie:

Enclosed is a copy of a letter dated July 27, 1965,
from Mr. Horowitz to Mr. Woods, together with a copy of the
transmittal notice to me.

Best regards,

encs.

LNurick:mu

SN

Legal Files

August 3, 1965

Piero Sella

SID Convention - Italy

I talked yesterday to Mr. Siglienti, Alternate Executive Director, about Italy's intentions toward signing the Convention. I handed him copies of Mr. Woods' letter to Minister Colombo and of Mr. Ortona's to Mr. Console (cf. Legal Files). Mr. Siglienti did not have any information about Italy's attitude. He thought it unlikely that Italy would be able to sign before the Annual Meeting but would contact Rome and ask for a reply to Mr. Woods' letter.

I emphasized the importance of having several capital exporting countries sign the Convention before the Annual Meeting. Mr. Siglienti agreed but thought that the countries which are members of the Common Market might want to agree on a common position.

cc: Messrs. Broches (o/r), Nurick, Pinto, Hartwich

PS:la

Jeh

Mr. César Durán-Ballén

August 2, 1965

Gerald Alter *GA*

URUGUAY - Terms of Reference

On or about August 9 you will proceed from Asunción to Montevideo for 2 or 3 days for the following purposes:

1) Political Situation.

You should assess the political situation in Uruguay.

2) UTE.

You will inform the President of UTE that the Bank is concerned with Uruguay's financial position, especially its short-term problems. As the Bank must be certain of a country's creditworthiness when making a loan, the President of UTE must be cognizant of the possibility that the Bank may not be able to lend to UTE because of the poor economic position of Uruguay.

3) Second Livestock Project.

You should inform the Minister of Agriculture and the Honorary Livestock Commission that the Bank is concerned with the delayed consideration by the Parliament of the second livestock loan. You should stress the importance of the loan being ratified as soon as possible. You should also inform the Uruguayan authorities of the new Bank policy regarding delays in effectiveness.

4) IFC.

Now that the Senate has approved Uruguay's membership in IFC, thus completing all parliamentary requirements, the Executive should promptly make the payments related to such membership. You will inform that IFC will shortly send a member of its staff to explore the possible areas of IFC investment in Uruguay.

5) Capital Subscription.

You should also inform the Government that the Bank expects that now that all parliamentary action has been completed with regard to the capital subscription, the Bank expects Uruguay to make the corresponding payments immediately.

cc: Mr. Loftus
Mr. Sear
Mr. McMeekan
Mr. Paterson
Mr. Davies
Mr. Metherate

CDuránBallén/tr

810

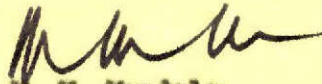
August 2, 1965

His Excellency
Ahmed-Baba Miske
Embassy of the Islamic Republic
of Mauritania
2737 Cathedral Ave. N.W.
Washington, D.C.

Excellency:

I enclose two certified copies of the Convention
on the Settlement of Investment Disputes between States
and Nationals of Other States which was signed by you
on behalf of Mauritania on July 30, 1965.

Very truly yours,



M. M. Mendels
Secretary

Encl.

ID:phm



cc: Mr. Kochman
Mr. Broches

1965 AUG - 11 PM 8:02

COMMUNICATIONS
GENERAL SERVICES
RECEIVED

August 2, 1965

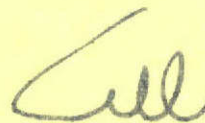
His Excellency
Aimed-Baba Mlake
Embassy of the Islamic Republic
of Mauritania
237 Cathedral Ave. N.W.
Washington, D.C.

Excellency:

I enclose two certified copies of the Convention
on the Settlement of Investment Disputes between States
and Nationals of Other States which was signed by you
on behalf of Mauritania on July 30, 1965.

Very truly yours,


M. H. Landels
Secretary

Encf.
ID: phm

cc: Mr. Kochman
Mr. Broches

1965 AUG -4 PM 6:05

RECEIVED
GENERAL FILES
COMMUNICATIONS

Le 2 août 1965

M. N. Ratsirahonana
Administrateur Civil
Ministère de la Justice
Tananarive
Malagasy Republic

Cher Monsieur,

M. Broches m'a chargé de vous écrire pour vous tenir au courant des derniers développements concernant la Convention pour le Règlement des Différends Relatifs aux Investissements qui fut approuvée par les Administrateurs de cette Banque le 18 mars dernier et a été soumise aux Gouvernements membres de la Banque.

Sept pays ont déjà signé la Convention: La Tunisie, la Grande Bretagne, la Côte d'Ivoire, le Pakistan, la Jamaïque, le Nigeria et la Mauritanie. Le Japon et les Etats-Unis nous ont fait savoir officiellement qu'ils signeront la Convention dans l'avenir très prochain; plusieurs autres pays s'appêtent à en faire autant.

Je pense que la Convention est à l'examen des autorités malgaches. Vous aurez sans doute remarqué que le texte de la Convention soumis aux Gouvernements membres suit de près le texte rédigé par le Comité Juridique l'an dernier. La principale différence consiste dans l'élimination de la disposition permettant la substitution de l'Etat à son ressortissant dans les procédures d'arbitrage au cas où il y aurait eu subrogation. Les Administrateurs de la Banque ont décidé de supprimer cette disposition afin de rendre la Convention acceptable au plus grand nombre de pays. Vous vous souvenez qu'au Comité Juridique bien des experts s'étaient prononcés contre cette disposition qui n'avait été acceptée qu'à une faible majorité.

L'acceuil que la Convention a déjà reçu parmi plusieurs pays importateurs et exportateurs de capitaux nous laisse croire que le Comité Juridique et les Administrateurs de la Banque sont arrivés à formuler un texte qui tient compte des intérêts des pays qui désirent encourager l'investissement étranger aussi bien que des intérêts des investisseurs.

Il serait intéressant pour nous de savoir, à titre tout à fait officieux, si le gouvernement de la République Malgache pense de vouloir

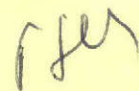
signer la Convention dans l'avenir prochain; nous nous rendons compte que la ratification successive devra peut-être prendre plus de temps.

L'Assemblée annuelle des gouverneurs de la Banque qui se tiendra au mois de septembre à Washington sera une bonne occasion pour faire le point sur l'accueil fait à la Convention et M. Woods, le Président de la Banque, voudrait pouvoir compter sur un nombre considérable de signatures par les états membres.

Je vous serai donc très reconnaissant pour toute information que vous voudrez bien nous faire parvenir au sujet des projets de votre gouvernement en vue de la signature de la Convention. Je ne ferai naturellement usage de ces informations, même à l'intérieur de la Banque, que dans la mesure que vous indiquerez.

M. Broches, qui vient de partir pour l'Europe, me demande de le rappeler à votre bon souvenir.

Veillez accepter, cher Monsieur, l'expression de mes meilleurs sentiments.



Piero Sella
Attorney

cc: Mr. Broches o/r

PSella:lj

August 2, 1965

Mr. René A. Debatty
Avocat Général près la
Cour d'Appel de Léopoldville
B.P. 1.447
Léopoldville
Republic of Congo

Dear Sir:

In the absence of Mr. Broches I wish to acknowledge your letter of March 5, 1965, which reached us only now.

The Convention on the Settlement of Investment Disputes between States and Nationals of Other States, which will establish the Centre for Settlement of Investment Disputes, has been submitted to member governments for their consideration with a view to signature and ratification. It will enter into force upon ratification by twenty member governments.

The Convention provides for a Panel of Conciliators and a Panel of Arbitrators. Each State which has ratified the Convention may designate four persons to each Panel; the Chairman of the Administrative Council of the Centre will also have a limited power of designation.

It is expected that the Centre itself will have only a very small staff for its Secretariat, at least initially.

I suggest that, if you wish to be considered for designation to one of the Panels, you address your request to your Government, who will be responsible for the selection of the persons it wishes to designate to the Panels after it has signed and ratified the Convention.

I enclose herewith, for your information, copy of the Convention and of the accompanying report of the Executive Directors.

Sincerely yours,



Piero Sella
Attorney

Encl.

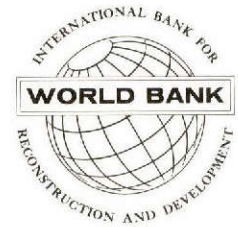
cc: Mr. Broches o/r
Mr. Pinto

PSella/ar

FOR IMMEDIATE RELEASE

INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT

1818 H STREET, N.W., WASHINGTON D. C. 20433 TELEPHONE: EXECUTIVE 3-6360



Bank Press Release No. 65/34
August 2, 1965

Subject: Settlement of
Investment Disputes

During July 1965 the Convention on Settlement of Investment Disputes, submitted to governments by the Executive Directors of the World Bank, was signed by Pakistan (July 6), Nigeria (July 13) and Mauritania (July 30).

There are now seven signatories to the Convention.

CROSS REFERENCE SHEET

COMMUNICATION: Terms of Reference

DATED: August 2, 1965

TO: Mr. Duran-Ballen

FROM: Mr. G. Alter

FILED UNDER: Paraguay - Economic Mission

SUMMARY: Extract:

SID

Explore the possibilities of Paraguay acceding to the Convention for Settlement of Investment Disputes.

After completing your mission in Paraguay (which should require no more than a week) you should proceed to Uruguay.

August 2, 1965

Dear Mr. Hill:

Thank you for your letter of July 28, 1965. ✓

I am most pleased that the International Chamber of Commerce supports the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States and I am particularly pleased that the Chamber's Commission on International Arbitration has made such a careful study of its provisions.


As regards the two specific points which the Commission felt should be drawn to our attention, I have asked our Legal Department to study them and write to you directly.

Sincerely yours,

(Signed) George D. Woods

George D. Woods

Mr. Walter Hill
Secretary-General
International Chamber of Commerce
38, Cours Albert ler
Paris, France

 ABroches:cm1