

ASIL

The American Society of International Law

INTERNATIONAL LEGAL MATERIALS

FEATURING:

569

**International Centre for Settlement of Investment Disputes (ICSID):
Salini Construttori S.p.A. and Italstrade S.p.A. v. the Hashemite Kingdom of Jordan,
Decision on Jurisdiction, Introductory Note by David J.A. Cairns**

The tribunal found that the common intent of the parties to exclude contractual disputes from ICSID jurisdiction in the Italy-Jordan Bilateral Investment Treaty was clear. It also found that there was no intention to make the Most Favored Nation clause in that Italy-Jordan BIT apply to dispute settlement.

601

**Permanent Court of Arbitration (PCA), Eritrea-Ethiopia Claims Commission: Partial
Award, Civilian Claims- Eritrea's Claims 15, 16, 23 & 27-32; Ethiopia's Claim 5**

The Eritrea-Ethiopia Claims Commission found Ethiopia liable for several violations of international law involving acts or omissions by its civilian officials, military personnel and others, including the wrongful deprivation of Ethiopian nationality, the unlawful detention of Eritrean civilians and abuse of detainees. The Commission also found Eritrea liable for several violations of international law, including the failure to ensure that Ethiopians were able to obtain medical treatment to the same extent as Eritrean nationals in accordance with Article 38 of Geneva Convention IV, unlawful detention, concealment of some detainees from the ICRC and abuse of Ethiopian detainees.

717

**International Centre for the Settlement of Investment Disputes (ICSID):
Plama Consortium Limited v. The Republic of Bulgaria, Decision on Jurisdiction
(February 8, 2005),**

Introductory Note by August Reinisch

The tribunal held that the denial of benefits clause in the Energy Charter Treaty cannot have "retrospective effect." It also found that the Most Favored Nation clause in the Bilateral Investment treaty did not encompass dispute settlement, noting that "Contracting States cannot be presumed to have agreed that [dispute settlement] provisions can be enlarged by incorporating dispute resolution provisions from other treaties negotiated in an entirely different context."

INTERNATIONAL LEGAL MATERIALS

Volume 44 — May 2005

— Contents —

JUDICIAL AND SIMILAR PROCEEDINGS

NAFTA Chapter Eleven Tribunal: <i>GAMI Investments, Inc. v. The Government of the United Mexican States</i>	
Text of Decision	545
International Centre for Settlement of Investment Disputes (ICSID) (Award): <i>Salini Construttori S.p.A. and Italstrade S.p.A. v. the Hashemite Kingdom of Jordan, ICSID Case No. ARB 02/13, Decision on Jurisdiction</i>	
Introductory Note by David J.A. Cairns.....	569
Text of Decision	573
Permanent Court of Arbitration (PCA), Eritrea-Ethiopia Claims Commission: <i>Partial Award, Civilian Claims—Eritrea's Claims 15, 16, 23 & 27-32</i>	
Text of Decision	601
Permanent Court of Arbitration (PCA), Eritrea-Ethiopia Claims Commission: <i>Partial Award, Civilian Claims-Ethiopia's Claim 5</i>	
Text of Decision	630
United Kingdom House of Lords: <i>Opinions of the Lords of Appeal for Judgment in the Cause of A (FC) and others (FC) (Appellants) v. Secretary of State for the Home Department (Respondent): X (FC) and another (FC) (Appellants) v. Secretary of State for the Home Department (Respondent) UKHL 56</i>	
Text of Decision	654
International Centre for Settlement of Investment Disputes (ICSID): <i>Plama Consortium Limited v. The Republic of Bulgaria, Decision on Jurisdiction</i>	
Introductory Note by August Reinisch.....	717
Text of Decision	721
European Court of Human Rights (ECHR): <i>Case of Mamatkulov and Askarov v. Turkey</i>	
Text of Decision	759

DECLARATIONS, RESOLUTIONS AND OTHER DOCUMENTS

NAFTA Free Trade Commission: Statement of the Free Trade Commission on Non-Disputing Party Participation	
Text of Statement	796
United Nations Security Council Resolution 1559 (The Situation in the Middle East)	
Text of Resolution	798

OTHER DOCUMENTS RECEIVED.....	799
--------------------------------------	------------