

CP

PERMANENT COURT OF ARBITRATION



Mr. Scott B. White
Acting Secretary-General
International Centre for Settlement of Investment Disputes
1818 H Street, N.W.
Washington, D.C. 20433
USA

BY E-MAIL AND FACSIMILE (2 PAGES): +1 202 522-2615

February 17, 2006

CP 48,013
DIRECT DIAL: +31 70 302 4168
E-MAIL: BUREAU@PCA-CPA.ORG

RE: VICTOR PEY CASADO AND ANOTHER V. REPUBLIC OF CHILE - RECOMMENDATION OF THE SECRETARY-GENERAL OF THE PERMANENT COURT OF ARBITRATION REGARDING THE PROPOSAL OF RESPONDENT TO DISQUALIFY PROFESSOR PIERRE LALIVE AND MINISTER MOHAMMED BEDJAOU

Dear Mr. White,

In a letter dated February 14, 2006, you requested that I provide, in my capacity as Secretary-General of the Permanent Court of Arbitration, a recommendation to the Chairman of the ICSID Administrative Council as to what his decision should be on the proposal for the disqualification of the two remaining members of the arbitral tribunal, Professor Pierre Lalive and Minister Mohammed Bedjaoui, in the above-mentioned matter, pursuant to the relevant provisions of the ICSID Convention and the ICSID Arbitration Rules in force 1984-2002. Your letter was accompanied by a copy of the complete file on the disqualification proposal, as listed in the attached document.

Having reviewed the file in this matter and the relevant provisions of the ICSID Convention and applicable rules, I recommend:

- i. that the proposal to disqualify Professor Pierre Lalive be rejected; and
- ii. that the proposal to disqualify Minister Mohammed Bedjaoui be accepted.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tjaco T. van den Hout'.

Tjaco T. van den Hout
Secretary-General

Victor Pey Casado and Another v. Republic of Chile**Recommendation of the Secretary-General of the Permanent Court of Arbitration
Regarding the Proposal of Respondent to Disqualify Professor Pierre Lalive and
Minister Mohammed Bedjaoui****LIST OF DOCUMENTS SUBMITTED BY ICSID TO THE SECRETARY-GENERAL OF
THE PERMANENT COURT OF ARBITRATION**

1. Respondent's Request for Disqualification of August 23, 2005.
2. Claimants' letter of August 26, 2005.
3. Mr. Leoro Franco's letter of August 26, 2005.
4. Claimants' letter of September 1, 2005.
5. Mr. Lalive's letter of September 2, 2005.
6. Claimants' letter of September 5, 2005.
7. Mr. Leoro Franco's letter of September 6, 2005.
8. ICSID Secretariat's letter of September 8, 2005.
9. Claimants' letter of September 11, 2005.
10. ICSID Secretariat's letter of September 14, 2005.
11. Respondent's letter of September 16, 2005.
12. Claimants' letter of September 19, 2005.
13. ICSID Secretariat's letter of September 22, 2005.
14. Claimants' letter of September 30, 2005.
15. Mr. Lalive's letter of October 4, 2005.
16. Mr. Bedjaoui's letter of October 7, 2005.
17. Mr. Leoro Franco's letter of October 7, 2005.
18. Mr. Lalive's letter of October 12, 2005.
19. Mr. Leoro Franco's letter of October 23, 2005.
20. ICSID Secretariat's letter of October 28, 2005.
21. Respondent's letter of November 8, 2005.
22. Claimants' letter of November 8, 2005.
23. Mr. Lalive's letter of November 17, 2005.
24. Mr. Bedjaoui's letter of November 28, 2005.
25. ICSID Secretariat's letter of December 2, 2005.
26. Claimants' letter of December 5, 2005.
27. Mr. Lalive's letter of December 5, 2005.
28. Mr. Bedjaoui's letter of December 7, 2005.
29. Respondent's letter of December 16, 2005.
30. Mr. Leoro Franco's letter December 16, 2005.
31. ICSID Secretariat's letter of December 21, 2005.
32. Respondent's letter of December 22, 2005.
33. Mr. Bedjaoui's letter of January 2, 2006.
34. Claimants' letter of January 4, 2006.
35. Mr. Leoro Franco's January 15, 2006.
36. Respondent's letter of January 11, 2006.
37. Claimants' letter of January 19, 2006.
38. Mr. Bedjaoui's letter of January 19, 2006.