

FOREWORD

It gives me great pleasure to present this publication, a collection of summaries of the thirty-one public awards and decisions rendered by fifteen arbitral tribunals and commissions for which the Permanent Court of Arbitration (PCA) in The Hague provided registry and administrative services over the decade December 1999 to August 2009, which saw the organization's remarkable revival. When the PCA was created at the First Hague Peace Conference in 1899, it was originally conceived as an intergovernmental mechanism exclusively for the settlement of disputes between States. However, the evolving flexibility of the PCA has allowed it to identify and respond to the changing dispute resolution needs of the international community in a world order that is dramatically different from that of the late nineteenth century, and that continues today.

The present volume provides an overview of the PCA's recent history and follows on from the PCA's 1999 publication *The Permanent Court of Arbitration: International Arbitration and Dispute Resolution: Summaries of Awards, Settlement Agreements and Reports* (Kluwer Law International), which contained summaries of all publicly available awards, decisions and reports rendered with the PCA's assistance over the one hundred years since its establishment. The period of time covered by the previous volume ended with the conclusion of the first phase of the land and maritime boundary proceedings between Eritrea and Yemen; the first summary in the present volume relates to the second phase of those proceedings.

Over the last decade, the broad and diverse range of arbitrations that the PCA has been called upon to administer includes, amongst others, four arbitrations brought under Annex VII of the 1982 United Nations Convention of the Law of the Sea and the recently concluded arbitration between the Government of Sudan and the Sudan People's Liberation Movement/Army. The two commissions established by the peace agreement signed by Eritrea and Ethiopia that brought an end to the war between them that lasted from May 1998 to June 2000 – the Eritrea-Ethiopia Boundary Commission and the Eritrea-Ethiopia Claims Commission – are also featured. The latter only recently completed its mandate with the release of its Final Awards on Damages. The case load of the PCA over the past ten years has thus addressed matters such as State sovereignty, the laws of armed conflict (*jus in bello* and *jus ad bellum*), the delimitation of land and maritime boundaries, and the interpretation of treaties, as well as vital and rapidly-developing fields such as international humanitarian law, the law of the sea, environmental law, and the protection of foreign investors. All of the awards and decisions featured herein are available in full on the PCA's website at www.pca-cpa.org, along with other pertinent information concerning each particular case.

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I am greatly indebted to Professor J.G. Merrills, Professor of International Law of the University of Sheffield, United Kingdom, who has – once again – contributed a thorough and in-depth critical analysis on the contribution of these arbitrations to the development of international law and international dispute resolution.

I wish to express gratitude to my predecessor, Tjaco T. van den Hout, Secretary-General of the PCA from 1999 to 2008, whose vision and resolve made this project possible. Thanks are also due for the diligence and skill of former PCA staff members Fedelma Claire Smith, who drafted and co-edited the summaries, and to Belinda Macmahon, who edited and oversaw the composition of the book and project-managed its publication. I am also grateful to the many tribunal chairpersons and presidents who graciously participated in the rigorous review procedure for each summary.

I am certain that this volume will prove to be a valuable research tool for academics and practitioners of public international law and related disciplines, and for anyone wishing to gain an insight into the PCA's work and field of activity in recent years. I am sure that it will also be useful to foreign ministries and other government departments, intergovernmental organizations, and of course any other body which may in future seek to make use of the Permanent Court of Arbitration.

Christiaan KRÖNER
Secretary-General
Permanent Court of Arbitration
The Hague, December 2009