

September 27, 2022

By email

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**Re: ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V. and
ConocoPhillips Gulf of Paria B.V. v. Bolivarian Republic of Venezuela**
(ICSID Case No. ARB/07/30)

Dear Mesdames and Sirs,

[1] I refer to the Proposal for the Disqualification of Judge Hascher and Professor Fernández Arroyo filed on June 12, 2022 by De Jesús Law Firm on behalf of the Bolivarian Republic of Venezuela (the “Proposal”).

[2] The Proposal was submitted pursuant to Articles 14 and 57 of the ICSID Convention and ICSID Arbitration Rule 9. Pursuant to Article 57, a party may propose the disqualification of an arbitrator on account of any fact indicating a manifest lack of the qualities required by Article 14(1).

[3] Pursuant to Article 58 of the Convention and Arbitration Rule 9, the Chair of the ICSID Administrative Council shall decide the Proposal.

[4] On July 22, 2022, the Centre informed the parties of my decision to seek a recommendation on the Proposal from Judge Ian Binnie, former Justice of the Supreme Court of Canada. The Centre confirmed that the final decision on the Proposal would be taken by the Chair of the ICSID Administrative Council in accordance with Article 58 of the ICSID Convention.

[5] The parties have been given a full opportunity to present their positions on this matter. The Centre provided Judge Binnie with copies of all parties’ submissions on the Proposal and the explanations furnished by Judge Hascher and Professor Fernández Arroyo.

[6] The Centre received the recommendation from Judge Binnie on September 16, 2022. A copy of the recommendation is attached.

[7] I have carefully considered the Proposal, having regard to the parties’ written arguments, the explanations furnished by Judge Hascher and Professor Fernández Arroyo, and the recommendation from Judge Binnie. Based on these materials, I have concluded

that the Proposal does not meet the standard for disqualification set forth in Article 57 of the ICSID Convention.

[8] Accordingly, the Proposal is hereby rejected.

Yours sincerely,

[signed]

David Malpass
Chairman of the Administrative Council

Attachment

cc:

Judge Dominique Hascher
Professor Diego P. Fernández Arroyo
Mr. Lawrence Boo