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To whom it may concern

On 28 November, on the day of my departure for an extended travel to different places – I will only be back in Paris on December 12 – I received a letter from counsel for Claimant challenging my appointment as an arbitrator in the case of *Murphy Exploration & Production Company – International v. The Republic of Ecuador*, based, according to them on circumstances that give rise to justifiable doubts about my impartiality or independence.

I will answer to this challenge in due time, and I send this message to the parties for several purposes.

First, as an acceptance of my nomination. I would indeed like to formally accept my designation by the Republic of Ecuador, which – as has not been remained unnoticed by counsel for Claimant – has never been made. I have been extremely busy in mid November, and have not yet proceeded with a formal acceptance of my nomination. I observe that the UNCITRAL Rules do set a time limit for acceptance.

Second as a disclosure. Although, I personally do not consider that any of the facts that I will mention below can give rise to justifiable doubts concerning my impartiality and/or independence, it seems that counsel for Claimant have a different view.

I therefore confirm that I am a member of the ICSID tribunal in the following cases:

Case ARB/06/11, *Occidental Petroleum Corporation and Occidental Exploration and Production Company v. Republic of Ecuador*, which started 7 years ago, in 2006.

Case ARB/08/5, *Burlington Resources, Inc. v. Republic of Ecuador*, which started 3 years ago.

In the same line, I add, that I am also a member of an UNCITRAL tribunal involving Ecuador, nominated by that State, which started 2 years ago.

Third, as a refusal to withdraw the acceptance just provided, as there is, in my view, no objective basis to impugn my impartiality and/or independence.

Best regards

  
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