

## **DR. NORBERT WÜHLER**



### **Areas of Expertise**

International claims and reparations, arbitration, dispute settlement

### **Professional Experience**

Member, Kosovo Property Claims Commission (KPCC)	since 2007
International Organization for Migration (IOM), Geneva, Switzerland: Director, Reparation Programs	2000-2010
United Nations Compensation Commission (UNCC), Geneva, Switzerland: Chief, Legal Service	1992-2000
Iran-United States Claims Tribunal, The Hague, Netherlands: Legal Assistant of the President and Deputy Secretary-General	1983-1991
Bars of Heidelberg and Mannheim, Germany: Attorney-at-law	1979-1983
Max Planck Institute for International Law, Heidelberg, Germany: Research Fellow	1977-1983

### **Other Professional Functions**

Sole Arbitrator, Member and Chairman of international arbitral tribunals under the ICC Arbitration Rules, the UNCITRAL Arbitration Rules, ad hoc rules, and under Bilateral Investment Treaties  
List of Conciliators, International Centre for Settlement of Investment Disputes (ICSID)

### **Education**

Doctor of Law, University of Heidelberg, Germany	1984
Second State Examination in Law, Stuttgart, Germany	1976
First State Examination in Law, University of Heidelberg, Germany	1973

### **Professional Associations**

International Bar Association  
International Law Association, Member, Committee on International Commercial Arbitration and Committee on Reparation for Victims of Armed Conflict  
German Society for International Law  
German Arbitration Institution  
Swiss Arbitration Association

### **Nationality**

German

### **Languages**

English, French, German (mother tongue), basic Spanish, some Italian

**Concern: Enquiry regarding the potential appointment as expert in *Abaclat and others vs. Argentine Republic* (ICSID Case No. ARB/07/5)**

Dear Professor Tercier,

This letter is in reply to the letter sent to me by the majority of the Arbitral Tribunal, and transmitted to me by your letter, concerning the referenced matter.

Please find my answers to the enquiries in the letter of the majority of the Arbitral Tribunal as follows:

- I would be willing and available to act as tribunal-appointed expert in these proceedings;
- As set out in the enclosed declaration of independence, I consider myself to be independent and impartial with regard to the Parties and the subject matter of the dispute, and I am not aware of anything that may cause me to be subject to a conflict of interest.
- Based on my professional background and experience, I consider having the necessary qualifications and skills to conduct and complete the envisaged scope of mission. I have recently performed two similar missions: a review of the organization and operation of the UN Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (UNRoD) included an examination of its claims database; and an assessment of a database containing the records of the UN Conciliation Commission for Palestine (UNCCP) focused on its usability in a potential claims program.

I would seek one clarification concerning the scope of mission and suggest one addition to it as follows:

- (i) The clarification is sought with respect to the meaning of the term “documents” as used in paragraph 8 (i), (ii) and (iii) and paragraph 10, first sentence, of Draft Procedural Order No. 13. Are these all the physical documents on which the information with respect to each individual (natural and juridical) person contained in the Claimants’ Database is based? If so, what is their volume, and should the tasks set out in paragraph 8 (i), (ii) and (iii) also be performed with respect to all these physical documents? If these are not the physical documents underlying the information with respect to each claimant, what is the nature and volume of these documents?
  - (ii) I suggest to add to paragraph 8 (iii) of Draft Procedural Order No. 13 the examination of whether the data in the Claimants’ Database contains duplicates of natural and/or juridical persons and the related information:
- I believe that I would be in a position to conduct and complete the verification process as sole expert. I would, however, propose the addition of two assistants:

- (i) An IT systems analyst with experience in database development and management in the context of mass claims processing, to assist in the assessment of the reliability, security and usability of the Claimants' Database from a technical user point of view;
- (ii) A person with the necessary language skills to assist with any required translation of Italian language documents or data into English, preferably with experience in mass claims processing and the related database usage;
- (iii) Depending on the nature and volume of the documents referred to in my request for clarification above and the tasks required in relation to them, additional assistance may be needed to complete these tasks within the required timeframe.

I will be happy to provide any additional information or clarification that might be required.

I hereby confirm that I will handle this matter with the necessary discretion and keep the information communicated to me strictly confidential.

With best regards,



Norbert Wühler

Encls.:

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Declaration of independence

Declaration of Independence

consider myself to be independent and impartial with regard to the Parties and the subject matter of the dispute, and I am not aware of anything that may cause me to be subject to a conflict of interest. In view of the particularities of this case, I note two specific items.

I do not know the identity of the natural and juridical persons who are the Claimants in this case. I have, however, had no professional or other relevant relationship with any natural or juridical person of Italian nationality.

In my capacity as the Director of IOM's German Forced Labour Compensation Programme (GFLCP), I was responsible for the overall direction and management of the processing and resolution of the claims submitted to GFLCP which included approximately 130,000 claims submitted by Italian nationals. I do not know whether any of the Italian claimants under GFLCP are among the Claimants in this case. As Director of the Programme, I was not engaged in the examination, review, assessment or resolution of any of the individual claims. Like all staff of GFLCP, I was under an obligation to perform my duties with independence and impartiality, which I did.

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