

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Chevron Bangladesh Block Twelve, Ltd. and Chevron Bangladesh Blocks Thirteen and Fourteen, Ltd.

v.

People's Republic of Bangladesh and Bangladesh Oil Gas and Mineral Corporation

(ICSID Case No. ARB/24/39)

PROCEDURAL ORDER NO. 1

Members of the Tribunal

Roger Stewart KC, President of the Tribunal

Stephen L. Drymer, Arbitrator

Jorge E. Viñuales, Arbitrator

Secretary of the Tribunal

Geraldine R. Fischer

4 April 2025

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Introduction

The first session of the Tribunal was held on 17 March 2025, at 10 a.m. EST / 3 p.m. CET / 6 p.m. GST / 8 p.m. Bangladesh Standard Time, by video conference via Zoom.

An audio recording of the session was made and deposited in the archives of ICSID. The audio recording was distributed to the Members of the Tribunal and the Parties.

Participating in the conference were:

Members of the Tribunal:

Roger Stewart KC, President of the Tribunal

Stephen L. Drymer, Arbitrator

Jorge E. Viñuales, Arbitrator

ICSID Secretariat:

Geraldine R. Fischer, Secretary of the Tribunal

On behalf of the Claimants:

Mr. Matthew Skinner

A&O Shearman

Ms. Marie Stoyanov

A&O Shearman

Ms. Bianca Vasilache

A&O Shearman

Mr. Suhan Khan

Accord Chambers

Mr. Mamun Chowdhury

Accord Chambers

Mr. Sayedul Munim

Accord Chambers

Ms. Rana Kavar

Party representative

Ms. Meredith Craven

Party representative

On behalf of the Respondents:

Ms. Christina Hioureas

Partner, Foley Hoag LLP

Mr. Sudhanshu Roy

Foley Hoag LLP

Mr. Jago Chanter

Foley Hoag AARPI

Mr. Baldomero Casado

Foley Hoag LLP

Ms. Katie Weiner

Foley Hoag LLP

Dr. Shahdeen Malik

Supreme Court of Bangladesh (Local Counsel)

Ms. Cynthia Farid

Supreme Court of Bangladesh (Local Counsel)

Mst. Moursheda Ferdous

Energy and Mineral Resources Division, Ministry of
Power, Energy and Mineral Resources

Md. Thanvir Hussain

Petrobangla

Mr. Mohammed Adnan Sayed

Petrobangla

The Tribunal and the Parties considered the following:

- The Draft Procedural Order No. 1 and No. 2 circulated by the Tribunal Secretary on 6 February 2025; and

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- The Parties' comments on the Draft Procedural Orders received on 11 March 2025, indicating the items on which they agreed and their respective positions regarding the items on which they did not agree.

Having considered the above documents and the Parties' views, the Tribunal now issues the present Order:

Order

Pursuant to ICSID Arbitration Rules 27 and 29, this Procedural Order sets out the Procedural Rules that govern this arbitration. The timetable is attached as **Annex B**.

1. Applicable Arbitration Rules

Convention Article 44; Arbitration Rule 1

- 1.1. These proceedings are conducted in accordance with the ICSID Arbitration Rules in force as of July 1, 2022, as amended by this Order and Procedural Order No. 2 in accordance with ICSID Arbitration Rule 1(2).

2. Constitution of the Tribunal and Tribunal Members' Declarations

Arbitration Rule 21

- 2.1. The Tribunal was constituted on 30 January 2025 in accordance with the ICSID Convention and the ICSID Arbitration Rules. The Parties confirmed that the Tribunal was properly constituted and that no Party has any objection to the appointment of any Member of the Tribunal.
- 2.2. The Members of the Tribunal timely submitted their signed declarations in accordance with ICSID Arbitration Rule 19(3)(b). Copies of these declarations were distributed to the Parties by the ICSID Secretariat upon acceptance of each arbitrator's appointment on 28 October 2024, 29 October 2024 and 30 January 2025.
- 2.3. The Members of the Tribunal confirmed that they have sufficient availability during the next 24 months to dedicate to this case and that they will use best efforts to meet all time limits for orders, decisions and the Award, in accordance with ICSID Arbitration Rule 12(1).

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3. Fees and Expenses of Tribunal Members

Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees; Memorandum on Fees and Expenses

- 3.1. The fees and expenses of each Tribunal Member shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses in force at the time the fees and expenses are incurred.

4. Presence and Quorum

Arbitration Rule 33

- 4.1. The participation of all Members of the Tribunal by any appropriate means of communications is required at the first session, case management conferences, hearings and deliberations.

5. Rulings of the Tribunal

Convention Article 48(1); Arbitration Rules 10, 11(4), 12, 27 and 35

- 5.1. Decisions of the Tribunal shall be taken by a majority of the Members of the Tribunal.
- 5.2. Orders, decisions and the Award may be made by any appropriate means of communication.
- 5.3. Orders, decisions and the Award may be signed electronically.
- 5.4. The President is authorized to sign procedural orders and decisions on behalf of the Tribunal.
- 5.5. When the matter is urgent, the President may decide routine, non-sensitive procedural matters, including deadline extension requests, without consulting the other Members, subject to possible reconsideration of such decision by the full Tribunal within three days of the other Members receiving such decision in writing.
- 5.6. The Tribunal's orders and decisions shall indicate the reasons upon which they are made.
- 5.7. The Tribunal will use best efforts to issue all rulings, including the Award, within the time limits prescribed by the ICSID Arbitration Rules. If the Tribunal cannot comply with an applicable time limit, it will advise the Parties of the special circumstances justifying the delay and the date when it anticipates rendering the ruling, in accordance with ICSID Arbitration Rule 12(2).

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- 5.8. Any ruling of the Tribunal, including the certified copy of the Award, will be dispatched electronically to the Parties.

6. Power to Fix Time Limits

Arbitration Rules 10 and 11

- 6.1. The President may exercise the Tribunal's power to fix and extend time limits for the completion of each procedural step in the proceeding under Arbitration Rules 10(1) and 11(3), in accordance with Arbitration Rules 10(3) and 11(4).
- 6.2. In exercising the power to fix time limits under Arbitration Rule 10(1), the President shall consult with the Parties and the other Members of the Tribunal as far as possible. If the matter is urgent, the President may fix time limits without consulting the Parties or the other Members of the Tribunal, subject to possible reconsideration of such decision by the full Tribunal within three days of the other Members receiving such decision in writing.
- 6.3. The Parties shall endeavor to reach agreement on any extension of time limits or deadlines set out in Annex B before approaching the Tribunal. The Tribunal will give due consideration to any agreement between the Parties, particularly if the agreed extension does not affect any hearing or date or materially affect other steps in the Procedural Calendar. If the Parties are unable to reach agreement, extensions may be granted by the President in his full discretion, in accordance with the prior subsections, and upon application:
- 6.3.1. if there is good and sufficient cause; and
- 6.3.2. provided that the request is made as soon as soon as practicable after a Party becomes aware of the circumstances which prevent it from complying with the deadline.

7. Secretary of the Tribunal

Administrative and Financial Regulation 28

- 7.1. The Tribunal Secretary is Ms. Geraldine R. Fischer, Senior Legal Counsel, ICSID, or such other person as ICSID may notify the Tribunal and the Parties from time to time.
- 7.2. To send copies of communications by email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Ms. Geraldine R. Fischer
ICSID
MSN C3-300

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1818 H Street, N.W.
Washington, D.C. 20433
U.S.A.
Tel.: +1 (202) 473 2950
Fax: +1 (202) 522-2615
Email: gfisher1@worldbank.org
Paralegal name: Ms. Ana Cecilia Chamorro
Paralegal email: achamorro@worldbank.org
ICSID case address: arb/24/39@icsidcases.worldbank.org

For local messenger deliveries, the contact details are:

Ms. Geraldine R. Fischer
ICSID
1225 Connecticut Ave. N.W.
(World Bank C Building)
3rd Floor
Washington, D.C. 20036
U.S.A.
Tel.: +1 (202) 458-1534

8. Representation of the Parties
Arbitration Rule 2

- 8.1. Each Party shall be represented by its counsel (below) and may, subject to §8.2 below, designate additional agents, counsel, or advocates by notifying the Tribunal and the Tribunal Secretary promptly of such designation.

For the Claimants

Allen Overy Shearman Sterling LLP
One Bishops Square
London E1 6AD
United Kingdom

Mr Matthew Skinner
Tel.: +44 20 7655 5797
Email:
Matthew.Skinner@aoshearman.com

Ms Bianca Vasilache
Tel.: +44 20 7655 5743

For the Respondents

Christina Hioureas, Partner
Foley Hoag LLP
1301 Avenue of the Americas
New York, NY 10019
United States of Americas
Email: chioureas@foleyhoag.com
Tel: +1 212 812 0307

Mr. Derek C. Smith, Partner
Mr. Sudhanshu Roy, Senior Associate,
Mr. Baldomero Casado, International
Associate
Foley Hoag LLP

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Email:
Bianca.Vasilache@aoshearman.com

and

Allen Overy Shearman Sterling LLP
32 rue François 1er
Paris 75008
France

Ms Marie Stoyanov
Tel.: +33 1 40 06 51 31
Email: Marie.Stoyanov@aoshearman.com

and

Allen Overy Shearman Sterling LLP
50 Collyer Quay
#09-01 OUE Bayfront
Singapore 049321
Singapore

Mr Gabriel Lim
Tel.: +65 6230 3807
Email: Gabriel.Lim@aoshearman.com

and

Accord Chambers
Suite 101, Eastern Antik
House 155, Road 4, Block-A
Niketon, PO: Gulshan
Dhaka 1212
Bangladesh

Mr Suhan Khan, FCI Arb
Tel.: +88 01711244627
Email: Suhan.Khan@accordchambers.com

Mr Mamun Chowdhury
Tel.: +88 01716924202
Email:
Mamun.Chowdhury@accordchambers.com

1717 K Street, N.W.
Washington, D.C. 20006-5350
United States of America
Tel.: +1 202 223 1200
Emails: dcsmith@foleyhoag.com;
sroy@foleyhoag.com;
bcasado@foleyhoag.com

Mr. Jago Chanter, Senior Associate
Foley Hoag AARPI
153 rue du Faubourg Saint-Honoré
75008, Paris France
Tel.: +33.01.70.36.61.30
Emails: jchanter@foleyhoag.com;

Dr. Shahdeen Malik, Senior Advocate
Ms. Cynthia Farid, Advocate
Supreme Court of Bangladesh
Email: shahdeenmalik01@gmail.com
Email: Cynthiafarid@gmail.com

Mohammad Saiful Islam
Secretary
Energy & Mineral Resources Division
Ministry of Power, Energy and Mineral
Resources
Government of Bangladesh
email: secretary@emrd.gov.bd

Md Rezanur Rahman
Chairman, **Petrobangla**
Email: petchair@petrobangla.org.bd

Mr. Md. Amzad Hossain
Secretary, **Petrobangla**
Email: secretary@petrobangla.org.bd
law.petrobangla@gmail.com

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Mr Sayedul Munim
Tel.: +88 01915191656
Email: S.Munim@accordchambers.com

8.2. The Tribunal may refuse consent to the designation of additional agents, counsel or advocates in the event that such designation causes a conflict of interest with any Member of the Tribunal.

9. Apportionment of Costs and Advance Payments to ICSID – Division of Advances
Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 50

9.1. The Parties shall cover the direct costs of the proceeding in equal parts, without prejudice to the final decision of the Tribunal as to the allocation of costs.

9.2. On 30 January 2025, ICSID requested that the Parties pay US\$300,000. ICSID received the Parties' payments on 12 February 2025 from Claimants and 17 March 2025 from Respondents.

9.3. ICSID shall request further advances as needed. Such requests shall be accompanied by a detailed interim statement of account.

10. Place of Proceeding and Hearings
Convention Articles 62 and 63; Arbitration Rule 32

10.1. Washington, D.C., United States of America shall be the place of the proceeding.

10.2. The Tribunal may hold in-person hearings at any other place that it considers appropriate after consultation with the Parties. The method of holding a hearing will be determined in accordance with §21.2.

10.3. The Tribunal Members may deliberate at any place and by any appropriate means they consider convenient.

11. Procedural Language, Translation and Interpretation
Administrative and Financial Regulation 32; Arbitration Rule 7

11.1. English is the procedural language of the arbitration.

For Documents and Communications

11.2. The Tribunal and the Secretariat shall communicate with the Parties in the English language.

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- 11.3. All pleadings and applications shall be filed in the English language.
- 11.4. Any witness statements or expert reports filed in a language other than English must be accompanied by a translation into English.
- 11.5. All annexes, exhibits and legal authorities shall be filed in the original language. Documents filed in a language other than English must be accompanied by a translation into English.
- 11.6. If the annex, exhibit or legal authority is lengthy and relevant only in part, it is sufficient to translate only the relevant part(s), and enough of the remainder of the document to make the excerpt meaningful in context and understandable to the reader, unless the Tribunal orders a Party to provide a fuller or a complete translation at the request of any Party or on its own initiative.
- 11.7. Translations need not be certified, unless the translation is disputed and the Tribunal orders a Party to provide a certified translation.
- 11.8. Documents exchanged between the Parties in a language other than English under §15 below (Production of Documents) need not be translated unless and until filed into evidence.

For Hearing

- 11.9. The Parties will notify the Tribunal which witnesses or experts require interpretation, no later than when notifying which witnesses and experts are called for examination at the hearing (see **Annex B** below) and as soon as possible.
- 11.10. Witnesses/experts may give evidence in their native language notwithstanding that their written statement/report may have been prepared in English.
- 11.11. If a witness or expert called for examination at the hearing gives evidence in a language other than in the English, the testimony shall be interpreted, simultaneously, unless the Parties agree otherwise. If the witness or expert gives evidence in a language other than English, ICSID shall arrange on behalf of the Parties independent, professional interpreters to provide such simultaneous interpretation. ICSID will consult with the Parties about the choice of interpreters.
- 11.12. The costs of interpretation will be paid from the advance payments made by the Parties, without prejudice to the decision of the Tribunal as to which party shall ultimately bear those costs.

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12. Routing of Communications

Arbitration Rule 6

- 12.1. The ICSID Secretariat shall be the channel of written communications between the Parties and the Tribunal.
- 12.2. Each Party's written communications shall be transmitted by email or other electronic means to the opposing Party and to the Tribunal Secretary, who shall send them to the Tribunal.
- 12.3. Electronic versions of communications ordered by the Tribunal to be filed simultaneously shall be transmitted to the Tribunal Secretary only, who shall send them to the opposing Party and the Tribunal.
- 12.4. The Tribunal Secretary shall not be copied on direct communications between the Parties when such communications are not intended to be transmitted to the Tribunal.

13. Number of Copies and Method of Filing of Parties' Pleadings

Arbitration Rules 4, 5 and 9

- 13.1. By the relevant filing date, the Parties shall submit by email to the Tribunal Secretary and the opposing Party an electronic version of the pleading with witness statements, expert reports and an index of all supporting documentation.¹
- 13.2. Within three business days following the date of the submission, the Parties shall upload the pleading with all the supporting documentation and updated index to the file sharing platform that has been created by ICSID for purposes of this case.²
- 13.3. Electronic files of pleadings, witness statements, expert reports, exhibits and legal authorities shall be text searchable, editable and unsecured (i.e., OCR PDF or Word).
- 13.4. All pleadings shall contain consecutively numbered paragraphs and shall be accompanied by a cumulative index of all the supporting documentation that the Party has submitted up to the date of the pleading. The index shall indicate the document number, and shall follow the naming conventions contained in **Annex A**, including the Exhibit number, a brief description and its date.
- 13.5. At the conclusion of the written phase of the proceeding, on a date to be determined by the Tribunal, or at any other time the Tribunal or the Secretariat so requests, the

¹ Please note that the World Bank server does not accept emails larger than 25 MB.

² Supporting documentation shall be uploaded as individual files, not in .zip format.

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Parties shall upload to the file sharing platform, in a format that can be readily downloaded, an electronic copy of the entire case file (including pleadings, witness statements, expert reports, exhibits, legal authorities, applications and Tribunal decisions and orders to date) with a consolidated hyperlinked index of all documents.³

- 13.6. The official date of receipt of a pleading or written communication shall be the day on which the electronic file is sent to the Tribunal Secretary by email.
- 13.7. A filing shall be deemed timely if sent by a Party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday, the relevant date is the subsequent business day in Washington, D.C. and England & Wales.

14. Number and Sequence of Pleadings – Procedural Calendar

Arbitration Rule 30

- 14.1. As set out in the Procedural Calendar at **Annex B**, the Parties have agreed to submit written submissions.
- 14.2. The Parties and Tribunal shall comply with the deadlines set out in **Annex B**. The Reply and the Rejoinder will be limited to rebuttal arguments.
- 14.3. The hearing dates are set out in **Annex B**.
- 14.4. The Tribunal will draft and issue all rulings, including the Award, as expeditiously as possible.
- 14.4.1. If a procedural ruling has not been issued (i) within 21 days after the final submission on the particular matter, or (ii) by the date set out in the timetable at **Annex B**, as applicable, the Tribunal will provide the Parties with weekly status updates.
- 14.4.2. If the Award has not been issued within six months after the final submission on a particular matter, the Tribunal will provide the Parties with monthly status updates.

³ To ensure the full operation of the hyperlinked index, the entire folder shall be housed within one folder and then uploaded to BOX as a single zip file. Should the size of the zip file make the upload to BOX impossible, the parties shall upload the organized folder to a designated sub-folder on to the BOX files sharing platform, in a sub-folder and including a consolidated (non-hyperlinked) index.

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15. Production of Documents

Convention Article 43(a); Arbitration Rules 5 and 36-40

- 15.1. The Tribunal and the Parties shall comply with Articles 3 and 9 of the IBA Rules on the Taking of Evidence in International Arbitration (2020) (“the IBA Rules”) in relation to the production of documents in this case.
- 15.2. On the date indicated in **Annex B**, a Party may submit to the other Party a request to produce specific documents or narrow categories of documents within the other Party’s possession, custody or control in accordance with the IBA Rules (“Requests for Documents”). The Requests for Documents shall be submitted to the opposing Party (without copying the Tribunal Secretary) in both Word and PDF format using the Stern Schedule provided in **Annex C**. The Requests for Documents shall identify with precision each document or narrow category of documents sought and establish its relevance to the case and materiality to the outcome.
- 15.3. Documents or categories of documents pertaining to undisputed Requests for Documents shall be produced by the date indicated in **Annex B**.
- 15.4. To the extent that a Party considers that a requested document or category of documents is not subject to production (a “Disputed Request”), the following procedure shall apply:
 - 15.4.1. The Party that has received a Request for Documents shall submit its objections to the requesting Party (without copying the Tribunal Secretary) by the date specified in **Annex B**;
 - 15.4.2. Objections to the production of a document or category of documents shall be justified by reference to Articles 3 and 9 of the IBA Rules and shall be included in the Stern Schedule containing the requests;
 - 15.4.3. The requesting Party shall reply to the objections to produce by the date specified in **Annex B**; and
 - 15.4.4. The reply to the objections shall be included in the Stern Schedule containing the requests and the objections and shall be submitted in both Word and PDF format to the opposing Party and the Tribunal Secretary.
- 15.5. Disputed Requests will be decided by the Tribunal by the date indicated in **Annex B**. The Tribunal’s decision on Disputed Requests will be included in the same Stern Schedule containing the request, objections and reply, using the column reserved for that purpose.

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- 15.6. Documents or categories of documents ordered in the Tribunal's decision on Disputed Requests shall be produced by the date indicated in **Annex B**.
- 15.7. In exceptional circumstances, a Party may seek leave from the Tribunal to request additional documents upon a showing that such extemporaneous request is justified by the discovery of a new fact that the requesting Party did not know and that such ignorance could not have been prevented through the exercise of due diligence. Before ruling, the Tribunal shall hear any observations the requested Party may have.
- 15.8. Documents shall be produced in electronic file format (PDF) and in searchable form (OCR) whenever technically feasible. Spreadsheets shall be produced in Excel or native format whenever possible.
- 15.9. The requested documents shall be made available to the requesting Party by the due date using a suitable means of electronic communications, such as share platforms, and shall not be sent to the Tribunal Secretary.
- 15.10. Documents produced in response to a Requests for Documents will not be part of the record, unless they are included as exhibits to a written submission, witness statement or expert report.
- 15.11. Disputes regarding compliance with Requests for Documents will be decided by the Tribunal after hearing from the Parties.

16. Submission of Documents

Convention Article 44; Arbitration Rule 5

- 16.1. The Memorial and Counter-Memorial shall be accompanied by the documentary evidence relied upon by the Parties, including exhibits and legal authorities. Further documentary evidence relied upon by the Parties in rebuttal shall be submitted with the Reply and Rejoinder.
- 16.2. The documents shall be submitted in the manner and form set forth in §13, above.
- 16.3. In each of their submissions, the Parties shall indicate and reference clearly any evidence (documentary, factual, legal or expert) adduced in support (with an indication of the relevant page or paragraph where possible).
- 16.4. Documentary evidence should be properly cross-referenced throughout the Parties' submissions, by way of footnote references. Documents shall be identified by their nature (letter, minutes, etc.) or their title, author, addressee (if any), and date (where known).

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- 16.5. Neither Party shall be permitted to submit additional or responsive documents after the filing of its respective last written submission, unless the Tribunal determines that special circumstances exist based on a timely and reasoned written application followed by observations from the other Party (such as with respect to evidence of events subsequent to a Party's last submission and witness or expert impeachment evidence).
- 16.5.1. Should a Party request leave to file additional or responsive documents, that Party may not annex the documents that it seeks to file to its request.
- 16.5.2. If the Tribunal grants such an application for submission of an additional or responsive document, the Tribunal shall ensure that the other Party is afforded sufficient opportunity to make its observations concerning such document.
- 16.6. The Tribunal, in its deliberations, will take account of, only those documents which are considered "on the record". Documents will be considered as being "on the record" only if submitted in accordance with this Procedural Order No. 1, subject to the Tribunal's further orders.
- 16.7. The Tribunal may call upon the Parties to produce documents or other evidence in accordance with ICSID Arbitration Rule 36(3).
- 16.8. Documents shall be submitted in the following form:
- 16.8.1. The number of each Exhibit containing a document produced by Claimants shall be preceded by the letter "C-" for factual exhibits and "CL-" for legal exhibits containing authorities etc. The number for each Exhibit containing a document produced by Respondents shall be preceded by the letter "R-" for factual exhibits and "RL-" for legal exhibits containing authorities etc.
- 16.8.2. Exhibits and legal authorities shall be numbered consecutively throughout these proceedings, commencing with "C-0001" and "R-0001," and "CL-0001" and "RL-0001" respectively. The number of the exhibit or legal authority shall appear on the first page of the document, and shall be incorporated into the file name in accordance with §16.8.4.
- 16.8.3. The numbering shall also indicate the language of the document (e.g., C-0001_ENG for the Claimants' first exhibit, which is in English and C-0002_BAN for the Claimants' second exhibit, which is in Bangla). Documents submitted in a language other than English shall be accompanied by a translation into English, submitted as a separate electronic file and be named as follows: e.g., C-0002_ENG for a translation of a document from any language to English.

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- 16.8.4. Electronic files and the accompanying indices shall follow the naming conventions contained in **Annex A**.
- 16.9. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a Party, in which case the Tribunal will determine whether authentication is necessary.
- 16.10. The Parties shall file all documents only once by submitting them with their pleadings. Documents shall not be resubmitted with witness statements or expert reports even if referred to in such statements or reports. If a document has been filed by a Party, the other Party need not resubmit the same document with its own filing.
- 16.11. The Parties may use PowerPoint slides (which do not constitute demonstratives) and demonstrative exhibits (such as charts, tabulations, etc. compiling information which is on record but not presented in such form), provided that they (i) identify the source in the record from which the information is derived, and (ii) do not contain information not in the record.
- 16.12. An electronic copy of each demonstrative exhibit, other than PowerPoint slides, shall be distributed by the Party intending to use it via an electronic mail sent to the entire case email distribution for each Party, the Members of the Tribunals, the Tribunal Secretary, to the court reporter and to the interpreters as necessary. Deadlines shall be discussed and decided at, or around the time of, the pre-hearing organizational meeting. For the avoidance of doubt, opening presentation slides and expert presentation slides that contain (1) reproductions of portions of exhibits / reports / testimony / filings already in evidence; (2) bullet points of facts, argument or opinion; and/or (3) publicly available images not created by the Parties that are added to slides for aesthetics, do not constitute demonstratives and need not be exchanged in advance unless a slide contains or consists of a demonstrative, in which case only the slides containing demonstratives will be produced in accordance with this provision.
- 16.13. In addition, promptly after the conclusion of the hearing day on which the corresponding demonstrative exhibit is used, the Parties shall upload such demonstrative to the case folder in the BOX files sharing platform, designating each with the corresponding CD-__ or RD-__ number.
17. Witness Statements and Expert Reports
Convention Article 43(a); Arbitration Rule 38
- 17.1. Witness statements and expert reports shall be filed together with the Parties' pleadings.

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- 17.2. Neither Party shall be permitted to submit any testimony that has not been filed with the written submissions, unless the Tribunal determines that special circumstances exist based on a reasoned written request followed by observations from the other Party (following the procedure outlined in §16.5).
- 17.3. Each witness statement shall be signed and dated by the witness and include:
- 17.3.1. A disclosure statement detailing any past and present relations of the witness with any Party, counsel or the Tribunal;
 - 17.3.2. A description of the witness' position and qualifications;
 - 17.3.3. A description of the facts, and the source of the witness' information as to those facts, sufficient to serve as that witness' evidence in the matter in dispute;
 - 17.3.4. A statement as to the language in which the witness statement was originally prepared and the language in which the witness anticipates giving testimony at the hearing; and
 - 17.3.5. An affirmation of the truthfulness of the witness statement.
- 17.4. Any documents referenced by a witness in his/her statement shall be filed as exhibits and numbered as provided under §16.8 and §16.10 above and included in the list of exhibits submitted.
- 17.5. It shall not be improper for a Party or its counsel to meet with a witness prior to the submission of his/her witness statement and to his/her appearance at the hearing for the purpose of establishing the facts relevant to the arbitration, preparing witness statements and preparing for hearings. For the avoidance of doubt, coaching of witnesses is not permitted.
- 17.6. Each expert report shall be signed and dated by the expert or experts and include:
- 17.6.1. The full name of the expert(s);
 - 17.6.2. A disclosure statement detailing any past and present relations of the expert with any Party, counsel or the Tribunal;
 - 17.6.3. A brief description of the expert's qualifications and his or her CV;
 - 17.6.4. A brief description of the instructions pursuant to which he or she is providing his or her opinions and conclusions;

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- 17.6.5. A statement of his or her independence from the Parties, their legal advisors and the Tribunal;
 - 17.6.6. A statement of the facts on which he or she is basing his or her expert opinions and conclusions;
 - 17.6.7. His or her expert opinions and conclusions, including a description of the methods, evidence and information used in arriving at the conclusions;
 - 17.6.8. The documents relied on by the expert in the preparation of his or her report, which shall be provided as annexes to the report (which may have their own sequential numbering); and
 - 17.6.9. An affirmation of his or her genuine belief in the opinions expressed in the report.
- 17.7. Expert reports shall be accompanied by any documents or information upon which the expert relies, including underlying excel sheets used for calculations. Technical and/or scientific exhibits attached to expert reports shall be independently numbered and must be included in an index attached to the relevant expert report.
- 17.8. Subject to the other provisions of this Procedural Order, the Parties agree that the IBA Rules and the Chartered Institute of Arbitrators Protocol on the use of Party appointed expert witnesses (the “CIArb Expert Protocol”) shall generally be relied upon as guidance. In particular, each expert, in their written expert evidence, shall make and adhere to the declaration set out in Article 8 of the CIArb Expert Protocol. In the event of any inconsistency between the IBA Rules and the CIArb Expert Protocol, the IBA Rules shall take priority. With respect to Article 5 of the CIArb Expert Protocol, expert engagement letters shall be treated as privileged.
18. Examination of Witnesses and Experts
Arbitration Rule 38
- 18.1. The rules for the examination of witnesses and experts shall be discussed and decided at, or around the time of, the pre-hearing organizational meeting.
19. Pre-Hearing Organizational Meetings
Arbitration Rule 31
- 19.1. A pre-hearing organizational meeting shall be held on the date indicated in **Annex B**. It shall comprise a videoconference between the Tribunal and the Parties and should address any outstanding procedural, administrative, and logistical matters (including modality of interpretation and transcription) in preparation for the hearing.

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- 19.2. At a date to be determined by the Tribunal, and in any event no later than the date of the pre-hearing conference, the Parties shall submit to the Tribunal jointly – or, where they are unable to agree, separately – a proposal regarding a daily schedule for the hearing.

20. Case Management Conferences
Arbitration Rule 31

- 20.1. The Tribunal shall convene case management conferences with the Parties in accordance with ICSID Arbitration Rule 31 in order to (i) put in place a process to identify uncontested facts (e.g., through the submission of a joint chronology of facts); (ii) clarify and narrow the issues in dispute (e.g., by addressing tribunal questions, or submitting a decision tree, road map, matrix(es) and/or skeleton arguments); or (iii) address any other procedural or substantive issue related to the resolution of the dispute (e.g., the appointment of a Tribunal-appointed expert, or the production of evidence)), should it consider it would aid the expeditious and cost-effective conduct of the proceeding.

21. Hearings
Arbitration Rule 32

- 21.1. The oral procedure shall consist of a hearing for examination of witnesses and experts, if any, and for oral arguments.
- 21.2. The hearing shall be held in-person, unless the Parties agree otherwise or exceptional circumstances require otherwise. An in-person hearing shall be held at a place to be determined in accordance with §10 above. The ICSID Secretariat will handle the necessary hearing arrangements.
- 21.3. The hearing shall take place on the date indicated in **Annex B**, and in any event not before ten weeks after the filing of the last written submission.
- 21.4. The Members of the Tribunal shall reserve at least one day after the hearing to determine the next steps and to hold deliberations.
- 21.5. The issue of whether witnesses of fact should be sequestered shall be decided at the pre-hearing organizational meeting. There shall be no sequestration of experts.
- 21.6. The allocation of time shall be discussed and decided at, or around the time of, the pre-hearing organizational meeting.

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22. Recordings of Hearings and Sessions

Arbitration Rule 29(4)(i)

- 22.1. Audio recordings shall be made of all hearings and sessions. The audio recordings shall be provided to the Parties and the Tribunal Members.
- 22.2. Verbatim transcript(s) in the procedural language(s) shall be made of any hearing and session other than sessions on procedural issues by a court reporter as agreed by the Parties. Unless otherwise agreed by the Parties or ordered by the Tribunal, the verbatim transcripts shall, if possible, be available in real-time and electronic transcripts shall be provided to the Parties and the Tribunal on a same-day basis. The Parties, their counsel, the Members of the Tribunal and the Tribunal Secretary agree not to audio or video record any hearing or session or allow others to do so, except as permitted by this Order.
- 22.3. The Parties shall agree on any corrections to the transcripts within 30 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections may be entered by the court reporter in the transcripts ("revised transcripts"). The Tribunal shall decide upon any disagreement between the Parties and any correction adopted by the Tribunal shall be entered by the court reporter in the revised transcripts.

23. Post-Hearing Memorials and Statements of Costs

Convention Article 44; Arbitration Rules 51

- 23.1. At the end of the hearing, the Tribunal shall decide after consulting with the Parties, whether, by when and under what conditions any post-hearing memorials may be required, and when cost submissions are to be made.

24. Transparency matters

Convention Article 48(5), Arbitration Rules 62-66

- 24.1. The Parties agree that the transparency regime governing these proceedings is dealt with in Procedural Order No. 2.

25. Data Privacy and Cybersecurity

- 25.1. The Members of the Tribunal, the Parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this arbitration proceeding.
- 25.2. The Members of the Tribunal, the Parties and their representatives agree to comply with all applicable data protection and privacy regulations, including providing appropriate notice to data subjects whose personal data will be processed in the

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arbitration proceeding, where necessary. Should compliance with applicable law require action from another participant in the arbitration proceeding, the Parties are invited to bring that to the attention of that other participant and/or to apply to the Tribunal for specific data protection measures to be put in place.

- 25.3. The Parties and their representatives shall ensure that the storage and exchange of the personal data processed in this arbitration is protected by way of appropriate technical and organizational safeguards.

26. Amicable Dispute Settlement

- 26.1. The Tribunal notes that the Parties may seek to reach an amicable settlement of all or part of the dispute, including through mediation under the ICSID Mediation Rules, at any time in the proceeding.

27. Other Matters

- 27.1. Without prejudice to applicable provisions of the ICSID Arbitration Rules, the Tribunal may take into consideration the IBA Rules in respect of any aspects regarding the taking of evidence in this arbitration proceeding.
- 27.2. The Members of the Tribunal may not use the assistance of generative AI tools unless the Parties agree otherwise.

On behalf of the Tribunal,

[Signed]

Roger Stewart KC
President of the Tribunal
4 April 2025

Procedural Order No. 1 – Annex A

Annex A – Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files and for the accompanying Consolidated Hyperlinked Index. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

Subject to the following paragraph, all pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (e.g. SPA=Spanish; FR=French; ENG=English; BAN=Bangla). Such indication should be reflected both i) in the name used to identify each individual electronic file and ii) in the Consolidated Hyperlinked Index (which shall be attached to each submission).

The “LANGUAGE” designation may be omitted for pleadings, witness statements, expert reports and applications, except if they are in a language other than English and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading LANGUAGE
	<i>Memorial on Jurisdiction FR</i>
	<i>Counter-Memorial on the Merits and Memorial on Jurisdiction SPA</i>
	<i>Reply on Annulment FR</i>
	<i>Rejoinder on Quantum ENG</i>
SUPPORTING DOCUMENTATION Exhibits	C-####_LANGUAGE R-####_LANGUAGE To be produced sequentially throughout the case (other than Claimants’ exhibits appended to the Request for Arbitration dated 13 August 2024, which shall remain as filed).
	CLAIMANT’S FACTUAL EXHIBITS
	<i>C-0001 ENG</i>
	<i>C-0002 SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001 FR</i>
	<i>R-0002 SPA</i>
	CL-####_LANGUAGE RL-####_LANGUAGE To be produced sequentially throughout the case (other than Claimants’ legal authorities appended to the Request for Arbitration dated 13 August 2024, which shall remain as filed).
	CLAIMANTS’ LEGAL AUTHORITIES
Legal Authorities	<i>CL-0001 ENG</i>
	<i>CL-0002 FR</i>

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	RESPONDENTS' LEGAL AUTHORITIES
	<i>RL-0001 SPA</i>
	<i>RL-0002 ENG</i>
Witness Statements	Witness Statement-Name of Witness-Name of Submission LANGUAGE
	<i>Witness Statement-Maria Jones-Memorial on Jurisdiction SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second Statement] ENG</i>
Expert Reports	Expert Report-Name of Expert-Type-Name of Submission LANGUAGE
	<i>Expert Report-Lucia Smith-Valuation-Memorial on Quantum ENG</i>
	<i>Expert Report-Lucia Smith-Valuation-Reply on Quantum-[Second Report] ENG</i>
Legal Opinions	Legal Opinion-Name of Expert-Name of Submission LANGUAGE
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on the Merits FR</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on the Merits-[Second Opinion] FR</i>
Exhibits to Witness Statements, Expert Reports, Legal Opinions	WITNESS/EXPERT INITIALS-#### LANGUAGE
	<i>For exhibits filed with the Witness Statement of [Maria Jones]</i>
	<i>MJ-0001 BAN</i>
	<i>MJ-0002 ENG</i>
	<i>For exhibits filed with the Legal Opinion of [Tom Kaine]</i>
	<i>TK-0001 BAN</i>
	<i>TK-0002 ENG</i>
	<i>For exhibits filed with the Expert Report of [Lucia Smith]</i>
	<i>LS-0001 BAN</i>
	<i>LS-0002 ENG</i>
INDICES	Consolidated Hyperlinked Index
	Index of Exhibits-C-#### to C-####
	To include five columns: Exhibit, Original, Translation, Title, Date.
	- The Exhibit column should indicate the exhibit number, without the language (e.g., C-0001).
	- The Original and Translation columns should indicate the language in short form (e.g., BAN, ENG). In the case of translations, it will be assumed that the translation is of the full document unless specified otherwise as follows: e.g., ENG (relevant excerpts).
	- The Title column should indicate the full document name.
	- The Date column should indicate the document date in long form (e.g., 1 January 2025).
	<i>Index of Exhibits-C-0001 to C-0023</i>

Procedural Order No. 1 – Annex A

OTHER APPLICATIONS	Index of Legal Authorities-RL-#### to RL-#### To include five columns: Authority, Original, Translation, Title, Date. - The Authority column should indicate the legal authority number, without the language (e.g., CL-0001). - The Original and Translation columns should indicate the language in short form (e.g., BAN, ENG). In the case of translations, it will be assumed that the translation is of the full document unless specified otherwise as follows: e.g., ENG (relevant excerpts). - The Title column should indicate the full document name. - The Date column should indicate the document date in long form (e.g., 1 January 2025). In the case of legislation, this should be the original date of entry into force and, if the legislation has been since been amended, should note as follows: e.g., 1 January 2024 (as amended from time to time, current as of 1 January 2025).
	<i>Index of Legal Authorities-RL-0001 to RL-0023</i>
	Name of Application–[Party] LANGUAGE
	<i>Preliminary Objections under Rule 41(5)-Claimants SPA</i>
	<i>Request for Bifurcation-Respondents ENG</i>
	<i>Request for Provisional Measures-Respondents SPA</i>
	<i>Request for Production of Documents-Claimants SPA</i>
	<i>Request for Stay of Enforcement-Respondents FR</i>
	<i>Request for Discontinuance-Claimants ENG</i>
	<i>Post-Hearing Brief-Claimants SPA</i>
	<i>Costs Submissions-Respondents ENG</i>
	<i>Observations to Request for [XX]-Claimants SPA</i>

Procedural Order No. 1 – Annex B

Annex B - Timetable

Timetable A – No Request for Bifurcation

No.	Procedural Milestone	Party(ies) / Tribunal	Date	Time Period
1.	First Session	All	Monday, 17 March 2025	-
2.	Memorial on the Merits	Claimants	Monday, 30 June 2025	15 weeks
3.	Counter-Memorial on the Merits and Memorial on Jurisdiction and/or Counterclaims (if any)	Respondents	Monday, 13 October 2025	15 weeks
4.	Requests for Documents	Parties (simultaneous)	Monday, 3 November 2025	3 weeks
5.	Objections to Requests for Documents (if any)	Parties (simultaneous)	Monday, 24 November 2025	3 weeks
6.	Reply to Objections to Requests for Documents (if any) and Production of documents or categories of documents pertaining to undisputed Requests for Documents	Parties (simultaneous)	Monday, 15 December 2025	3 weeks
7.	Decision on Disputed Requests	Tribunal	Monday, 12 January 2026	4 weeks
8.	Production of documents or categories of documents ordered in the Decision on Disputed Requests	Parties (simultaneous)	Monday, 2 February 2026	3 weeks
9.	Mid-Stream Procedural Conference	All	Wednesday, 25 February 2026	-
10.	Reply on the Merits and Counter-Memorial on Jurisdiction and/or Counterclaims (if any)	Claimants	Monday, 20 April 2026	27 weeks from Counter-Memorial on the Merits

*Chevron Bangladesh Block Twelve, Ltd. and Chevron Bangladesh Blocks Thirteen and Fourteen,
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No.	Procedural Milestone	Party(ies) / Tribunal	Date	Time Period
11.	Rejoinder on the Merits and Reply on Jurisdiction and/or Counterclaims (if any)	Respondents	Monday, 26 October 2026	27 weeks
12.	Rejoinder on Jurisdiction and/or Counterclaims (if any)	Claimants	Monday, 30 November 2026	5 weeks
13.	Notification of witnesses and experts to be examined at the hearing, including whether they will require interpretation	Parties (simultaneous)	Monday, 7 December 2026	At least 8 weeks before the hearing
14.	Pre-Hearing Organizational Meeting	All	Thursday, 17 December 2026	At least 6 weeks before the hearing
15.	Uploading of entire file in accordance with paragraph 13.1 of PO1	All	22 nd April 2027	3 weeks prior to the hearing
16.	Hearing	All	15-26 March 2027	2 weeks, subject to potential reduction at the Mid-Stream Procedural Conference and/or the Pre-Hearing Organizational Meeting
17.	Post-Hearing Memorials (if any)	Parties	TBD	TBD
18.	Statements of Costs	Parties	TBD	TBD
19.	Award	Tribunal	TBD	6 months after the Post-Hearing Memorials (if any) or, otherwise, the conclusion of the hearing

Procedural Order No. 1 – Annex B

Timetable B – Request for Bifurcation

No.	Procedural Milestone	Party(ies) / Tribunal	Date	Time Period
1.	First Session	All	Monday, 17 March 2025	-
2.	Memorial on the Merits	Claimants	Monday, 30 June 2025	15 weeks
3.	Request for Bifurcation	Respondents	Thursday, 14 August 2025	45 days
4.	Response to Request for Bifurcation	Claimants	Monday, 29 September 2025	45 days
5.	Decision on Bifurcation	Tribunal	Wednesday, 29 October 2025	30 days
<i>Timetable B.1 – If bifurcation is granted</i>				
6.	Memorial on Jurisdiction/Admissibility	Respondents	Monday, 15 December 2025	45 days from the Tribunal's Decision on Bifurcation
7.	Counter-Memorial on Jurisdiction/Admissibility	Claimants	Thursday, 29 January 2026	45 days
8.	Reply on Jurisdiction/Admissibility	Respondents	Monday, 16 March 2026	45 days
9.	Rejoinder on Jurisdiction/Admissibility	Claimants	Thursday, 30 April 2026	45 days
10.	Notification of witnesses to be called for examination	All	Thursday 4 June 2026	At least 28 days prior to the Hearing on Jurisdiction/Admissibility
11.	Pre-Hearing Organization Meeting	All	On a date to be fixed in July 2026	At least 21 days prior to the Hearing on Jurisdiction/Admissibility
12.	Uploading of Entire File in accordance with paragraph 13.1 of P.O.1	All	24 August 2026	3 weeks before Hearing on Jurisdiction/Admissibility
13.	Hearing on Jurisdiction/Admissibility	All	14 and 15 th September 2026	At least 30 days after the Rejoinder

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(ICSID Case No. ARB/24/39)

Procedural Order No. 1 – Annex B

14.	Decision on Jurisdiction/Admissibility	Tribunal	TBD	3 months after the conclusion of the Hearing on Jurisdiction/Admissibility
<i>If jurisdiction is upheld in whole or in part, the Tribunal will fix a new procedural calendar for the Merits phase following discussions with the Parties.</i>				
Timetable B.2 – If bifurcation is denied				
6.	Counter-Memorial on the Merits and Memorial on Jurisdiction and/or Counterclaims (if any)	Respondents	Tuesday, 13 January 2026	90 days from the Tribunal's Decision on Bifurcation
7.	Requests for Documents	Parties (simultaneous)	Tuesday, 3 February 2026	3 weeks
8.	Objections to Requests for Documents (if any)	Parties (simultaneous)	Tuesday, 24 February 2026	3 weeks
9.	Reply to Objections to Requests for Documents (if any) and Production of documents or categories of documents pertaining to undisputed Requests for Documents	Parties (simultaneous)	Tuesday, 17 March 2026	3 weeks
10.	Decision on Disputed Requests	Tribunal	Tuesday, 14 April 2026	4 weeks
11.	Production of documents or categories of documents ordered in the Decision on Disputed Requests	Parties (simultaneous)	Tuesday, 5 May 2026	3 weeks
12.	Mid-Stream Procedural Conference	All	18 June 2026	-
13.	Reply on the Merits and Counter-Memorial on Jurisdiction and/or Counterclaims (if any)	Claimants	Tuesday, 21 July 2026	27 weeks from Counter-Memorial on the Merits
14.	Rejoinder on the Merits and Reply on Jurisdiction and/or Counterclaims (if any)	Respondents	Tuesday, 26 January 2027	27 weeks

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15.	Rejoinder on Jurisdiction and/or Counterclaims (if any)	Claimants	Tuesday, 2 March 2027	5 weeks
16.	Notification of witnesses and experts to be examined at the hearing, including whether they will require interpretation	Parties (simultaneous)	To be fixed	At least 8 weeks before the hearing
17.	Pre-Hearing Organizational Meeting	All	To be fixed	At least 6 weeks before the hearing
18.	Uploading of Entire File in accordance with paragraph 13.1 of PO1		9 April 2027	
19.	Hearing	All	27 April 2027 – 8 May 2027	2 weeks, subject to potential reduction at the Mid-Stream Procedural Conference and/or the Pre-Hearing Organizational Meeting
20.	Post-Hearing Memorials (if any)	Parties	TBD	TBD
21.	Statements of Costs	Parties	TBD	TBD
22.	Award	Tribunal	TBD	6 months after the Post-Hearing Memorials (if any) or, otherwise, the conclusion of the hearing

Procedural Order No. 1 – Annex C

Annex C – Stern Schedule

Document Request Number		
Document(s) or Category(ies) of Documents Requested		
Relevance and Materiality according to Requesting Party	Reference to Submissions	
	Comments	
Objections to Document Request		
Reply to Objections to Document Request		
Tribunal's Decision		