

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

In the arbitration proceeding between

Total E&P Uganda BV

Claimant

and

Republic of Uganda

Respondent

(ICSID Case No. ARB/15/11)

**ORDER OF THE TRIBUNAL TAKING NOTE OF THE
DISCONTINUANCE OF THE PROCEEDING**

Members of the Tribunal

Dr. Veijo Heiskanen, President of the Tribunal

Mr. V.V. Veeder QC, Arbitrator

Dr. Kamal Hossain, Arbitrator

Secretary of the Tribunal

Ms. Marisa Planells-Valero

Date of dispatch to the Parties: August 3, 2018

THE PARTIES' REPRESENTATIVES

Representing Total E&P Uganda BV:

Mr. Joseph J. LoBue
Ms. Helene Gogadze
Fried Frank Harris Shriver & Jacobson LLP
801 17th Street, NW
Washington DC 20006-3954
United States of America
and
Mr. James R. Kitching
Fried Frank Harris Shriver & Jacobson LLP
99 City Road
London EC1Y 1AX
United Kingdom

Representing the Republic of Uganda:

Hon. Mr. William Byaruhanga
Attorney General
and
Mr. Francis Atoke
Solicitor General
and
Ms. Harriet Lwabi
Ministry of Justice and Constitutional Affairs
Baumann House
Plot 7 Parliament Avenue
P.O. Box 7183
Kampala
Republic of Uganda
and
Mr. George Kahale, III
Mr. Galileo Pozzoli
Mr. Justin Jacinto
Curtis, Mallet-Prevost, Colt & Mosle LLP
99 Gresham Street
London EC2V 7NG
United Kingdom

1. On February 27, 2015, the International Centre for Settlement of Investment Disputes (“**ICSID**”) received a request for arbitration from Total E&P Uganda BV (the “**Claimant**”) for the institution of arbitration proceedings under the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (the “**ICSID Convention**”), in respect of a dispute with the Republic of Uganda (the “**Request**”). The dispute relates to the Claimant’s alleged investment in the oil industry in the Republic of Uganda (the “**Respondent**”). Together, the Claimant and the Respondent are referred to as the “**Parties.**”
2. On March 20, 2015, the Secretary-General registered the Request, pursuant to Article 36 of the ICSID Convention and Rules 6 and 7 of the ICSID’s Rules of Procedure for the Institution of Conciliation and Arbitration Proceedings (“**Institution Rules**”) and notified the Parties of the registration. In the Notice of Registration, the Secretary-General invited the Parties to proceed to constitute an Arbitral Tribunal as soon as possible in accordance with Rule 7(c) of the Institution Rules.
3. The Parties agreed to constitute the Arbitral Tribunal in accordance with Article 37(2)(b) of the ICSID Convention and that the Tribunal would consist of three arbitrators, one to be appointed by each Party, and the third arbitrator, who shall act as President of the Tribunal, to be appointed by agreement of the Parties. The Parties failed to reach an agreement on the appointment of the President of the Tribunal, therefore, pursuant to Article 38 of the ICSID Convention and Rule 4 of the ICSID Rules of Procedure for Arbitration Proceedings (“**Arbitration Rules**”), the appointment was made by the Chairman of ICISD Administrative Counsel.
4. The Tribunal is composed of Dr. Veijo Heiskanen, a national of Finland, President, appointed by the Chairman of ICISD Administrative Counsel; Mr. V. V. Veeder QC, a national of the United Kingdom, appointed by the Claimants; and Mr. Kamal Hossain, a national of Bangladesh, appointed by the Respondent.
5. On December 17, 2015, in accordance with Arbitration Rule 6(1), the Secretary-General notified the Parties that all three arbitrators had accepted their appointments and that the Tribunal was therefore deemed to have been constituted on that date. Ms. Marisa Planells-Valero, ICSID Legal Counsel, was designated to serve as Secretary of the Tribunal.
6. On January 21, 2016, the Parties informed the Tribunal of their agreement to suspend the proceeding, until March 21, 2016. On that same day, the Tribunal took note of the Parties’ agreement.

7. On March 17, 2016, the Parties informed the Tribunal of their agreement to extend the suspension of the proceeding until May 20, 2016. On March 18, 2018, the Tribunal took note of the Parties' agreement.
8. On May 11, 2016, the Parties informed the Tribunal of their agreement to extend the suspension of the proceeding until August 18, 2016. On May 13, 2016, the Tribunal took note of the Parties' agreement.
9. On August 15, 2016, the Parties informed the Tribunal of their agreement to extend the suspension of the proceeding until December 16, 2016. On August 16, 2016, the Tribunal took note of the Parties' agreement.
10. On December 8, 2016, the Parties informed the Tribunal of their agreement to extend the suspension of the proceeding until April 17, 2017. On December 14, 2016, the Tribunal took note of the Parties' agreement.
11. On April 13, 2017, the Parties informed the Tribunal of their agreement to extend the suspension of the proceeding until October 16, 2017. On April 17, 2017, the Tribunal took note of the Parties' agreement.
12. On October 16, 2017, the Parties informed the Tribunal of their agreement to extend the suspension of the proceeding until January 16, 2018. On October 18, 2017, the Tribunal took note of the Parties' agreement.
13. On January 16, 2018 the Parties informed the Tribunal of their agreement to extend the suspension of the proceeding until July 16, 2018. On January 18, 2018, the Tribunal took note of the Parties' agreement.
14. On July 10, 2018, the Parties jointly filed a request for the discontinuance of the proceeding pursuant to ICSID Arbitration Rule 43(1).
15. Rule 43(1) of the ICSID Arbitration Rules provides:

If, before the award is rendered, the parties agree on a settlement of the dispute or otherwise to discontinue the proceeding, the Tribunal, or the Secretary-General if the Tribunal has not yet been constituted, shall, at their written request, in an order take note of the discontinuance of the proceeding.

ORDER

16. THEREFORE, in accordance with the Parties' request, and pursuant to Rule 43(1) of the ICSID Arbitration Rules, the Tribunal hereby takes note of the discontinuance of the proceeding.

17. Once the costs of the arbitration are paid, including the fees and expenses of the Tribunal and ICSID's administrative fees and direct expenses, the remaining balance will be reimbursed to the Parties.

[signed]

Mr. V.V. Veeder QC
Arbitrator

Date:

[signed]

Dr. Kamal Hossain
Arbitrator

Date:

[signed]

Dr. Veijo Heiskanen
President of the Tribunal

Date: