

Standard Chartered Bank v. United Republic of Tanzania
(ICSID Case No. ARB/10/12)
Procedural Order No. 3

Having considered the Parties' joint submission on confidentiality, the Tribunal directs as follows for the duration of these arbitration proceedings.

1. A Party producing documents (the "Producing Party") may designate a limited number of documents as commercially or governmentally sensitive ("Confidential Documents") by stamping the word "confidential" on the face of each such document.

2. A Party in receipt of documents (the "Receiving Party") shall not publish or otherwise disclose to third parties Confidential Documents produced by the Producing Party and shall use them only for the purpose of participating in the arbitration, except where:

a. the documents are already in the public domain;

b. the Producing Party has expressed its consent to their disclosure; or

c. the recipients of the Confidential Documents are a Receiving Party's legal advisors, consultants retained by the legal advisors to assist on this matter, or witnesses who require access to such documents to prepare testimony in this proceeding, provided that these recipients are placed under a similar duty to keep such documents confidential.

3. The Receiving Party may object to a document's designation as a Confidential Document by conferring with the Producing Party within fourteen (14) days of receipt of the Confidential Document. If the Parties are unable to reach an agreement, the Receiving Party may, within fourteen (14) days of the parties' determination that they cannot reach an agreement, submit an application to the Tribunal requesting that the document's designation as confidential be removed. Within ten (10) days of the Receiving Party's submission, the Producing Party shall submit a response to the application. The Tribunal will render a procedural order on the document's status as expeditiously as practicable.

4. All documents produced shall be BATES stamped to reflect the fact that they have been produced as part of this arbitration.

5. Both Parties are at liberty to apply to the Tribunal in justified cases, where good cause has been shown, for the lifting or variation of these restrictions on a case-by-case basis or to extend the order beyond the end of this arbitration.

For the Arbitral Tribunal

[Signed]

William W. Park
4 May 2011