

Standard Chartered Bank v. United Republic of Tanzania
(ICSID Case No. ARB/10/12)
Procedural Order No. 8

The Tribunal has carefully considered the Parties' submission of 17 and 23 November 2011 (Respondent) and 22 November 2011 (Claimant) with respect to Respondent's motion either:

(i) to exclude the expert report of Dr. Tunde Ogowewo on Tanzanian law filed on 16 November 2011 and the proposed evidence concerning the relationship between SCB and SCB HK expected to be filed with Claimant's Rejoinder on 2 December 2011, or

(ii) to postpone the jurisdictional hearing set for 13-15 December 2011 in London.

1. The Tribunal declines to postpone the December hearings.
2. Subject to verifying the content of documents actually filed with Claimant's Rejoinder, the Tribunal declines to exclude the proposed evidence concerning the relationship between SCB and SCB HK, having been tentatively persuaded that Claimant will use the proposed evidence only in relation to arguments raised for the first time in Respondent's Reply of 10 October 2011.
3. The Tribunal declines to exclude the expert report of Dr. Ogowewo and its accompanying materials, but without prejudice to Respondent's right to make application for such procedural adjustments to address the lateness in the submission of that expert report, including *inter alia* (i) leeway to examine Professor Luoga, Respondent's expert on Tanzanian law, concerning the report by Dr. Ogowewo and (ii) such additional post-hearing submissions on Tanzanian law as may be appropriate.

For the Arbitral Tribunal,

[Signed]

[William W. Park]
24 November 2011