

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Aris Mining Corporation
(formerly known as GCM Mining Corp. and Gran Colombia Gold Corp.)

v.

Republic of Colombia
(ICSID Case No. ARB/18/23)

PROCEDURAL ORDER NO. 13

Members of the Tribunal

Ms. Jean Kalicki, President of the Tribunal
Professor Bernard Hanotiau, Arbitrator
Professor Brigitte Stern, Arbitrator

Assistant to the President of the Tribunal

Dr. Joel Dahlquist

Secretary of the Tribunal

Ms. Ana Constanza Conover Blancas

2 November 2022

Procedural Order No. 13

I. INTRODUCTION

1. On 13 October 2022, the *Asociación Mutual de Mineros “El Cogote”* filed an application requesting “access to the documents, evidence and/or submissions of the parties” filed in this case (the “**Application**”).
2. On 14 October 2022, the Tribunal solicited observations from the Parties on the Application. Those observations were filed on 21 October 2022. Both Parties expressed their opposition to the Application.

II. ORDER

3. Article 830(1) of the Canada-Colombia Free Trade Agreement (the “**Treaty**”) provides as follows:

Any Tribunal award under this Section shall be publicly available, subject to the deletion of confidential information. All other documents submitted to, or issued by, the Tribunal shall be publicly available, *unless the disputing parties otherwise agree*, subject to the deletion of confidential information. (Emphasis added).

4. The Tribunal’s Procedural Order No. 1, ¶ 24.1 confirmed that in accordance with Article 830(1) of the Treaty, the award shall be publicly available, subject to the redaction of confidential information. The same paragraph recorded the Parties’ agreement that only certain other documents would be publicly available, as below:

The parties agree that any decision on jurisdiction, issued in advance of the award, also shall be publicly available, again subject to the redaction of confidential information, as shall the Notice of Intent and the Request for Arbitration. In the absence of agreement otherwise, and pursuant to Article 830(1) of the Treaty, the Tribunal’s procedural orders also shall be publicly available. Unless the parties otherwise agree, and always subject to the deletion of confidential information, *no other documents submitted to, or issued by, the Tribunal shall be publicly available*. A party providing information that it claims is confidential has the burden of designating it as confidential. (Emphasis added).

Procedural Order No. 13

5. The documents listed in ¶ 24.1 of Procedural Order No. 1 are currently available on the ICSID website.
6. The Application pertains to other documents that the Parties previously agreed should not be publicly available. This agreement was pursuant to the authority granted to the Parties in Article 830(1) of the Treaty. In their observations filed on 21 October 2022, the Parties have now reaffirmed their earlier agreement, again exercising the authority granted to them by the Treaty.
7. Article 830(1) of the Treaty, in conjunction with the Parties' agreement, is thus dispositive of the Application. The Treaty does not authorize the Tribunal to provide a non-party with access to evidence or submissions that the Parties have jointly and expressly agreed should not be made public.
8. For these reasons, the Application is hereby denied.

For and on behalf of the Tribunal,

[Signed]

Ms. Jean Kalicki
President of the Tribunal
Date: 2 November 2022