

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Woodhouse Investment Pte Ltd and West Cumbria Mining (Holdings) Limited

v.

United Kingdom of Great Britain and Northern Ireland

(ICSID Case No. ARB/25/37)

**PROCEDURAL ORDER NO. 2
On Transparency and Confidentiality**

Members of the Tribunal

Prof. Juan Fernández-Armesto, President of the Tribunal

Prof. Sean D. Murphy, Arbitrator

Dr. Michael Pryles, Arbitrator

Secretary of the Tribunal

Ms. Anna Holloway

Assistant to the Tribunal

Mr. Santiago Soto García

27 January 2026

I. PROCEDURAL BACKGROUND

1. On 10 December 2025, the Tribunal circulated a draft of this procedural order [**“Draft PO2”**] for discussion by the Parties.
2. On 9 January 2026, the Parties commented on Draft PO2.
3. On 16 January 2026, the first session of the Tribunal was held. During the first session, the Parties and the Tribunal discussed the Parties’ comments on Draft PO2 and draft Procedural Order No. 1.
4. This Procedural Order No. 2 contains the Parties’ agreements and the Tribunal’s decisions concerning the transparency and confidentiality regime governing this case.

II. LEGAL FRAMEWORK

5. The legal framework applicable to these proceedings is determined by the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Singapore for the Promotion and Protection of Investments, signed on July 22, 1975 [the **“Treaty”**], the ICSID Convention, and the 2022 ICSID Arbitration Rules.
6. Article 48(5) of the ICSID Convention and ICSID Arbitration Rules 62-66 contain provisions concerning the publication of the award, orders and decisions, other documents filed in the proceedings, transcripts and recordings of hearings, open hearings and the definition of confidential or protected information.
7. In accordance with ICSID Arbitration Rule 1(2), the Parties may agree on other rules governing transparency and confidentiality of this proceeding.
8. In this case, the Treaty is silent on matters of transparency and confidentiality, and the Parties have not agreed on any additional rules under ICSID Arbitration Rule 1(2). Accordingly, the provisions of Article 48(5) of the ICSID Convention and ICSID Arbitration Rules 62–66 as amended/supplemented by Section III of this Order apply.

Procedural Order No. 2

9. For purposes of Section III(G) below and in accordance with ICSID Arbitration Rule 66, confidential or protected information is information that is protected from public disclosure:
- (a) by the instrument of consent to arbitration;
 - (b) by the applicable law or applicable rules;
 - (c) in the case of information of a State Party to the dispute, by the law of that State. (The Tribunal notes that it is the Respondent's position that, in this case, this includes the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 of the Respondent);
 - (d) in accordance with the orders and decisions of the Tribunal;
 - (e) by agreement of the Parties;
 - (f) because it constitutes confidential business information or protected personal information;
 - (g) because public disclosure would impede law enforcement;
 - (h) because a State Party to the dispute considers that public disclosure would be contrary to its essential security interests;
 - (i) because public disclosure would aggravate the dispute between the Parties; or
 - (j) because public disclosure would undermine the integrity of the arbitral process.

III. TRANSPARENCY AND CONFIDENTIALITY RULES

10. The Tribunal adopts the following transparency and confidentiality rules governing the proceedings.

A. AWARD (ICSID ARBITRATION RULE 62)

11. For the purposes of Article 48(5) of the ICSID Convention and ICSID Arbitration Rule 62, the Parties consent to publication of the Award, and any supplementary decision on an Award, rectification, interpretation or revision of an Award, and decision

Procedural Order No. 2

on annulment, by ICSID on its website, with any redactions agreed by the Parties.¹ The Parties shall provide ICSID with their jointly redacted text within 60 days after the dispatch of such documents.

12. If the Parties do not agree on a jointly redacted text of the documents referred to in paragraph 11, they shall, within 60 days after the dispatch of such documents, inform ICSID and provide their respective proposals for redaction. The final redactions shall be decided in accordance with paragraph 26.

B. ORDERS AND DECISIONS (ICSID ARBITRATION RULE 63)

13. ICSID shall publish the orders and decisions of the Tribunal, with any redactions agreed by the Parties or decided by the Tribunal, in accordance with Section G below.

C. WRITTEN SUBMISSIONS (ICSID ARBITRATION RULE 64)

14. The Parties' written submissions shall not be published by ICSID or otherwise made public unless the Parties agree otherwise.

D. SUPPORTING DOCUMENTS (ICSID ARBITRATION RULE 64)

15. Supporting documents, including exhibits, legal authorities, witness statements and expert reports (including annexes, appendices or exhibits thereto) shall not be published by ICSID or otherwise made public.

E. OPEN HEARINGS (ICSID ARBITRATION RULE 65(1)–(2))

16. Hearings shall not be open to the public.

F. TRANSCRIPTS AND RECORDINGS OF HEARINGS (ICSID ARBITRATION RULE 65(3))

17. Transcripts and recordings of hearings shall not be published by ICSID or otherwise made public unless the Parties agree otherwise.

¹ Pursuant to ICSID Arbitration Rule 72(2) this procedural order shall continue to apply to an interpretation, revision or annulment proceeding with necessary modifications, unless the Parties agree or the Tribunal or Committee orders otherwise.

Procedural Order No. 2

G. PROCEDURE FOR REDACTIONS – NON-DISCLOSURE OF CONFIDENTIAL OR PROTECTED INFORMATION (ICSID ARBITRATION RULE 66) AND DATA PRIVACY

18. With respect to publication pursuant to Sections B, C, and F above, any confidential or protected information as defined in paragraph 9 above that is submitted to the Tribunal shall be protected from disclosure and publication in accordance with the procedure set forth below.
19. The Tribunal is mindful of the need to protect the personal data of individuals and draws the Parties' attention to Section 28 of Procedural Order No. 1. When identifying protected information in accordance with paragraph 20 below, the Tribunal recommends that the Parties redact, to the extent possible, the names of individuals, possible identifiers (such as position, title, nationalities) and information that can be considered sensitive regarding any individuals mentioned in any document to be published.
20. Within 21 days from the date of a decision or order, a written submission, or the date of transmittal of a final transcript or recording, a Party shall give written notice to the Tribunal and the other Party that it requests the non-disclosure of certain information it considers confidential or protected. Absent such a notice within the 21-day timeline, the Tribunal shall authorize ICSID to publish the document or recording without redactions from the Parties.
21. Within 14 days of receipt of the notice referred to in paragraph 20, the other Party may raise objections to the proposed redactions.
22. If no objections are raised within the deadline established in paragraph 21, the Tribunal shall authorize ICSID to publish the document or recording at issue with the requested redactions.
23. If objections are raised within the deadline established in paragraph 21, the Parties shall confer and seek to agree on redactions within 14 days of receipt of the objections to the proposed redactions. If the Parties reach an agreement, the Tribunal shall authorize ICSID to publish the document at issue with the agreed redactions.

Procedural Order No. 2

24. If objections remain unresolved, the disputed redaction requests and the objections thereto shall be submitted to the Tribunal in the form of the Schedule set out in Annex A to this Order. The Tribunal shall resolve the disputed redactions requests and communicate its decision to the Parties.
25. If information is to be redacted from a document or recording in accordance with paragraphs 22, 23 or 24, the Parties shall provide a redacted version of the document. Upon receipt of the redacted document, the Tribunal shall ask ICSID to publish the document.
26. The Parties agree that in the event of a dispute regarding proposed redactions to the Award, rectification, interpretation, and revision of an Award to be published pursuant to Section A above, the power to decide shall reside with the Members of the Tribunal, or with the former Members if such Tribunal is at that time *functus officio*.
27. Where the Tribunal is *functus officio*, the former Members of the Tribunal shall be compensated for time spent in the resolution of any disputes in connection with redaction of confidential information in the Award, or in the decision on rectification, interpretation, or revision of an Award, in accordance with Section 3 of Procedural Order No. 1, with their claims being paid from the case fund administered by ICSID for this proceeding pursuant to the ICSID Administrative and Financial Regulations².

On behalf of the Tribunal,

[signed]

Prof. Juan Fernández-Armesto
President of the Tribunal
Date: 27 January 2026

² As the proceeding will conclude upon dispatch of the Tribunal's Award, any costs incurred after the dispatch of the Award (e.g., arbitrator fees for time spent addressing disputed redactions) will not be considered part of the costs of the proceeding. To ensure the payment of such costs incurred in connection with disputes over redactions of the Award, the Parties agree that ICSID will keep the case trust fund open after the proceeding is concluded and debit the trust fund for any incurred costs. ICSID will close the case trust fund once the arbitrators have submitted their final claims for fees relating to the resolution of disputes over redactions of the Award, if any.

ANNEX A

REQUEST FOR NON-DISCLOSURE SCHEDULE

[insert Party]	Request [1]
Information sought to be protected from disclosure	
Legal basis for protection	
Comments	
Reply by opposing Party	
Decision	