

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

South32 SA Investments Limited
Claimant / Respondent on Annulment

v.

Republic of Colombia
Respondent / Applicant on Annulment

(ICSID Case No. ARB/20/9)
Annulment Proceeding

PROCEDURAL ORDER No. 1

Members of the Committee

Prof. Dr. Mohamed Abdel Wahab, President of the *ad hoc* Committee

Ms. Katherine González Arrocha, Member of the *ad hoc* Committee

Prof. Dr. Chiara Giorgetti, Member of the *ad hoc* Committee

Secretary of the ad hoc Committee

Ms. Catherine Kettlewell

8 September 2025

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Introduction

Given the agreements reached by the Parties on all procedural issues, and with the agreement of the Parties, the first session of the *ad hoc* Committee (“**Committee**”) was held solely with the Members of the Committee and by correspondence. .

On 5 August 2025, following consultation with the Parties, the Committee informed the Parties that the First Session would be held by videoconference on 15 September 2025.

On 13 August 2025, the Committee provided a draft Procedural Order No. 1 which was intended to facilitate the parties’ discussions on procedural matters and serve as the agenda for the First Session of the Committee. The Committee invited the Parties to confer concerning the items addressed in the draft order, to modify the contents as they saw fit and to submit a joint proposal advising the Committee of: (i) the Parties’ agreements on procedural matters, (ii) the Parties’ respective positions regarding any items on which they did not agree, and (iii) any additional matters that the Parties would like to discuss during the First Session.

On 26 August 2025, the Parties submitted a joint proposal of the draft Procedural Order No. 1, which reflected the Parties’ agreements on procedural matters and indicated the following:

The Parties are pleased to report that they have reached agreement on all of the issues set out in the attached draft.

Given that there are no issues in dispute between the Parties for the Committee to address, the Parties would be amenable to the First Session being held solely among the members of the Committee based on the Parties’ written proposals. The Parties would be grateful if the Committee could indicate by 10 September 2025 whether it prefers to hold the First Session with or without the Parties.

On 31 August 2025, the Committee invited the Parties to further comment on additional suggestions added to the draft Procedural Order No. 1.

On 4 September 2025, the Parties submitted their comments to the Committee’s additional suggestions.

On 5 September 2025, the Committee informed the Parties that, in light of the Parties’ agreements, the date for the First Session was vacated. The Committee held a First Session on 5 September 2025 by correspondence among its Members. The Committee considered the following:

- The draft Procedural Order No. 1 circulated by the Secretary of the Committee to the Parties on 13 August 2025;

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- The Parties' comments on the Draft Procedural Order received on 26 August 2025, indicating the items on which they agreed; and
- The draft Procedural Order No. 1 circulated by the Secretary of the Committee to the Parties on 31 August 2025.

Having considered the above documents and the Parties' views, the Committee now issues the present Order:

Order

Pursuant to ICSID Arbitration Rules 19, 20 and 53, this Procedural Order No. 1 sets out the Procedural Rules that the Parties have agreed on, and the Committee has determined shall govern this annulment proceeding. The procedural calendar is attached as **Annex A**

1. Applicable Arbitration Rules

Convention Article 44; Arbitration Rule 53

- 1.1. This proceeding is conducted in accordance with the ICSID Arbitration Rules in force as of 10 April 2006. In accordance with Arbitration Rule 53, the Arbitration Rules apply, *mutatis mutandis*, to annulment proceedings.

2. Constitution of the Committee and the Declarations of the Members of the Committee

Convention Article 52(3); Arbitration Rules 6 and 52

- 2.1. The Committee was constituted on July 28, 2025 in accordance with the ICSID Convention and the ICSID Arbitration Rules and neither Party raised any objection to the constitution of the Committee. The Members of the Committee timely submitted their signed declarations in accordance with ICSID Arbitration Rule 6(2). Copies of these declarations were distributed to the Parties by the ICSID Secretariat on July 28, 2025.
- 2.2. The Members of the Committee confirmed that they have sufficient availability to dedicate to this case.

The contact information for the Members of the Committee is:

Prof. Dr. Mohamed Abdel Wahab Zulficar & Partners Law Firm Nile City Building, South Tower 8th Floor 2005A Corniche El Nil Street Ramlet Beaulac Cairo 11221 Arab Republic of Egypt msw@zulficarpartners.com	Ms. Katherine González Arrocha RBS Tower Av. Balboa con Calle Ramón H. Jurado Ofic. 605 Panama City Republic of Panama kgonzalez@kgarbitraje.com	Prof. Dr. Chiara Giorgetti 4040 Chancery Court, NW Washington, DC 20007 United States of America giorgettiarbitration@gmail.com cgiorget@richmond.edu
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3. Fees and Expenses of the Committee Members

Convention Article 60; Administrative and Financial Regulation 14; ICSID Schedule of Fees; Memorandum on Fees and Expenses

- 3.1. The fees and expenses of each Member of the Committee shall be determined and paid in accordance with the ICSID Schedule of Fees and the Memorandum on Fees and Expenses in force at the time the fees and expenses are incurred.
- 3.2. Non-refundable expenses incurred due to postponement or cancellation of a hearing shall be reimbursed, at the lesser of (a) the actual non-refundable cost or (b) the applicable *per diem* at the time the expenses are incurred.

4. Presence and Quorum

Arbitration Rules 14(2) and 20(1)(a)

- 4.1. The presence of all Members of the Committee constitutes a *quorum* for its sittings, including by any appropriate means of communication, except in situations where the Committee must deliberate on a matter that requires urgent directions in order to avoid irreparable harm to a Party or to the integrity of the proceedings, and one of the Committee Members cannot be reached in a timely manner. In these cases, any decisions or directions shall be subject to a possible reconsideration by the full Committee.

5. Rulings of the Committee

Convention Article 48(1); Arbitration Rules 16, 19 and 20

- 5.1. Decisions of the Committee shall be taken by a majority of the Members of the Committee.
- 5.2. ICSID Arbitration Rule 16(2) applies to decisions taken by correspondence except that where the matter is urgent, the President may decide procedural matters without consulting the other Members, subject to possible reconsideration of such decision by the full Committee.
- 5.3. The Committee will draft and issue all rulings, including its final decision, within a reasonable time. The Committee shall endeavor to issue the Decision on Annulment within six months of the hearing or the last written submissions, whichever is later. If the Decision on Annulment has not been issued within that timeframe, the Committee will provide the Parties with status updates every month. If a ruling (other than the Decision on Annulment) has not been issued within one month after the final submission on a particular matter, the Committee will provide the Parties with regular status updates every month.
- 5.4. The President is authorized to issue procedural orders on behalf of the Committee.

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- 5.5. The Committee’s rulings on procedural matters may be communicated to the Parties by the Secretary of the Committee electronically, in the form of a letter or email.
- 5.6. Any ruling of the Committee, including the certified copy of the Decision on Annulment, will be dispatched electronically to the Parties.

6. Power to Fix Time Limits

Arbitration Rule 26(1)

- 6.1. The President may fix and extend time limits for the completion of any stage of the various steps in the proceedings if exceptional circumstances so require.
- 6.2. In exercising this power, the President shall consult with the other Members of the Committee. If the matter is urgent, the President may fix or extend time limits without consulting the other Members, subject to possible reconsideration of such decision by the full Committee.
- 6.3. The Parties agree that a time limit shall be satisfied if a procedural step is taken or a document is received by the ICSID Secretariat on the relevant date, or on the subsequent business day if the date falls on a Saturday or Sunday. A time limit shall be computed from the date on which the limit is announced, with the day of such announcement being excluded from the calculation.

7. Secretary of the Committee

Administrative and Financial Regulation 28

- 7.1. The Secretary of the Committee is Ms. Catherine Kettlewell, Senior Legal Counsel, ICSID, or such other person as ICSID may notify the Committee and the Parties from time to time.
- 7.2. To send copies of communications by email, mail, and courier/parcel deliveries to the ICSID Secretariat, the contact details are:

Ms. Catherine Kettlewell
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MSN C3-300
1818 H Street, N.W.
Washington, D.C. 20433
USA
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Email: ckettlewell@worldbank.org

- 7.3. For local messenger deliveries, the contact details are:

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Ms. Catherine Kettlewell
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1225 Connecticut Ave. N.W.
(World Bank C Building)
3rd Floor
Washington, D.C. 20036
USA

8. Representation of the Parties

Arbitration Rule 18

- 8.1. Each Party shall be represented by its respective counsel (below) and may designate additional agents, counsel, or advocates by notifying the Committee and the Secretary of the Committee promptly of such designation.

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8.2. For ease of reference, South32 shall be referred to as the Claimant, and Colombia will be referred to as the Respondent, as in the original arbitration proceeding. The Party that filed the Application for Annulment, that is, Colombia, may also be referred to as the Applicant.

9. Apportionment of Costs and Advance Payments to ICSID

Convention Article 61(2); Administrative and Financial Regulation 15; Arbitration Rule 28

9.1. In accordance with Administrative and Financial Regulation 15(5), the Applicant, in this case Colombia, shall be solely responsible for making the advance payments requested by the ICSID Secretariat to cover the costs of the proceeding, without prejudice to the Committee's final decision as to the allocation of costs.

9.2. By letter of June 3, 2025, ICSID requested that the Applicant make an advance payment of US\$ 200,000.00 to cover the initial costs of the proceeding. The Centre confirmed receipt of the Applicant's payment on June 26, 2025.

9.3. ICSID shall request further advances from the Applicant as needed. Such requests shall be accompanied by a detailed *interim* statement of account.

10. Place of Proceeding

Convention Articles 62 and 63; Arbitration Rule 13(3)

10.1. Washington, D.C., United States shall be the place of the proceeding.

10.2. Subject to § 19.2 *infra*, the Committee may hold in-person hearings at any other place that it considers appropriate after consulting the Parties.

10.3. After consultation with the Parties, the Committee may also determine that procedural conferences and any hearings will be conducted online using an appropriate videoconferencing platform.

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10.4. The Members of the Committee may deliberate at any place and by any appropriate means the Committee considers convenient.

11. Procedural Languages, Translation and Interpretation

Arbitration Rule 20(1)(b) and 22

11.1. English and Spanish are the procedural languages of the annulment proceeding.

For the ICSID Secretariat

11.2. Routine, administrative, or procedural correspondence addressed to or sent by the ICSID Secretariat may be in either procedural language provided that, if it is in Spanish, it shall include a translation into English.

For Parties' Pleadings

11.3. Any written requests and applications shall be submitted in either procedural language. If the request or application is in Spanish, an English translation shall be filed within 3 business days thereafter.

11.4. Pleadings and accompanying documentation shall be submitted in either procedural language, provided that if submitted in Spanish (or, in the case of legal authorities, in any language other than English), an English translation shall be filed within 10 business days thereafter.

11.5. For the avoidance of doubt, the timeframes for issuing any rulings and decisions under paragraphs 11.3 and 11.4 shall not start to run until such time the Committee receives the English translation.

11.6. If the document is lengthy and relevant only in part, it is sufficient to translate only relevant parts, provided that the Committee may require a fuller or a complete translation at the request of any Party or on its own initiative.

11.7. Either Party can dispute the accuracy of an opposing Party's translation at any time during the proceedings up until twenty (20) calendar days prior to the commencement of any scheduled hearing. Prior to this limit, the Parties shall endeavour to resolve any dispute in relation to the accuracy of the translation between themselves and advise the Committee of the results of any such effort. The Committee shall use its discretion in determining how to resolve any remaining disagreement between the Parties.

For Hearings

11.8. Either procedural language English or Spanish may be used during hearings, and simultaneous interpretation from one procedural language into the other procedural language shall be available during all hearings.

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11.9. The costs of the interpreter(s) will be paid from the advance payments made to ICSID, without prejudice to the decision of the Committee as to which Party shall ultimately bear those costs.

For Committee’s Documents Except the Decision on Annulment

11.10. The Committee will make any order or decision in English. However, if any order or decision is rendered in one procedural language and subsequently, upon a Party’s request, issued in the other procedural language, then both language versions shall be considered equally authentic.

For Committee’s Decision on Annulment

11.11. The Committee shall render the Decision on Annulment in English and Spanish simultaneously. Both language versions shall be considered equally authentic.

12. Routing of Communications

12.1. The ICSID Secretariat shall be the channel of written communications between the Parties and the Committee.

12.2. Each Party’s written communications shall be transmitted by email or other electronic means to the opposing Party and to the Secretary of the Committee, who shall send them to the Committee.

12.3. Electronic versions of communications ordered by the Committee to be filed simultaneously shall be transmitted to the Secretary of the Committee only, who shall send them to the opposing Party and the Committee once both Parties’ communications are received.

12.4. The Secretary of the Committee shall not be copied on direct communications between the Parties when such communications are not intended to be transmitted to the Committee.

13. Number of Copies and Method of Filing of Parties’ Pleadings

Arbitration Rules 20(1)(d), 23 and 53

13.1. By the relevant filing date, the Parties shall:

13.1.1. submit by email to the Secretary of the Committee and the opposing Party an electronic version of the pleading and an updated index of all the supporting documentation accompanying the pleading (the “**Electronic Email Filing**”);¹ and

¹ Please note that the World Bank server does not accept emails larger than 25 MB.

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- 13.1.2. within five business days after the Electronic Email Filing, upload the pleading with all the supporting documentation and the updated index to the folder created by ICSID for purposes of this case in the Centre’s file sharing platform (the “**Electronic Platform Filing**”).
- 13.1.3 Within 10 business days of the Electronic Email Filing, any translations required by § 11.4 shall be uploaded to the file sharing platform for the case.
- 13.2. Electronic files of pleadings, witness statements and expert reports (if any), exhibits and legal authorities shall be text searchable (*i.e.*, OCR PDF or Word).
- 13.3. All pleadings shall be accompanied by a consolidated and updated index to all the supporting documentation that the Party has submitted up to the date of the pleading. The index shall indicate the document number, the pleading with which it was submitted and the language of the document. The index shall use the naming conventions in **Annex D**, and it shall follow the templates in **Annex B** and **C**.
- 13.4. At the conclusion of the written phase of the proceeding, on a date to be determined by the Committee, or at any other time the Committee or the Secretariat so requests, the parties shall courier to the ICSID Secretariat at the address indicated at § 7.2 *supra* and to each Member of the Committee at the addresses indicated at § 2.2 *supra* a USB drive (PC and Mac compatible) containing an electronic copy of the entire annulment proceeding file (including pleadings, witness statements, expert reports, exhibits, legal authorities and Committee decisions and orders to date) with a consolidated hyperlinked index of all documents (the “**Electronic Hearing Bundle**”).
- 13.5. The official date of receipt of a pleading or communication shall be the day on which the electronic file is sent to the Secretary of the Committee by email.
- 13.6. A filing shall be deemed timely if sent by a Party by midnight, Washington, D.C. time, on the relevant date. If a filing falls on a Saturday or Sunday, the relevant date is the subsequent business day.

14. Number and Sequence of Pleadings

Arbitration Rules 20(1)(c), 20(1)(e), 29, 31 and 53

- 14.1. The number and sequence of pleadings, and the dates on which they are to be filed, shall be as set out in **Annex A**.
- 14.2. The Parties shall number the paragraphs of each of their written pleadings.

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15. Submission of Documents

Convention Article 44, Arbitration Rules 24 and 53

- 15.1. The Memorial on Annulment and Counter-Memorial on Annulment shall be accompanied by the supporting documents relied upon by the Parties, including exhibits and legal authorities. Further supporting documents relied upon by the Parties in rebuttal shall be submitted with the Reply on Annulment and Rejoinder on Annulment.
- 15.2. Neither Party shall be permitted to submit additional or responsive documents after the filing of its respective last written submission, unless the Committee determines that special circumstances exist based on a timely and reasonable written request followed by observations from the other Party. Such submission may not be made prior to the Committee's determination.
- 15.3. Given the nature of an annulment proceeding, the Committee expects that the Parties will refer primarily to the evidentiary record of the arbitration proceeding, and it does not expect to receive new evidence (exhibits, witness statements or expert reports).
- 15.4. Therefore, without prejudice to each Party's right to submit new legal authorities, no new factual and/or witness or expert evidence shall be admitted in this proceeding, unless the Committee determines that special circumstances exist based on a reasonable timely written request followed by observations from the other Party. Should a Party submit such a written request, that Party may not annex the new evidence that it seeks to file to the request until a decision is taken by the Committee. The requesting Party shall not quote such evidence in its request, but shall be allowed to provide sufficient context for the Committee to assess the relevance and materiality of the document.
- 15.5. For the avoidance of doubt, if the Committee decides to procedurally admit into the record any such new evidence, this shall be strictly limited to the ICSID annulment process, interpretation of the ICSID Convention, and/or the invoked grounds for annulment, and the other Party will be granted the opportunity to submit equivalent evidence in rebuttal within a reasonable period of time to be determined by the Committee.
- 15.6. If the Committee grants the request for the submission of new evidence, it shall ensure that the opposing Party is (i) given a sufficient opportunity to present its observations on the document and (ii) permitted to submit rebuttal evidence.
- 15.7. Any documents introduced as exhibits or legal authorities in this annulment proceeding shall be numbered and organized in the following manner:
- 15.8. Exhibits and legal authorities in this annulment proceeding shall be submitted in PDF format and numbered using the same conventions used in the original arbitration proceeding (regardless of which of the Parties is the Applicant in the present

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annulment proceeding), *i.e.*, for South32: “C-” for factual exhibits, and “CL-” for legal authorities; and for Colombia: “R-” for factual exhibits and “RL-” for legal authorities.

- 15.9. Exhibits and legal authorities already included in the evidentiary record of the original arbitration proceeding shall be identified and referred to using the same number as in the original arbitration proceeding. The parties shall include with their submissions in this annulment proceeding any material from the original arbitration proceeding that they wish to rely on.
- 15.10. New exhibits admitted in accordance with § 15.4 *supra* (if any), and new legal authorities shall be numbered consecutively throughout the entire annulment proceeding, starting from the last number used in the original arbitration proceeding, *i.e.*, beginning with C-209 and CL-188 for South32; and beginning with R-97 and RL-133 for Colombia. For the sake of clarity, documents from the original arbitration which were not originally numbered (*i.e.*, correspondence, pleadings, procedural orders) will be given a new consecutive exhibit number by the party submitting them.
- 15.11. Any witness statements or expert reports from the underlying arbitration proceeding which are submitted in the annulment proceeding, as well as any new witness statements or expert reports admitted in accordance with § 15.4, shall be labelled according to the naming convention contained in **Annex D**.
- 15.12. The numbering of the PDF files shall also indicate the language of the document, *e.g.* C-000X-ENG for a document submitted only in English, C-000X-SPA for a document submitted only in Spanish and C-000X-SPA/ENG for a document submitted simultaneously in the same PDF file in Spanish original with an English translation.
- 15.13. The number of the exhibit or legal authority shall appear on the first page of the document, and shall be used in the electronic file name.
- 15.14. Electronic files shall follow the naming conventions contained in **Annex D**. Indexes shall follow the templates in **Annex B** and **Annex C**.
- 15.15. Copies of documentary evidence shall be assumed to be authentic unless specifically objected to by a Party, in which case the Committee will determine whether authentication is necessary.
- 15.16. The Parties shall file all documents only once by submitting them with their pleadings. Documents need not be resubmitted with witness statements or expert reports even if referred to in such statements.
- 15.17. Demonstrative exhibits (such as PowerPoint slides, charts, tabulations, etc. compiling information which is on record but not presented in such form) may be used at any hearing, provided that they: (i) identify the source on the record from

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which the information is derived; and (ii) do not contain information that is not on the record. Each Party shall number its demonstrative exhibits consecutively (preceded by “CD-” for South32 and preceded by “RD-” for Colombia).

- 15.18. The Party submitting such demonstrative exhibits shall provide them in electronic format and, if requested, in hard copy to the other Party, the Members of the Committee, the Secretary of the Committee, the court reporter(s) and the interpreter(s), at the hearing at a time to be decided at the pre-hearing organizational meeting. In addition, promptly after the conclusion of the hearing day in which the corresponding demonstrative exhibit is used, the submitting Party shall upload such demonstrative to the case folder in the electronic file-sharing platform (Box), designating each with the corresponding CD-__ or RD-__ number.

16. Witnesses Statements and Expert Reports

Convention Article 43(a); Arbitration Rule 24

- 16.1. When authorized by the Committee following the procedure outlined in § 15.4 *supra*, witness statements and expert reports shall be filed together with the Parties’ pleadings.
- 16.2. Each witness statement and expert report shall be signed and dated by the witness.
- 16.3. Neither Party shall be permitted to submit any testimony that has not been filed with the Parties’ pleadings, unless the Committee determines that exceptional circumstances so require.
- 16.4. Any witness statements or expert reports from the original arbitration proceeding which are submitted in the annulment proceeding, as well as any new witness statements or expert reports admitted in accordance with § 15.4 *supra* (if any), shall be labelled according to the naming convention contained in **Annex D**.

17. Examination of Witnesses and Experts

Arbitration Rules 35 and 36

- 17.1. When authorized by the Committee following the procedure outlined in § 15.4 *supra*, the procedure for examination of witnesses and experts will be discussed by the Parties once submissions have been filed.

18. Pre-Hearing Organizational Meetings

Arbitration Rule 13

- 18.1. A pre-hearing organizational meeting shall be held on the date indicated in **Annex A**, by videoconference or teleconference between the Committee, or its President, and the Parties in order to address any outstanding procedural, administrative, and

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logistical matter (including the modality of interpretation and transcription) in preparation for the hearing.

- 18.2. At a date to be determined by the Committee, and in any event no later than the date of the pre-hearing organizational meeting, the Parties shall submit to the Committee jointly – or, where they are unable to agree, separately – a proposal regarding a daily schedule for the hearing.

19. Hearings

Arbitration Rules 20(1)(e), 32 and 53

- 19.1. The oral procedure shall consist of a hearing for oral arguments and exceptionally, may include the examination of witness and experts, if any have been authorized by the Committee following the procedure outlined in § 15.4 *supra*.
- 19.2. The hearing may be held in-person or by any other means of communication as determined by the Committee after consultation with the Parties. An in-person hearing shall be held at a place to be determined in accordance with § 10 *supra*.
- 19.3. Having due regard to the views of the Parties and the specific circumstances of the case, including any relevant travel restrictions and/or social distancing measures, the Committee may decide to hold a hearing remotely or in a hybrid form.
- 19.4. The hearing shall take place on the date indicated in **Annex A**.
- 19.5. The Members of the Committee shall endeavor to reserve time after the hearing to determine the next steps and to hold deliberations.
- 19.6. The allocation of time at the hearing will be addressed by the Parties during or before the pre-hearing organizational conference in accordance with § 18 above.
- 19.7. Hearings shall be closed to the public.

20. Records of Hearings and Sessions

Arbitration Rules 13, 20(1)(g) and 53

- 20.1. Sound recordings shall be made of all hearings and sessions. The sound recordings shall be provided to the Parties and the Members of the Committee.
- 20.2. *Verbatim* transcripts in the procedural languages shall be made of any hearing and session other than sessions on procedural issues. Unless otherwise agreed by the Parties or ordered by the Committee, the verbatim transcripts shall, if possible, be available in real-time using LiveNote or similar software and electronic transcripts shall be provided to the Parties and the Committee on a same-day basis.

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20.3. The Parties shall agree on any corrections to the transcripts within 35 days of the later of the dates of the receipt of the sound recordings and transcripts. The agreed corrections shall be jointly entered by the Parties in the transcripts (“**Revised Transcripts**”). The Committee shall decide upon any disagreement between the Parties and any correction adopted by the Committee shall be entered by the Parties in the Revised Transcripts.

21. Post-Hearing Memorials and Statements of Costs

Convention Article 44; Arbitration Rule 28(2)

21.1. In consultation with the Parties, the Committee will determine at the end of the hearing whether there shall be any post-hearing memorials. If so, the Committee will address the time and page limits for, and the format and content of the post-hearing memorials. No new evidence may be produced with the post-hearing memorials, except with leave or on request of the Committee.

21.2. The Committee will issue directions on the Parties’ statements of costs at the end of the hearing.

22. Publication

Convention Article 48(5), Administrative and Financial Regulation 25, Arbitration Rules 48(4) and 53

22.1. The Parties consent to publication by ICSID of the Decision on Annulment and any order or decision issued in the present proceeding, subject to the following procedure for redactions of the Decision on Annulment:

22.2. The power to decide any disputes regarding proposed redactions to the Decision on Annulment shall reside on the former Members of the *ad hoc* Committee.

22.3. Any costs incurred in this connection after dispatch of the Decision on Annulment are not formally costs of the proceeding.

22.4. To ensure that the Members of the *ad hoc* Committee can be compensated for the time spend in deciding the such disputes regarding redactions, ICSID will maintain the trust fund open after the proceeding is concluded. The former Members of the *ad hoc* Committee will be able to submit claims for such fees at the same hourly rate and through the same process used during the proceeding, and the claims will be paid from the advance payment made by the Applicant.

22.5. If the Parties have not submitted any disputes regarding proposed redactions of the Decision on Annulment to the former Members of the *ad hoc* Committee within (90) days of the date of dispatch of the Decision on Annulment, ICSID will close the case trust fund. If the Parties submit a dispute to the redactions by this date,

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ICSID will close the trust fund once that all the claims for fees and expenses related to such dispute over redactions are received and paid.

23. Data Privacy

- 23.1. The Members of the Committee, the Parties and their representatives acknowledge that the processing of their personal data is necessary for the purposes of this annulment proceeding. They acknowledge having read ICSID’s “[Personal Data Privacy Notice – Proceedings](#)” (“**Notice**”).
- 23.2. The Members of the Committee, the Parties and their representatives agree to comply with all applicable data protection and privacy regulations, including providing appropriate notice to data subjects whose personal data will be processed in the annulment proceeding, where necessary, including witnesses and experts. Should compliance with applicable law require action from another participant in the annulment proceeding, the Parties are invited to bring that to the attention of that other participant and/or to apply to the Committee for specific data protection measures to be put in place.
- 23.3. The Parties and their representatives shall ensure that the storage and exchange of the personal data processed in this annulment proceeding is protected by way of appropriate technical and organizational safeguards. If particular documents, information and/or communications require heightened security measures, the Parties will confer in order to take appropriate security measures for the transmission of such documents, information and/or communications. Unless otherwise requested by the Parties, the Committee will not take any special measures beyond its standard procedures to safeguard the cybersecurity of arbitration-related information. The Parties confirm that communications may be sent by email.

For and on behalf of the Committee,

[Signed]

Prof. Dr. Mohamed Abdel Wahab
President of the Committee
Date: 08 September 2025

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Annex A – Procedural Calendar

Date	Party/Committee	Description
Monday, October 13, 2025	COLOMBIA	Memorial on Annulment
Monday, December 29, 2025	SOUTH32	Counter-Memorial on Annulment
Thursday, February 12, 2026	COLOMBIA	Reply on Annulment
Monday, March 30, 2026	SOUTH32	Rejoinder on Annulment
Friday, April 17, 2026	ALL (OR PARTIES AND PRESIDENT)	Pre-Hearing Organizational Meeting
Monday-Tuesday, June 22-23, 2026	ALL	Hearing on Annulment
See § 21.1	BOTH PARTIES	Post-Hearing Submissions
See § 21.2	BOTH PARTIES	Costs Submissions

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Annex B – Index of Exhibits Template

Exhibit Number Annulment Proceeding	Exhibit Number Original Proceeding [Reference Only]	Language	Description
Submitted with: [Annulment Pleading Name]			
Exhibits from the Original Arbitration Proceeding ²			
C-0034	C-0034	ENG	[Descriptive name]
R-0035	R-0035	SPA	[Descriptive name]
Exhibits <u>Not</u> in the Original Arbitration Proceeding ³			
C-000X	N/A	ENG	[Descriptive name]
R-000X	N/A	SPA	[Descriptive name]

² To be numbered mirroring the number in the Original Arbitration.

³ To be numbered consecutively beginning from the last number in the Original Arbitration.

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Annex C – Index of Legal Authorities Template

Authority Number Annulment Proceeding	Authority Number Original Proceeding [Reference Only]	Language	Description
Submitted with: [Annulment Pleading Name]			
Authorities from the Original Arbitration Proceeding ⁴			
CL-0034	CL-0034	ENG	[Descriptive name]
RL-0035	RL-0035	SPA	[Descriptive name]
Authorities <u>Not</u> in the Original Arbitration Proceeding ⁵			
CL-000X	N/A	ENG	[Descriptive name]
RL-000X	N/A	SPA	[Descriptive name]

⁴ To be numbered mirroring the number in the Original Arbitration.

⁵ To be numbered consecutively beginning from the last number in the Original Arbitration.

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Annex D – Electronic File Naming Guidelines

Please follow these guidelines when naming electronic files. The examples provided (in *italics*) are for demonstration purposes only and should be adapted to the relevant phase of the case.

All pleadings and accompanying documentation shall indicate the LANGUAGE in which they are submitted (e.g. SPA=Spanish; FR=French; ENG= English). Such indication should be reflected both (i) in the name of each individual electronic file and (ii) in the Consolidated Index (which shall be attached to each submission).

For cases with a single procedural language, the “LANGUAGE” designation may be omitted, except for documents in a language other than the procedural language and the corresponding translations.

SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
MAIN PLEADINGS	Title of Pleading–LANGUAGE
	<i>Memorial on Annulment-ENG</i>
	<i>Counter-Memorial on Annulment-SPA</i>
	<i>Reply on Annulment-FR</i>
	<i>Rejoinder on Annulment-ENG</i>
SUPPORTING DOCUMENTATION	
Exhibits	C-####–LANGUAGE
	R-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S FACTUAL EXHIBITS
	<i>C-0001-ENG</i>
	<i>C-0002-SPA</i>
	RESPONDENT’S FACTUAL EXHIBITS
	<i>R-0001-ENG</i>
<i>R-0002-SPA</i>	
Legal Authorities	CL-####–LANGUAGE
	RL-####–LANGUAGE
	To be produced sequentially throughout the case.
	CLAIMANT’S LEGAL AUTHORITIES
	<i>CL-0001-ENG</i>
	<i>CL-0002-SPA</i>
	RESPONDENT’S LEGAL AUTHORITIES
	<i>RL-0001-ENG</i>
<i>RL-0002-SPA</i>	
Witness Statements (if applicable)	Witness Statement-Name of Witness-Name of Submission-LANGUAGE
	<i>Witness Statement-Maria Jones-Memorial on Jurisdiction-SPA</i>
	<i>Witness Statement-Maria Jones-Reply on Jurisdiction-[Second]-ENG</i>

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SUBMISSION TYPE	ELECTRONIC FILE NAMING GUIDELINES
Expert Reports (if applicable)	Expert Report-Name of Expert-Type-Name of Submission-LANGUAGE
	<i>Expert Report-Lucia Smith-Valuation-Memorial on Merits-ENG</i>
	<i>Expert Report-Lucia Smith-Valuation-Reply on Merits-[Second]-ENG</i>
Legal Opinions (if applicable)	Legal Opinion-Name of Expert-Name of Submission-LANGUAGE
	<i>Legal Opinion-Tom Kaine-Counter-Memorial on Merits-ENG</i>
	<i>Legal Opinion-Tom Kaine-Rejoinder on Merits-[Second]-SPA</i>
Exhibits to Witness Statements, Expert Reports, Legal Opinions (if applicable)	WITNESS/EXPERT INITIALS-####-LANGUAGE
	For exhibits filed with the Witness Statement of [Maria Jones]
	<i>MJ-0001-ENG</i>
	<i>MJ-0002-SPA</i>
	For exhibits filed with the Expert Report of [Lucia Smith]
	<i>LS-0001-ENG</i>
	<i>LS-0002-SPA</i>
	For exhibits filed with the Legal Opinion of [Tom Kaine]
	<i>TK-0001-ENG</i>
<i>TK-0002-SPA</i>	
INDICES	Index of Exhibits-C-#### to C-####
	<i>Index of Exhibits-C-0001 to C-0023</i>
	Index of Legal Authorities-RL-### to RL-###
	<i>Index of Legal Authorities-RL-0001 to RL-0023</i>
OTHER APPLICATIONS	Name of Application-[Party]-LANGUAGE
	<i>Request for Provisional Measures-[Respondent]-SPA</i>
	<i>Request for Stay of Enforcement-[Claimant]-FR</i>
	<i>Request for Discontinuance-[Claimant]-ENG</i>
	<i>Post-Hearing Brief-[Claimant]-SPA</i>
	<i>Costs Submission-[Respondent]-ENG</i>
<i>Observations to Request for [XX]-[Claimant]-SPA</i>	