



INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

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September 11, 2023

By email

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and
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Lao People's Democratic Republic
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and
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Re: Lao Holdings N.V. v. Lao People's Democratic Republic
(ICSID Case No. ARB(AF)/16/2)
Sanum Investments Limited v. Lao People's Democratic Republic
(ICSID Case No. ADHOC/17/1)

Dear Counsel,

The President of the Tribunal has asked me to convey the following message to the Parties:

“The Tribunal has carefully considered the Respondent’s application of June 29, 2023, requesting to submit new evidence and for the Tribunal to determine, on the basis of such evidence, that LHNV is not entitled to invoke the Treaty at issue in this case. The Tribunal has equally carefully considered the Claimant’s response of July 7, 2023, opposing the application.

Taking all circumstances into account, the Tribunal declines to admit the proffered additional evidence at this late stage of the proceedings, in support of an assertion that the Claimant has no right to invoke the Treaty by virtue of an alleged misstatement of Mr. Baldwin’s role in LHNV in the Power of Attorney he filed in 2016. Whatever inaccuracies may be reflected in that document, the Tribunal has seen no evidence to suggest that LHNV did not authorize or subsequently ratify the pursuit of Treaty claims in this proceeding. Accordingly, it would place form over substance to allow a dispute over Mr. Baldwin’s title in 2016 to derail a proceeding which has been pending for some time.

The Tribunal’s ruling with respect to this issue of course has no bearing on the Respondent’s other objections to jurisdiction and admissibility, which will be addressed (along with all other relevant issues) in the Tribunal’s forthcoming Award. As to the status of that Award, the Tribunal recalls its communication of March 30, 2023 that it “presently anticipates being able to issue its rulings this year,” but “if circumstances arise that do not make this possible, we will provide a further update.” Since that time, the Tribunal has made substantial progress in its discussions and drafting, but certain work remains to be done. While the Tribunal still hopes to have substantially completed its work around the end of the year, the requirements to finalize the Award (and the related Award in the Sanum

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case) will likely result in those documents' issuance in early 2024 rather than late 2023. The Tribunal assures the Parties that it will be working assiduously to that end."

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mercedes Cordido-F. de Kurowski', written in a cursive style.

Mercedes Cordido-F. de Kurowski
Secretary of the Tribunal

cc: Members of the Tribunal