

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**  
WASHINGTON, D.C.

In the arbitration proceeding between

**INTEROCEAN OIL DEVELOPMENT COMPANY**

**and**

**INTEROCEAN OIL EXPLORATION COMPANY**

Claimants

v.

**FEDERAL REPUBLIC OF NIGERIA**

Respondent

**ICSID Case No. ARB/13/20**

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**PROCEDURAL ORDER NO. 8**

**Post-Hearing Briefs**

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*Members of the Tribunal*  
Professor William Park, President  
Professor Julian Lew  
Justice Edward Torgbor

*Secretary of the Tribunal*  
Mr. Benjamin Garel

14 May 2018

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1. In its Procedural Order No. 7 dated 20 March 2018, the Tribunal recalled the terms agreed by the Parties in the course of the July 2017 Hearing regarding the Post-Hearing Briefs. The Tribunal asked the Parties to review said terms and either confirm that they reflected their agreement or jointly indicate to the Tribunal the modifications or clarifications they deemed necessary.
2. It transpired from the Parties' communications of 6 April (Respondent), 16 April (Claimants), 18 April (Respondent) and 30 April (Claimants) 2018, that they disagreed on one issue: whether the 15-page Annex should be submitted simultaneously by both Parties together with their Post-Hearing Briefs (as submitted by the Claimants) or whether only the Claimants should submit their Annex with their Post-Hearing brief and the Respondent should submit its Annex within six weeks after having received the Claimants' Annex (as submitted by the Respondent).
3. Having given careful consideration to all of the Parties' communications, the Tribunal directs that both Parties shall submit their Annexes simultaneously with their Post-Hearing Briefs. The Tribunal further decides that the Parties shall have a right to submit a Reply to the other Party's Annex, limited to issues and arguments raised in the other Party's Annex. The Parties shall not raise new arguments or contentions in their Replies.
4. The Post-Hearing Briefs shall be submitted by 13 June 2018 and the Replies to Annexes by 13 July 2018.
5. The Tribunal, in reaching this decision, has not taken into consideration Counsel for Respondent's email dated 22 July 2017 appended to the Claimants' letter dated 16 April 2018.
6. For clarity, the terms agreed by the Parties and decided by the Tribunal regarding Post-Hearing Briefs are recalled in full hereinafter:
  - a. One round of Post-Hearing Briefs;
  - b. Simultaneous unilateral transmission by the Parties to the Secretary;
  - c. 30-page limit, excluding cover page and including footnotes, appendices, maps, diagrams, signing page, prayer for Relief;

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- d. No new evidence or legal authorities unless authorized by the Tribunal further to request for leave and which will be allowed only in exceptional circumstances;
  - e. One 15-page long Annex to Post-Hearing Briefs excluding cover page and including footnotes, appendices, maps, diagrams, signing page, prayer for Relief;
  - f. Annex to focus exclusively on the following questions: What is the law relevant to the issue of the timing for the calculation of damages, and how should the Tribunal apply it to the present case in the event that the Tribunal decides to award damages;
  - g. Annex to be submitted by each Party together with its Post-Hearing Brief;
  - h. Parties shall have a right to submit a Reply to the other Party's Annex; Replies shall only address what has been discussed in the other Party's Annex;
  - i. New legal authorities may be submitted with the Annexes and Replies, if any;
  - j. Formatting of Post-Hearing Briefs, Annexes and Replies, if any:
    - i. Paper size: A4
    - ii. Margins: minimum 2.5 centimeters
    - iii. Font type and size: Times New Roman, 12 point
    - iv. Line spacing: 1.5 line
    - v. Numbered paragraphs
    - vi. Footnotes in Times New Roman 10.5 point, single-line spacing
  - k. Any reference to the Claimants' exhibits shall follow the new exhibits numbering provided by the Secretary on July 14, 2017.
  - l. Post-Hearing Briefs and Annexes to be submitted within 30 days of this procedural Order, i.e. by 13 June 2018.
  - m. Replies to Annexes, if any, shall be submitted within 30 days of the receipt of Post-Hearing Briefs and Annexes, i.e. by 13 July 2018
7. Finally, the Tribunal would like the Parties to confer on and submit a joint list of issues (on both jurisdiction and merits) that the Tribunal should address in its award.

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8. Should the Parties agree on some issues to be included in the list and disagree on others, they shall submit a joint list of agreed issues and each Party shall also submit a list of the issues on which they could not agree.
9. Should the Parties be unable to agree on a joint list of issues, each Party shall submit its own list of issues.
10. The list(s) of issues shall be submitted by 13 June 2018.

[SIGNED]

William W. Park  
President of the Tribunal  
For the Tribunal  
Date: 14 May 2018