

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

WASHINGTON, D.C.

In the arbitration proceeding between

TULLOW UGANDA OPERATIONS PTY LTD AND TULLOW UGANDA LIMITED

Claimants

and

REPUBLIC OF UGANDA

Respondent

(ICSID CASE No. ARB/13/25)

**ORDER TAKING NOTE OF THE
DISCONTINUANCE OF THE PROCEEDING**

Members of the Tribunal

Jean E. Kalicki, President of the Tribunal
Kamal Hossain, Arbitrator
William W. Park, Arbitrator

Secretary of the Tribunal

Geraldine R. Fischer

Date of dispatch to the Parties: July 15, 2015

REPRESENTATION OF THE PARTIES

Representing Tullow Uganda Operations
Pty Ltd.and Tullow Uganda Limited:

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and

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and

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Representing Republic of Uganda:

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and

Hon. Fredrick Ruhindi
Mr. Francis Atoke
Ms. Harriet Lwabi
Ministry of Justice and Constitutional Affairs
Plot 1 Parliament Avenue
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I. PROCEDURAL HISTORY

1. On September 17, 2013, the International Centre for Settlement of Investment Disputes (“ICSID”) received a request for arbitration from Tullow Uganda Operations Pty Ltd and Tullow Uganda Limited (“the Claimants”) for the institution of arbitration proceedings under the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (“the ICSID Convention”), in respect of a dispute with the Republic of Uganda (“the Request”). The Request was supplemented by a letter of September 23, 2013. The dispute relates to a production sharing agreement between the Parties concerning the exploration, development and production of petroleum.
2. On September 26, 2013, the Secretary-General registered the Request, as supplemented, pursuant to Article 36(3) of the ICSID Convention and Rules 6(1)(a) and 7(a) of the ICSID Institution Rules and notified the Parties of the registration. In the Notice of Registration, the Secretary-General invited the Parties to proceed to constitute an Arbitral Tribunal as soon as possible in accordance with Rule 7(d) of the Centre’s Rules of Procedure for the Institution of Conciliation and Arbitration Proceedings.
3. By letter of November 29, 2013, the Claimants elected to submit the arbitration to a Tribunal constituted of three arbitrators, as provided in Article 37(2)(b) of the ICSID Convention.
4. On December 5, 2013, Mr. J. William Rowley, Q.C., a national of Canada and the United Kingdom, accepted his appointment by the Claimants as arbitrators. On January 3, 2014, Dr. Kamal Hossain, a national of Bangladesh, accepted his appointment by the Respondent as arbitrator. On March 18, 2014, pursuant to Rule 7 of the ICSID Rules of Procedure for Arbitration Proceedings (“ICSID Arbitration Rules”), the Claimants appointed Professor William W. Park, a national of the United States and Switzerland, to replace Mr. Rowley, and he accepted on March 20, 2014.
5. Pursuant to the Parties’ agreement, the proceeding was suspended from April 11, 2014 to June 16, 2014.

6. On June 25, 2014, Professor Jean E. Kalicki, a national of the United States, accepted her appointment by the Parties as presiding arbitrator. That same day, the Secretary-General, in accordance with Rule 6(1) of the ICSID Arbitration Rules, notified the Parties that all three arbitrators had accepted their appointments and that the Tribunal was therefore deemed to have been constituted on that date. Mr. Monty Taylor, ICSID Legal Counsel, was designated to serve as Secretary of the Tribunal. The Parties were subsequently informed that Ms. Geraldine R. Fischer, ICSID Legal Counsel, would replace Mr. Monty Taylor as Secretary of the Tribunal.
7. On August 1, 2014, the Claimants filed a request for provisional measures pursuant to Article 47 of the ICSID Convention and ICSID Arbitration Rule 39(1).
8. On August 18, 2014, the Tribunal held the first session by telephone conference with the Parties, and the Parties confirmed that the Members of the Tribunal had been validly appointed. On September 6, 2014, the Tribunal Issued Procedural Order No. 1, concerning the procedural matters discussed in the first session, including the applicable arbitration rules (those in effect from April 10, 2006), the procedural language (English), the place of the proceedings (London, England) and the procedural timetable.
9. On September 23, 2014, the Claimants withdrew the request for Provisional Measures.
10. The Claimants filed a Memorial on the Merits on December 19, 2014.
11. On January 2, 2015, the Respondent requested to bifurcate the proceedings and address jurisdictional objections as a preliminary matter. On January 16, 2015, the Claimants filed observations on the Respondent's request for bifurcation of the proceedings. By letter of February 2, 2015, the Tribunal, by majority, denied the Respondent's request for bifurcation.
12. By letter of June 19, 2015, the Parties jointly informed the Tribunal that they had reached a settlement agreement and requested that the Tribunal issue an order taking note of the discontinuance of the proceeding pursuant to Rule 43(1) of the ICSID Arbitration Rules.

13. Rule 43(1) of the ICSID Arbitration Rules provides:

If, before the award is rendered, the parties agree on a settlement of the dispute or otherwise to discontinue the proceeding, the Tribunal, or the Secretary-General if the Tribunal has not yet been constituted, shall, at their written request, in an order take note of the discontinuance of the proceeding.

II. ORDER

14. THEREFORE, in accordance with the Parties' request, and pursuant to Rule 43(1) of the ICSID Arbitration Rules, the Tribunal hereby takes note of the discontinuance of the proceeding.

[signed]

~~Kamal Hossain~~
~~Arbitrator~~

27 June 2015

Date:

[signed]

William W. Park
Arbitrator

Date: *27 June 2015*

[signed]

Jean E. Kalicki
President of the Tribunal

Date: *13 July 2015*