

THE PERMANENT COURT OF ARBITRATION AT THE HAGUE

CASE NO. 2020-08

**IN THE MATTER OF AN ARBITRATION UNDER THE RULES OF THE UNITED NATIONS
COMMISSION ON INTERNATIONAL TRADE LAW 2010 AS REVISED IN 2013**

Between

AKGUN INSAAT MAKINA SANAYII VE DIS TICARET LTD. STI.

... Claimant

and

FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

... Respondent

PROCEDURAL ORDER NO. 2

18 October 2021

Tribunal

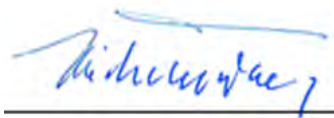
Dr Michael Hwang S.C., Presiding Arbitrator
Professor Philip J. McConnaughay, Arbitrator
Sir David A R Williams KNZM, QC, Arbitrator

Secretary to the Tribunal

Mr Kevin Tan

REDACTION OF KILINTO INDUSTRIAL PARK EIA

1. The Tribunal thanks the Respondent for its helpful submissions in its email of 30 September 2021.
2. The Tribunal is prepared to afford the Respondent some leeway in this matter. The Tribunal therefore directs that the Respondent produce to the Claimant the Kilinto Industrial Park EIA with the “*very few and very brief*” redactions it refers to, by **21 October 2021**.
3. However, the Tribunal also stipulates that all redactions should be accompanied by a brief description of what the redacted words relate to. Such descriptions should be sufficiently specific so as to indicate the nature of the redacted material, without breaching the confidentiality that the redactions are aimed at protecting.
4. After seeing this redacted document, the Claimant may (if it wishes) apply to the Tribunal for an inspection of the unredacted Kilinto Industrial Park EIA to be carried out by the Tribunal, to assist the Tribunal in deciding whether production of the full document to the Claimant is warranted. The Claimant may only make such an application if it can present a reasonable argument – based on the context of the Respondent’s redactions – **that the redacted information is likely to be directly relevant to a viable pleaded claim.**
5. If the Claimant wishes to make such an application, it may do so only after filing its Statement of Reply on 22 October 2021, so that the Tribunal will have the benefit of being able to consider those pleadings in making its decision. In this application, the Claimant must refer to the pleadings to demonstrate which claim(s) it says the redacted information is likely to be material and relevant to.



Michael Hwang S.C.

Presiding Arbitrator
For and on behalf of the Tribunal