

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**Korea National Oil Corporation, KNOC Nigerian West Oil Company Limited, and KNOC
Nigerian East Oil Company Limited**

Claimants

v.

Federal Republic of Nigeria

Respondent

(ICSID Case No. ARB/23/19)

PROCEDURAL ORDER NO. 3
Hearing Organization

Tribunal

Prof. Gabrielle Kaufmann-Kohler, President of the Tribunal
Ms. Loretta Malintoppi, Arbitrator
Prof. Klaus Sachs, Arbitrator

Secretary of the Tribunal

Mr. Alex Kaplan

Assistant to the Tribunal

Mr. Lukas Montoya

17 September 2025

I. PROCEDURAL BACKGROUND

1. Pursuant to Paragraph 20.1 of Procedural Order No. 1 (“**PO1**”), the pre-hearing organizational meeting between the Parties and the Tribunal was held by video conference on 12 September 2025 at 13:00 CET (the “**PHC**”), to discuss procedural, administrative, and logistical matters in preparation for the forthcoming hearing (the “Hearing”).
2. The following participants joined the conference:

Members of the Tribunal:

Prof. Gabrielle Kaufmann-Kohler, President of the Tribunal
Ms. Loretta Malintoppi, Arbitrator
Prof. Klaus Sachs, Arbitrator

Assistant to the Tribunal:

Mr. Lukas Montoya

ICSID Secretariat:

Mr. Alex Kaplan

Participating on behalf of the Claimants:

Ms Youngmi Lee, KNOC
Mr. Yungjoon Kim, KNOC

Ms. Sheila Ahuja KC, Allen Overy Shearman Sterling
Ms. Jae Hee Suh, Allen Overy Shearman Sterling
Mr. Fares Nowak, Allen Overy Shearman Sterling
Mr. Amrutanshu Dash, Allen Overy Shearman Sterling
Mr. Pranay Lekhi, Allen Overy Shearman Sterling
Mr. Wooseok Shin, Allen Overy Shearman Sterling

Mr. Matthew Hodgson, Linklaters LLP

Participating on behalf of the Respondent:

Ms. Elizabeth Oger-Gross, White & Case LLP
Ms. Noor Davies, White & Case LLP
Mr. Tolu Obamuroh, White & Case LLP
Ms. Ece Akincıbay, White & Case LLP
Mr. Opeyemi Longe, White & Case LLP
Ms. Elise Roussel, White & Case LLP
Mr. Adrian Torres, White & Case LLP
Mr. Daniel Coca-Londono, White & Case LLP

Mr. Kunle Adegoke, Kunle Adegoke & Co.
Mr. Ademola Adeleye, Kunle Adegoke & Co

3. During the PHC, the Parties and the Tribunal discussed the draft of this Procedural Order that had been circulated to the Parties on 19 August 2025 and the Parties' comments on the draft.
4. A recording of the PHC was deposited in the archives of ICSID. It was made available to the Members of the Tribunal and the Parties on 12 September 2025.
5. In the present Order, the Tribunal sets out the procedural rules which have been agreed by the Parties or determined by the Tribunal in respect of the conduct of the Hearing.

II. ORGANIZATION OF THE HEARING

A. DATE AND FORMAT OF THE HEARING

6. The Hearing will be held in person at the World Bank Paris Office located at 66, avenue d'Iéna, 75116 Paris, France, from 17 to 25 November 2025, save for the weekend and with the afternoon of 25 November held in reserve.

B. ORDER OF PROCEEDINGS AND SCHEDULE

7. The Hearing shall commence each day at 9:30 and proceed until approximately 18:00, subject to any adjustment required by the course of the examinations, with a one-hour lunch break and at least two 20-minute breaks.
8. The order of proceedings and structure of the Hearing will follow the schedule set out in Annex A (the "**Hearing Schedule**").
9. The Hearing Schedule shall be subject to any modifications the Tribunal may deem necessary or appropriate during the Hearing.
10. The Parties are expected to use the Hearing days efficiently and avoid unnecessary slippage. In the event of excess slippage, the Tribunal may revisit the length of the sitting day or, in exceptional circumstances, the time allocated to the Parties, bearing in mind principles of predictability, equal treatment and a fair opportunity for the Parties to be heard.

C. ORAL STATEMENTS

11. The Parties may present opening statements of up to 3 hours each (without rebuttal and surrebuttal). The Parties will have 1 hour each for closing remarks and answers to questions, if any, put by the Tribunal at the close of the previous day or on the spot.
12. The Parties may use slide presentations during their opening statements. They shall send electronic copies of such presentations one hour before the start of each presentation to the opposing Party, the Tribunal Members, the Secretary, the Assistant, and the court reporter.

D. TIME ALLOCATION

13. Each Party shall have 18 hours to be used over the entire Hearing, including for opening statements and closing remarks, and answers to the Tribunal's questions, if any.¹ If the circumstances so require and the remaining time until the end of the Hearing so permits, the Tribunal may grant short extensions as necessary.
14. Time spent on direct (including expert presentations) and re-direct examination shall be counted toward the time of the Party presenting the witness or expert. Time spent on cross-examination shall be counted toward the time of the Party conducting the cross-examination.
15. Time spent on short interventions (less than 2 minutes) by the Tribunal during examinations or oral statements, in particular for clarification purposes, shall be counted against the time of the Party then conducting the examination or making the oral argument. All other time used by the Tribunal shall not be counted against a Party's time. This includes time spent dealing with objections from a Party, which shall not be counted against that Party's time, unless the Tribunal determines otherwise.
16. The Secretary of the Tribunal shall keep a record of each Party's use of time in accordance with the chess clock method and report the total daily time used at the end of each Hearing day.

E. ATTENDANCE

17. Each Party shall provide the Tribunal and the ICSID Secretariat with its List of Participants by **13 October 2025** and may amend it by no later than **10 November 2025**.

F. DOCUMENTATION

18. Provided that the record is uploaded on the BOX filessharing platform in a form that allows use of the search function, it is not necessary, contrary to Paragraph 14.5 of PO1, that the Parties provide a consolidated hyperlinked index of all documents. To that end, the Parties will upload their respective submissions and accompanying documents, together with consolidated hyperlinked indices, to sub-folders titled "Claimants" and "Respondent" respectively, under folder "2025-11 Parties' Consolidated Submissions", by no later than **10 November 2025**.
19. At the start of each cross-examination, the cross-examiner shall provide a cross-examination bundle (i) in electronic format to the opposing Party, each member of the Tribunal, the Secretary, the Assistant, and the court reporter(s), via the BOX filessharing platform, and (ii) in paper copy to the witness or expert and the interpreter(s). For the avoidance of doubt and subject to Paragraph 23 below, it shall not be improper for any Party to refer to documents that are not contained within the cross-examination bundle if the circumstances so require, provided that such documents are on the record.

¹ Based on sitting hours from 9:30 to 18:00, the total time available for the Parties (after accounting for housekeeping, procedural discussions, Tribunal questioning of fact witnesses and experts, technical difficulties, and breaks) will be approximately 5h30m per day. 5h30m per day, times 6.5 days amounts to about 36h, which divided equally among the Parties results in 18h per Party.

20. The use of demonstrative exhibits during the Hearing is governed by Paragraph 17.6 of PO1, subject to any different rule in this Order.
- 20.1. Each Party may use demonstrative exhibits (such as graphs, tables, etc. compiling information on the record but not in such form), provided that they (i) contain no new evidence; (ii) identify the source in the record; and (iii) are distributed via email to the opposing Party, the Members of the Tribunal, the Secretary, the Assistant, the court reporter(s), and the interpreter(s), by 16 November 2025 at 12:00 CET if their use is intended during opening statements, or otherwise by 21:00 CET on the eve of their use.
- 20.2. For the avoidance of doubt, PowerPoint slides are not demonstrative exhibits, unless they contain graphs, tables, etc. compiling information on the record but not on such form. Therefore, subject to the rules on demonstrative exhibits above, the Parties may use PowerPoint slides during their oral statements and shall distribute them before their statements. The same rule applies *mutatis mutandis* to expert presentations.
- 20.3. In addition, promptly after the conclusion of the Hearing day on which a demonstrative exhibit or PowerPoint presentation is used, the Parties shall upload such demonstrative exhibit and PowerPoint presentation to the case folder in the BOX filesharing platform, designating each with the corresponding CD-[...] or RD-[...] designation for demonstrative exhibits and with CP-[...] or RP-[...] for PowerPoint slides.
21. Documents that do not form part of the record may not be used at the Hearing, unless otherwise agreed by the Parties or authorized by the Tribunal.

G. WITNESS AND EXPERT EXAMINATION

22. Witness and expert examinations shall be governed by Paragraphs 18 and 19 of PO1, subject to any different rule in this Order.
23. As anticipated in Paragraph 18.16.2 of PO1, it is specified that cross-examination questions shall refer to relevant facts within the witness's knowledge but not necessarily limited to facts addressed in the witness statement.
24. In principle, direct and redirect examinations shall not exceed 10 minutes each.
25. Pursuant to Paragraph 19.8 of PO1, non-legal experts shall give a presentation summarizing their methodology and conclusions in lieu of direct examination, which shall not last longer than 30 minutes. For this presentation, experts may use PowerPoint slides and demonstrative exhibits.
26. Claimants' fact witnesses shall appear first followed by Respondent's fact witnesses. Experts shall be grouped by area of expertise, those of the Claimants appearing before those of the Respondent.

As a result, witnesses and experts shall appear in the following order:

26.1. Fact witnesses

- i. Mr. [REDACTED] (C)
- ii. Mr. [REDACTED] (C)
- iii. Mr. [REDACTED] (R)

26.2. Legal experts

- i. Professor Fidelis Oditah KC, SAN (C)
- ii. Dr. Bayo Adaralegbe (R)
- iii. Professor Dakas C.J. Dakas, SAN (R)

26.3. Technical experts

- i. Dr. Andrew Spriggs (C)
- ii. Mr. David Wilson(R)

26.4. Valuation experts

- i. Mr. Stuart Amor and Mr. Braden Billiet (C)
- ii. Mr. Kiran Sequeira and Mr. Alexander Messmer (R)

- 27. In principle, witnesses and experts shall be available one-half day before and after the time they are scheduled to be examined. Depending on the needs of the Hearing conduct, the examination of a witness or expert may start on one day and continue the following day.
- 28. In accordance with Paragraph 18.18 of Procedural Order No. 1, fact witnesses shall not be present in the hearing room during oral testimony and arguments, or read transcripts of oral testimony or argument, or be informed of the oral testimony given by witnesses testifying in these proceedings, prior to his or her examination. This limitation shall not apply to expert witnesses. In addition, until a fact witness or an expert is discharged:
 - 28.1. Where there is a break in the hearing, whether during the hearing day or overnight, and the witness is in the course of giving evidence but has not yet completed that giving of evidence, that witness is not permitted to discuss his or her evidence with counsel or any other person, or read the contents of the cross-examination bundle submitted for that witness' cross-examination.
 - 28.2. If there are breaks during the examination of a witness, the Tribunal shall direct the witness not to communicate with anyone with respect to his or her evidence.
- 29. In line with Paragraph 18.18 of Procedural Order No. 1, Mr. Jun, who is both a party representative and a fact witness, may be present during opening submissions, but not during Mr. Baek's examination, as Mr. Baek testifies before him.
- 30. Messrs. Amor and Mr. Billiet, on the one hand, and Messrs. Sequeira and Messmer shall be examined together. One expert will take the lead and either answer a question posed or refer it to his colleague. Only one expert may answer a question.

III. LOGISTICS

A. INTERPRETATION

31. The World Bank's Interpretation Division shall then identify qualified interpreters and the Parties shall confirm their approval of the candidates' *curricula vitae* shared with the Parties in advance of the Hearing.
32. There shall be simultaneous interpretation at the hearing.
33. The Hearing Participants being interpreted should speak slowly, one person at a time, and should pause briefly when handing the floor to another Hearing Participant.

B. TRANSCRIPTS AND SOUND RECORDING

34. Transcripts and sound recording shall be governed by Paragraph 22 of PO1. There shall be a recording in English throughout the hearing, and a recording in Korean of the examinations of the Korean-speaking witnesses.
35. Real-time court reporting services are to be provided by Ms. Anne-Marie Stallard, with same day transcript delivery to the Tribunal and the Parties via email. The verbatim transcripts will be available in real-time using LiveNote or similar software.
36. Except for the court reporter, who will make her own recording of the Hearing for purposes of preparing the transcript, Hearing Participants will not record the Hearing or any part of it, including via audio, video or screenshot methods of recording.

C. ACCESS TO HEARING

37. The Hearing shall be closed to the public.

D. OTHER LOGISTICAL ASPECTS

38. The Parties will ensure that the electronic presentation of evidence is handled efficiently. The presentation of evidence during cross-examination shall be made available via screensharing to ensure that the relevant documents can be seen on screen.
39. The ICSID Secretariat will liaise with the Parties on this and other logistical aspects (set up, catering, etc.).

E. POST-HEARING BRIEFS AND STATEMENTS OF COSTS

40. Pursuant to Paragraph 23.1 of PO1, the Tribunal will determine at the end of the hearing whether there shall be post-hearing briefs. The time limits, length, format, and content of the post-hearing briefs shall be determined by the Tribunal at the end of the Hearing, in consultation with the Parties. No new evidence may be produced together with the post-hearing briefs, except with leave from or on request of the Tribunal.
41. In consultation with the Parties, also at the end of the Hearing, the Tribunal will give appropriate directions in respect of the statement of costs.

F. DATA PRIVACY

42. The List of Participants may contain personal data provided to ICSID, including names and contact information, such as business email addresses and telephone numbers. This data will be processed for the legitimate interests of the Parties in resolving efficiently their dispute and, in particular, to ensure that procedural documents and Hearing arrangements are properly communicated to the Hearing Participants.

[Signed]

Gabrielle Kaufmann-Kohler
President of the Tribunal
Date: 17 September 2025

ANNEX A
Hearing Schedule

Day 1: Monday, 17 November 2025

TIME	PROCEDURAL STEP
9:30 –	Tribunal’s opening remarks / housekeeping matters
	Claimants’ opening statement
– 18:00 app.	Respondent’s opening statement

Day 2: Tuesday, 18 November 2025

TIME	PROCEDURAL STEP
9:30 –	Examination of [REDACTED]
– 18:00 app.	Examination of [REDACTED]

Day 3: Wednesday, 19 November 2025

TIME	PROCEDURAL STEP
9:30 –	Examination of [REDACTED]
	Examination of [REDACTED]
– 18:00 app.	Examination of Professor Fidelis Oditah

Day 4: Thursday, 20 November 2025

TIME	PROCEDURAL STEP
9:30 –	Continuation of Professor Fidelis Oditah’s examination (if necessary)
	Examination of Dr. Bayo Adaralegbe
– 18:00 app.	Examination of Professor Dakas C.J. Dakas

Korea National Oil Corporation, KNOC Nigerian West Oil Company Limited, and KNOC Nigerian East Oil Company Limited v. Federal Republic of Nigeria
(ICSID Case No. ARB/23/19)
Procedural Order No. 3

Day 5: Friday, 21 November 2025

TIME	PROCEDURAL STEP
9:30 –	Continuation of Professor Dakas C.J. Dakas’ examination (if necessary)
	Examination of Dr. Andrew Spriggs
– 18:00	Examination of Mr. David Wilson

Day 6: Monday, 24 November 2025

TIME	PROCEDURAL STEP
9:30 –	Examination of Mr. Stuart Amor and Mr. Braden Billiet
	Mr. Kiran Sequeira and Mr. Alexander Messmer
– 18:00	Potential questions to the Parties by the Tribunal

Day 7: Tuesday, 25 November 2025

TIME	PROCEDURAL STEP
9:30 –	Claimants’ closing remarks and answers to Tribunal’s questions
	Respondent’s closing remarks and answers to Tribunal’s questions
	Procedural discussion and close of hearing
– 18:00	Afternoon held in reserve