

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

**BSG Resources Limited (In Administration), BSG Resources (Guinea) Limited and
BSG Resources (Guinea) SARL**

v.

Republic of Guinea

(ICSID Case No. ARB/14/22)

PROCEDURAL ORDER No. 19

Objections to Publication

Professor Gabrielle Kaufmann-Kohler, President of the Tribunal
Professor Albert Jan van den Berg, Arbitrator
Professor Pierre Mayer, Arbitrator

Secretary of the Tribunal
Mr. Benjamin Garel

Assistant to the Tribunal
Dr. Magnus Jesko Langer

15 August 2018

1. The Tribunal refers to the Claimants' email dated 30 July 2018, to the accompanying Transparency Table, relating to the objections to the publication of certain information for which protection is requested under Articles 7(2)(a) and (c) of the UNCITRAL Rules on Transparency, Article 15 of Procedural Order No. 2 dated 17 September 2015 and Article C(c) of Procedural Order No. 4 of 25 November 2015. The Tribunal also refers to the Claimants' email dated 31 July 2018 attaching color-redacted versions of the Claimants' post-hearing briefs.
2. The Tribunal further refers to the Respondent's email dated 31 July 2018, to the accompanying Transparency Table relating to the objections to the publication of certain confidential or protected information for which it requests protection under Articles 7(2)(a) and (c) of the UNCITRAL Rules on Transparency, Article 15 of Procedural Order No. 2 dated 17 September 2015 and Article C(c) of Procedural Order No. 4 of 25 November 2015.
3. This order sets out the applicable legal framework (A), the Tribunal's determination for each category of documents sought to be protected (B), and directions for the next procedural steps (C).

A. Legal framework

4. The Parties have agreed to the application of the Transparency Rules as set out and adapted in Procedural Order No. 2 ("PO2"). Accordingly, the Parties have agreed to make available to the public the documents listed in paragraph 12(iii) of PO2, subject to the exceptions to transparency provided in Article 7 of the Transparency Rules.
5. Where there is a dispute on whether a certain document or category of documents is confidential or otherwise protected, the Tribunal will make its determination in application of the standards set out in Article 7 of the Transparency Rules. In this context, Article 1(4) of the Transparency Rules specifies that, in the exercise of its discretion, the Tribunal must take into account the public interest in transparency as well as the Parties' interest in a fair and efficient resolution of their dispute. Further, according to Article

