

3 April 2017

By email

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**Re: Lao Holdings N.V. v. Lao People's Democratic Republic**  
(ICSID Case No. ARB(AF)/12/6)

Dear Sirs and Mesdames,

The Tribunal has asked me to convey the following communication to the parties:

*“The Tribunal is in receipt of the application of Lao Holdings N.V. (LHNV) dated 6 March 2017 for further production of documents in support of its Second Material Breach Application, together with the Respondent's Reply dated 17 March 2017, and LHNV's Rejoinder dated 31 March 2017.*

*The Tribunal notes that there is no provision in its Procedural Order No 8, which established the ground rules for the hearing in Singapore of the Second Material Breach Application from 3 to 7 July 2017, for additional oral or documentary discovery. The omission was predicated on the agreement of counsel at the hearing in Brussels on 18 October 2017 to forgo further discovery on the basis that use could nevertheless be made in this ICSID proceeding of “whatever evidence is available from the SIAC (Singapore International Arbitration Centre) proceeding.” As noted in Procedural Order No 8, the Claimant LHNV and the Respondent were (and are) engaged in parallel proceedings before SIAC on related issues. While the ICSID issues are not the same as the SIAC issues, the issues were sufficiently close to enable counsel to agree to forgo further discovery in the ICSID case in order to accelerate a hearing on the merits, as confirmed by counsel for LHNV at the Brussels hearing (and set out for ease of reference in the Respondent's letter of reply herein) as follows:*

“we agreed there would not be any discovery in this proceeding but that the Parties can use whatever evidence is available from the SIAC proceeding.”

*Counsel for the Claimant LHNV does not take any issue in its letter of 31 March 2017 with this consent arrangement. While the Tribunal nevertheless retains jurisdiction under the Rules to make a further order for production of documents if compelling circumstances were shown to exist, no such compelling circumstances have been shown to exist.*

*As the Claimant itself acknowledges, the production requests set out in its 6 March 2017 application have ALL been the subject of applications and related proceedings before SIAC, with mixed results. If the documents currently sought by the Claimant become “available through the SIAC proceedings” they can be used in the ICSID hearing of the Second Material Breach Application. To the extent the Claimant has been unable to obtain satisfaction from SIAC, this Tribunal declines to relieve the Claimant of the arrangement agreed to in Brussels.*

*In the result, the Claimant LHNV's application of 6 March 2017 for further production of documents is dismissed.”*

Yours sincerely,

[Signed]

Anneliese Fleckenstein  
Secretary of the Tribunal

cc (by email): Members of the Tribunal