



Adam Klasfeld  
Reporter  
Courthouse News

BY E-MAIL: AKLASFELD@COURTHOUSENEWS.COM

CT-E II 142843  
DIRECT DIAL: +31 70 302 4140  
E-MAIL: MDOE@PCA-CPA.ORG

16 April 2015

**RE: PCA CASE N° 2009-23**  
**1. CHEVRON CORPORATION (U.S.A.) 2. TEXACO PETROLEUM COMPANY (U.S.A.) V. THE REPUBLIC OF ECUADOR**

Dear Mr. Klasfeld,

On behalf of the PCA and the Arbitral Tribunal in the above-referenced arbitration, I acknowledge receipt of your e-mail and letter of 6 April 2015 in which you “request press access to the next round of Bilateral Investment Treaty proceedings in the arbitration that Chevron and TexPet brought against the Republic of Ecuador, beginning on April 20 in Washington.”

The Tribunal has had the opportunity to consider your request and discuss it with the Parties to the arbitration. Following those discussions, the Tribunal has instructed me to inform you as follows:

According to Article VI of the USA-Ecuador Bilateral Investment Treaty, the arbitration proceedings brought by Chevron Corporation and Texaco Petroleum Company against Ecuador are governed “in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law” (the UNCITRAL Rules). Article 25(4) of the UNCITRAL Rules provides that “[h]earings shall be held *in camera* unless the parties agree otherwise.”

The Parties to this arbitration have not “agreed otherwise”. In the circumstances, there can be no public access to the hearing.

Accordingly, the Tribunal is not in a position to accede to your request for “press access” to its hearings, either in person or by a live internet broadcast.

I should note that this rule is quite different from that which governed issues of transparency in the first phase of the arbitration *Pac Rim Cayman LLC v. Republic of El Salvador* (as referenced in your letter). In that case, the provisions of the Dominican Republic-Central America-United States Free Trade Agreement (“CAFTA”) expressly provide for public hearings and, indeed, permit live internet broadcasts. That is not the position under the USA-Ecuador Bilateral Investment Treaty.

However, the Parties currently intend, after the next hearing, to raise with the Tribunal the possibility of making public certain materials in the arbitration, with their consent. In that event, I shall write to you again.

Yours sincerely,



Martin Doe  
Senior Legal Counsel

cc: Bruce D. Brown, Executive Director  
c/o Gregg Leslie, Legal Defense Director  
Reporters Committee for Freedom of the Press  
1156 15th St. NW, Suite 1250, Washington, D.C. 20005, USA  
(by e-mail: [bbrown@rcfp.org](mailto:bbrown@rcfp.org), [gleslie@rcfp.org](mailto:gleslie@rcfp.org))

Counsel for the Claimants, Chevron Corporation and Texaco Petroleum Company  
(by e-mail and fax)

Counsel for the Respondent, The Republic of Ecuador  
(by e-mail and fax)

The Arbitral Tribunal  
(by separate e-mail)