

ARBITRATION UNDER THE UNCITRAL RULES

PCA CASE NO. 2010-18 / BCB-BZ

BRITISH CARIBBEAN BANK LTD (CLAIMANT)

v.

THE GOVERNMENT OF BELIZE (RESPONDENT)

ORDER NO. 9

17 June 2014

CONSIDERING:

- (A) The Belize Court of Appeal's decision of 15 May 2014 in the matter of *The Attorney General of Belize and the Minister of Public Utilities v. The British Caribbean Bank Limited et al. (Civil Appeal No. 18 of 2012)* (the "Court of Appeal's Decision");
- (B) The Respondent's letter of 3 June 2014, seeking leave to introduce into the record the Court of Appeal's Decision, to submit "supplemental briefing with respect to the effect of the Court of Appeal decision," and to introduce the following additional evidence identified in relation to the ongoing proceedings in *Dunkeld International Investment Limited (Turks & Caicos) v. The Government of Belize (PCA Case No. 2010-13)* (the "Dunkeld Proceedings"):
- The witness statement of Nestor Vasquez, attaching invoices from Allen & Overy LLP relating to Telemedia and Lord Michael Ashcroft;
 - Excerpts of the PricewaterhouseCoopers LLP report prepared in the *Dunkeld Proceedings* relating to the relationship between Ecom Limited and Telemedia;
 - Excerpts of the PricewaterhouseCoopers LLP report prepared in the *Dunkeld Proceedings* indicating that PricewaterhouseCoopers LLP "was retained jointly by Dunkeld and Telemedia to do valuation work in anticipation of the nationalization";
- (C) The Claimant's letter of 9 June 2014, in which it did not object to the introduction of the Court of Appeal Decision, subject to admission into the record of the resolution of the Bar Association of Belize regarding the circumstances of the re-appointment of Awich JA to the Belize Court. In said

letter, the Claimant opposed (i) the Respondent's request for supplemental briefing on the effect of the Court of Appeal's Decision; and (ii) the Respondent's application to introduce additional evidence on the grounds that such evidence "could have been provided to the Tribunal prior to the hearing";

- (D) The Respondent's letter of 9 June 2014, reiterating the requests set out in recital (B);
- (E) The Claimant's e-mail communication of 11 June 2014;

THE ARBITRAL TRIBUNAL HEREBY DECIDES AS FOLLOWS:

1. The Respondent's request to introduce the Court of Appeal's Decision into the record of these proceedings is **granted**.
2. The Claimant's request to introduce the resolution of the Bar Association of Belize is **granted**.
3. The Respondent's request for leave to submit supplemental briefing on the effect of the Court of Appeal's Decision is **denied**. The Tribunal considers itself fully informed as to the Parties' respective positions on the relevance of this litigation to the issues in dispute in this arbitration.
4. The Respondent's request to introduce additional evidence identified in relation to the *Dunkeld* Proceedings is **denied**. Based on the record before it, the Tribunal does not see that the Respondent could not reasonably have identified the evidence in question earlier and introduced it prior to the hearing in these proceedings.

On behalf of the Arbitral Tribunal,



Albert Jan van den Berg,
Presiding Arbitrator