

ARBITRATION UNDER THE UNCITRAL RULES

PCA CASE N° 2010-13 / DUN-BZ

DUNKELD INTERNATIONAL INVESTMENT LTD (CLAIMANT)

v.

THE GOVERNMENT OF BELIZE (RESPONDENT)

ORDER NO. 5
17 OCTOBER 2014

CONSIDERING:

- (A) The Tribunal's Order No. 1, fixing the dates of 5-9 November 2014 for a hearing in these proceedings;
- (B) The Tribunal's Order No. 2, modifying the schedule for the Parties' submissions;
- (C) The Tribunal's letter of 22 May 2014, approving the Parties' agreed deadline for certain procedural steps in advance of the November 2014 hearing;
- (D) The Respondent's letter of 14 October 2014, requesting that the Tribunal "continue the hearing scheduled to begin on November 5, 2014 for a period of four months and to a date that is convenient to the Tribunal" in light of emergency medical conditions rendering the Respondent's counsel unable to prepare for or participate in the hearing;
- (E) The Respondent's further request, in its letter of 14 October, that "all deadlines with respect to this arbitration proceeding be suspended" pending the identification of new hearing dates;
- (F) The Claimant's letter of 16 October 2014, opposing the Respondent's request for a continuance and arguing (a) that other members of the Respondent's counsel team could adequately represent the Respondent in the hearing; (b) that a delay even of four months does not ensure that the Respondent's counsel will be able to participate in the hearing; (c) that the Respondent could have brought this matter to the Tribunal's attention at an earlier point; (d) that the Claimant has already encountered significant obstacles and delay in bringing this claim; and (e) that the Claimant would indeed be prejudiced by the delay and costs involved in finding alternative dates;

- (G) That the Respondent has raised a genuinely exceptional reason for seeking a continuance, being a sudden and serious health condition of its lead counsel; and
- (H) That the four weeks remaining before the scheduled November hearing do not provide an adequate opportunity for the Respondent to obtain counsel with the qualifications and expertise of its present lead counsel;

THE ARBITRAL TRIBUNAL HEREBY DECIDES AS FOLLOWS:

1. The hearing scheduled to take place in Miami, Florida from 5-9 November 2014 is adjourned for a period of approximately four months.
2. The 20 October 2014 pre-hearing teleconference set out in the Tribunal's letter of 22 May 2014 is likewise adjourned.
3. All remaining deadlines set out in the Tribunal's Orders No. 1 and 2 and the Tribunal's letter of 22 May 2014 are suspended pending the identification of new hearing dates.
4. The Tribunal will shortly advise the Parties of periods available for these new hearing dates.
5. The Parties are requested to confer regarding the identification of proposed new hearing dates within these periods and to inform the Tribunal at their earliest convenience of potentially suitable dates.
6. The Respondent is requested to take such steps as may be necessary to ensure that, in the unlikely event that its present lead counsel has not recovered, it will be adequately represented during the rescheduled hearing irrespective of the anticipated recovery of its present counsel.

On behalf of the Arbitral Tribunal,



Albert Jan van den Berg,
Presiding Arbitrator