

ARBITRATION UNDER THE UNCITRAL RULES

PCA CASE NO. 2010-21 / DUN-BZ II

DUNKELD INTERNATIONAL INVESTMENT LTD (CLAIMANT)

v.

THE GOVERNMENT OF BELIZE (RESPONDENT)

ORDER NO. 6

4 MARCH 2011

CONSIDERING:

- (A) Orders Nos. 2, 3, 4 and 5;
- (B) Claimant's letter of 2 March 2011;
- (C) That to date Respondent has not participated in the present arbitration proceedings;
- (D) That the Tribunal wishes to ensure an orderly conduct of the upcoming Hearing on 14-15 March 2011 in The Hague;
- (E) That the Tribunal shall try Claimant's case on the basis of Claimant's submissions and evidence presented by Claimant in order to satisfy itself that Claimant has proven its case. For the avoidance of doubt, it is neither the task nor the intention of the Tribunal to try Claimant's case "in effect" or otherwise "on the Government's behalf", as submitted in Claimant's letter of 2 March 2011;

THE ARBITRAL TRIBUNAL HEREBY DECIDES AS FOLLOWS:

1. The Hearing schedule shall be as follows:

- (a) On Monday, 14 March 2011, the Hearing shall commence at 10:30 a.m. and terminate at 6:00 p.m. with a lunch break at 1:00 p.m. and a coffee/tea break during the morning and the afternoon session.
 - (b) On Tuesday, 15 March 2011, the Hearing shall commence at 9:30 a.m. and terminate at approximately 5:00 p.m., with a lunch break at 1:00 p.m. and a coffee/tea break during the morning and the afternoon session.
2. In view of paragraph 10.4 of Order No. 2, and considering that Respondent is not participating in the present arbitration proceedings, the Hearing shall proceed as follows:
 - (a) Opening Statement by Claimant.
 - (b) Examination of Claimant's fact witnesses.
 - (c) Examination of Claimant's expert witness.
 - (d) Closing Statement by Claimant.
3. Considering that Respondent is not participating in the present arbitration proceedings, paragraph 9.3 of Order No. 2 shall be amended as follows: "There shall be a short direct examination of Claimant's fact witnesses, not exceeding 5 minutes, followed by questions to be put to each of Claimant's fact witnesses by the Tribunal. Further, Claimant's expert witness shall give an oral presentation, not exceeding 15 minutes, followed by questions to be put to him by the Tribunal. Subsequently to the Tribunal's questions to Claimant's fact and expert witnesses, Claimant may put follow-up questions to Claimant's fact and expert witnesses within the scope of questions raised by the Tribunal."

On behalf of the Arbitral Tribunal,



Albert Jan van den Berg,
Presiding Arbitrator