

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. 5

31 December 2013

CONSIDERING:

- (A) Respondent's letter of 23 December 2013, requesting (1) to set a deadline for Claimant to produce documents responsive to the document requests that the Tribunal granted, including Requests Nos. 1, 2, 3, 12, 13, 14, 15 and 20, which deadline the Respondent suggests to be 10 January 2014; (2) to set the deadline for submission of its Rejoinder on the Merits and Reply to Jurisdictional Objections three weeks after Claimant's document production; and (3) to reconsider the decision with respect to Document Requests Nos. 4, 9, 10, 11, 18, 21 and 22;
- (B) Claimant's response by letter of 30 December 2013, in which it undertakes to provide Respondent the responsive documents on 31 December 2013 or, at the latest, on 2 January 2014; it comments on the suggested amendments to the schedule, it being content that Respondent has three additional weeks; and it objects to Respondent's request for reconsideration of the decision with respect to document production;
- (C) Claimant's letter of 31 December 2013 to Respondent, providing "documents responsive to the Document Requests that were granted by the Tribunal;"
- (D) The agreement of the Parties that the schedule be adjusted with an additional three weeks after production of the documents by Claimant;

- (E) The absence of a showing of exceptional circumstances for which the Tribunal should reconsider one or more of its decision with respect to Document Requests Nos. 4, 9, 10, 11, 18, 21 and 22;

THE ARBITRAL TRIBUNAL HEREBY DECIDES AS FOLLOWS AS AGREED BY THE PARTIES:

1. Section 6 of Procedural Order No. 1, as amended by Procedural Order No. 4, is amended as follows:

No.	Date	Party / Tribunal	Description	Abbreviation	Section of Order No. 1
i)	21-Jan-2014	Respondent	Statement of Rejoinder and Reply to Jurisdictional Objections (if any)	SoRj	¶ 6.1(g)
j)	04-Feb-2014	Claimant and Respondent	Notification of fact and expert witnesses to be examined		¶ 8.4
k)	10-Feb-2014	All	Pre-Hearing Telephone Conference		¶ 9.2
l)	TBD	Claimant and Respondent	Joint Chronological List of Exhibits and Common (Core) Bundle	CL and CB	¶ 7.12
m)	TBD	Claimant and Respondent	Demonstrative Exhibits	C-Demo; R-Demo	¶ 7.9
n)	17 to 21-Mar-2014	All	Hearing [Location TBD; either San José or The Hague]		¶ 9.1
o)	TBD	Claimant and Respondent	Post-Hearing Memorials and Reply Post-Hearing Memorials	C-PHM and R-PHM; C-RPHM and R-RPHM	¶¶ 6.1(i) and 10.1
p)	TBD	Claimant and Respondent	Submissions on Costs	C-CS and R-CS	¶¶ 6.1(i) and 11.1
q)	TBD	Tribunal	Final Award		¶ 12.1

2. Respondent's request for reconsideration of Document Requests Nos. 4, 9, 10, 11, 18, 21 and 22 is denied.

On behalf of the Arbitral Tribunal,

A handwritten signature in blue ink, appearing to read 'A. J. van den Berg', is written above a horizontal line.

Albert Jan van den Berg,
Presiding Arbitrator

