

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. 4

25 JULY 2013

CONSIDERING:

- (A) The Claimant's communication of 27 June 2013, referring to a judgment of the Caribbean Court of Justice in which it, *inter alia*, discharged the anti-arbitration injunction against the Claimant and requesting that the Tribunal schedule a procedural meeting with the Parties in order to determine the further steps in these arbitration proceedings;
- (B) The Tribunal's communication of 28 June 2013, advising the Parties that the Tribunal would be available to hold a procedural telephone conference on 3 July 2013;
- (C) The Tribunal's communication of 1 July 2013, advising the Parties of the dial-in details for the procedural telephone conference as well as the agenda for such telephone conference;
- (D) The Respondent's communication of 2 July 2013, indicating that in light of the judgment of the Caribbean Court of Justice, the Respondent has decided to participate in these arbitration proceedings and requesting to reschedule the procedural telephone conference to a date as of 10 July 2013;
- (E) The Tribunal's communications of 2 July 2013, advising that the procedural telephone conference would be rescheduled to 10 July 2013;
- (F) The Respondent's communication of 4 July 2013, advising the Tribunal and the Claimant about the counsel retained by the Respondent to represent it in these arbitration proceedings;

- (G) The Parties' separate communications of 9 July 2013, proposing, *inter alia*, separate draft timetables for the remainder of these arbitration proceedings;
- (H) The procedural telephone conference held between the Tribunal and the Parties on 10 July 2013;
- (I) The Tribunal's communication of 10 July 2013, attaching a draft timetable for the remainder of these arbitration proceedings and requesting the Parties to comment upon matters of transparency;
- (J) The Claimant's communication of 11 July 2013, agreeing to the publication of procedural orders, decisions and awards on the website of the Permanent Court of Arbitration and stating its understanding that the arbitration proceedings would remain confidential;
- (K) The Respondent's communication of 12 July 2013, agreeing to the publication of procedural orders, decisions and awards on the website of the Permanent Court of Arbitration, subject to redactions based on confidentiality of commercially or politically sensitive or privileged matters. The Respondent suggests that the arbitration proceedings should not be confidential but if information is produced or discussed during these arbitration proceedings which a Party considers to be commercially or politically sensitive or privileged, that Party may request that the Tribunal deem it confidential;
- (L) The Parties' comments of 22 July 2013 on the draft timetable circulated by the Tribunal on 10 July 2013;
- (M) The Claimant's further comments of 25 July 2013 on the publication of procedural orders, decisions and awards;

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

1. The procedural rules set forth in Procedural Order No. 1 apply, subject to the following amendments and additions.
2. ¶ 1 of Procedural Order No. 1 regarding Party Representation is amended as follows:
 - 2.1 The details of the representation of the Claimant as mentioned in ¶ 1.1 of Procedural Order No. 1 stand, save that Mr. Alexis Martinez and Ms. Henrietta Jackson-Stops are replaced by Mr. Rishab Gupta and Mr. James Neill:

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Furthermore, the following Counsel are added to the Claimant's representation:

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2.2 The details of the representation of the Respondent are the following:

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3. ¶ 6 of Procedural Order No. 1 is amended as follows:

No.	Date	Party / Tribunal	Description	Abbreviation	Section of Order No. 1
a)	15-Jul-2013	Claimant	Amended Statement of Claim	Amended SoC	¶ 6.1(a)
b)	13-Sept-2013	Respondent	Statement of Defense and Jurisdictional Objections (if any)	SoD	¶ 6.1(e)
c)	27-Sept-2013	Claimant and Respondent	Requests for Document Production (in Redfern Schedule Format attached)		¶¶ 7.4 - and 7.7

No.	Date	Party / Tribunal	Description	Abbreviation	Section of Order No. 1
d)	11-Oct-2013	Claimant and Respondent	Voluntary Production and/or Transmission of Redfern Schedule with Objection(s) to Requests for Document Production		¶¶ 7.4 - 7.7
e)	28-Oct-2013	Claimant and Respondent	Reply to Objections to Requests for Document Production		¶¶ 7.4 - 7.7
f)	8-Nov-2013	Tribunal	Tribunal's Rulings on Objections to Requests for Document Production		¶ 7.7
g)	22-Nov-2013	Claimant and Respondent	Production of Documents pursuant to Tribunal's Rulings		¶¶ 7.4-7.7
h)	6-Dec-2013	Claimant	Statement of Reply and Answer to Jurisdictional Objections (if any)	SoRy	¶ 6.1(f)
i)	10-Jan-2014	Respondent	Statement of Rejoinder and Reply to Jurisdictional Objections (if any)	SoRj	¶ 6.1(g)
j)	27-Jan-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

No.	Date	Party / Tribunal	Description	Abbreviation	Section of Order No. 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

4. ¶ 13.1 of Procedural Order No. 1 is supplemented as follows. For the time being the procedural orders, decisions and awards issued and rendered by the Tribunal shall be published on the website of the Permanent Court of Arbitration, subject to redactions based on confidentiality of commercially or politically sensitive or privileged matters as requested by either Party. To the extent that information is produced or discussed during the arbitration proceedings which a Party considers to be commercially or politically sensitive or privileged, that Party may request that the Tribunal deems it confidential.

On behalf of the Arbitral Tribunal,



Albert Jan van den Berg,
Presiding Arbitrator