

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. 1

21 DECEMBER 2010

CONSIDERING:

- (A) The Order of the English Commercial Court of 26 July 2010, providing that the Government of Belize is restrained from:

commencing, pursuing, progressing or taking any steps before the Courts of Belize or elsewhere to enjoin or restrain the Claimant and/or the Tribunal from commencing or taking any steps in an anticipated arbitration against the Defendant under the "Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Belize for the Promotion and Protection of Investments" (as subsequently extended to the Turks and Caicos Islands by Exchange of Notes between the UK and Belize which came into force on 10 December 1985) arising out of and/or in relation to, inter alia, the expropriation of the Claimant's right to pursue its claims against the Respondent by virtue of the injunction of an arbitration claim brought by Dunkeld International Investment Limited against the Defendant dated 4 December 2009 and the introduction of the Supreme Court of Judicature (Amendment) Act 2010.

- (B) The Preparatory Telephone Conference of 20 December 2010;

- (C) Claimant's presentation during the Preparatory Telephone Conference in relation to item (16) of the agenda for the Preparatory Conference concerning the "Relevance of the Order of the English Commercial Court dated 26 July 2010", and application, requesting the Arbitral Tribunal to indicate whether it would be content for Claimant to make an application to the English Court for a continuation of the injunction of the English Commercial Court of 26 July 2010. Claimant submitted, *inter alia*, that on its terms the Order of the English Commercial Court of 26 July 2010 was stated to last until further order or 14 days from the date of the first procedural hearing in the present arbitration. According to Claimant, as there has been no further order of the English Commercial Court, the injunction is due to expire on 3 January 2011.
- (D) Claimant's submission in writing of 20 December 2010, maintaining its submissions and application referred to in Recital (C) above;
- (E) That no law, rule or regulation in the present arbitration requires the Arbitral Tribunal to approve or disapprove an application by Claimant to the English Commercial Court for a continuation of the injunction of the English Commercial Court of 26 July 2010.

THE ARBITRAL TRIBUNAL HEREBY DECIDES AS FOLLOWS:

1. The Arbitral Tribunal neither approves nor disapproves an application by Claimant in the English Commercial Court for a continuation of the injunction of the English Commercial Court of 26 July 2010.

On behalf of the Arbitral Tribunal,



Albert Jan van den Berg,
Presiding Arbitrator