

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. 2

29 NOVEMBER 2010

CONSIDERING:

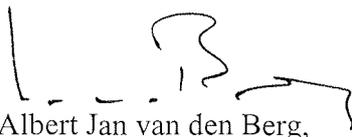
- (A) Paragraph 6(1)(b) of Order No. 1, stating “Respondent to indicate by 3 November 2010 whether or not it wishes to provide a Statement of Defence”;
- (B) Paragraph 6(1)(d) and (e) of Order No. 1, stating “In the event that Respondent wishes to serve a Statement of Defence referred to in paragraph b) above [of Order No. 1], the further sequence and timing of the proceedings shall be the following: Respondent’s Statement of Defence to be served by 19 November 2010”;
- (C) The Arbitral Tribunal’s letter of 17 November 2010, (i) noting that Respondent has not indicated whether or not it wishes to provide a Statement of Defence; and (ii) requesting the Parties to comment on Respondent’s failure to indicate whether or not it wishes to provide a Statement of Defence on or before Tuesday, 23 November 2010.
- (D) The fact that Respondent has not indicated whether it wishes to serve a Statement of Defence in these proceedings;
- (E) The fact that on the date fixed by the Arbitral Tribunal, Respondent has not served a Statement of Defence in these proceedings;

- (F) The fact that Respondent has not commented on its failure to indicate whether or not it wishes to provide a Statement of Defence in these proceedings;
- (G) All previous correspondence sent by the Arbitral Tribunal in these proceedings to the Parties with proof of receipt by both Parties: the letter of the Arbitral Tribunal of 20 July 2010; the letter of the Arbitral Tribunal of 26 July 2010; the letter of the Arbitral Tribunal of 4 August 2010; the letter of the Arbitral Tribunal of 23 August 2010; Order No. 1 issued by the Arbitral Tribunal on 6 September 2010; the letter by the Arbitral Tribunal of 17 November 2010; the letter by the Arbitral Tribunal of 23 November 2010;
- (H) Article 28(1), second sentence of the UNCITRAL Rules, stating “If, within the period of time fixed by the arbitral tribunal, the respondent has failed to communicate his statement of defence without showing sufficient cause for such failure, the arbitral tribunal shall order that the proceedings continue”;
- (I) The Arbitral Tribunal’s findings that due to the lack of any communication from Respondent in these proceedings, Respondent has not shown any cause for its failure to communicate its Statement of Defence within the time fixed by the Arbitral Tribunal to serve its Statement of Defence;

THE ARBITRAL TRIBUNAL HEREBY DECIDES AS FOLLOWS:

1. Pursuant to the provisions of Article 28(1), second sentence of the UNCITRAL Rules, the Tribunal orders that the proceedings continue.

On behalf of the Arbitral Tribunal,



Albert Jan van den Berg,
Presiding Arbitrator