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## The Enforcement of Foreign Judgements in Belize - PART III

### Final Part

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In Part I of our initial article billed as a two part series on the enforcement of foreign judgements in Belize, we concluded that a foreign judgement is enforceable in Belize subject to certain defences.

In Part II, we considered the question whether a foreign arbitral award may be enforced like a foreign judgement in Belize and we were constrained to conclude that, in face of the Court of Appeal's decision in Civil Appeal No. 4 of 2011 A.G. v. BCB Holdings Ltd. and the Belize Bank Ltd. which rendered the provisions of the Arbitration Act enacting the protocol and the Arbitration (New York Convention on Recognition and Enforcement of Foreign Arbitral Awards, 1973) in domestic law to be unconstitutional, void and of no legal effect, that such awards were therefore unenforceable in Belize.

On appeal by the Respondents to the Caribbean Court of Justice (CCJ), the court held on July 26<sup>th</sup>, 2013 *inter alia*, rejecting the Attorney General's submissions that the Arbitration Act was unconstitutional, that the Arbitration Act was good law in Belize and that convention awards are generally enforceable in Belize. The court, however, refused to enforce the award in question because it found it to be illegal, void and contrary to public policy as the deed shocked the public conscience by purporting to alter and regulate taxation. Under Belize's Constitution and Statutes this could only be done by parliament. It found that the deed purported to allow the Minister of Finance to assume essential law making functions beyond his constitutional or legislative authority which would put democracy at peril. It concluded that Caribbean courts therefore have an obligation to strike down executive action that undermines the authority of the legislature.

We now conclude that foreign arbitral awards (Convention awards) not unlike foreign judgements are enforceable in Belize by action on the award and or judgment as the case may be, subject, of course, in every respect to the usual defences.

Dated the 31<sup>st</sup> day of July, 2013

**By: Rodwell R. A. Williams, S.C., C. B. E.**