



## **IX Annual Caribbean Court of Justice International Law Moot (2017)**

**Belize**  
**v**  
**The Republic of Suriname**

Zorg and Hoop Hotel in Suriname has six sophisticated elevators which need to be serviced. The hotel has a service contract with N.V. Surizo, a Surinamese company. Surizo does not have technicians who can service these particular elevators. Y Ltd, a Belizean company, is contracted by Surizo to do that job.

Y Ltd is owned by a Belizean national (30% of the shares), a Guyanese national residing in Barbados (20% of the shares), a US citizen residing in Miami (30% of the shares) and a Bahamian national residing in Nassau, Bahamas (20%). On 25 November 2015, Y Ltd sent three of its employees to Suriname to do the work: Albert, a Belizean national residing in Belize, Benjamin, an Antiguan residing in Miami and Clifford, a Haitian, who recently has come to live in Belize and has a permit to stay and work there.

Two days after their arrival in Suriname, the three employees of Y Ltd receive an official order from a Surinamese governmental agency prohibiting them from providing their services in Suriname. The order was based on a national law adopted in 2010 requiring foreign skilled trade enterprises to be entered on a Skilled Trade Register, this being to ensure that these enterprises and their employees are sufficiently qualified to carry out the work. Y Ltd has not been entered on the register, so its employees are forced to return to Belize and sustain total losses of US\$60,000 as a result of not being able to provide the services for which they were contracted.

The State of Belize acceded to Y Ltd's request officially to take up the matter with Suriname. The two states agreed to employ the good offices of the Secretary-General of CARICOM. Nevertheless, after initial correspondence, Belize decided to change course and file an Originating Application in the Caribbean Court of Justice, claiming that Suriname had violated the freedom to provide services in the Revised Treaty of Chaguaramas, in particular Article 36 thereof. Belize asks the Court to issue a Declaration as to this violation and further demands, on behalf of Y Ltd, payment of damages in the sum of US\$60,000.

Suriname denies that it has breached the treaty, arguing that (i) Y Ltd was not a national of a member state, (ii) it had not imposed any new restrictions on the provision of cross border services, (iii) Belize had no standing either to bring the action or to recover damages.

All relevant procedural matters and case management conferences have been observed and the matter is set down for hearing at the Seat of the Court on Friday, 10<sup>th</sup> March 2017.

Senior Counsel for Belize will argue the issues relating to the alleged breaches of Article 36 by Suriname while Junior counsel will argue that Belize has standing both to proceed and to recover damages on behalf of Y Ltd.

Senior Counsel for Suriname will argue that Suriname has not breached Article 36 while junior counsel will argue that Belize has no standing.