

BETWEEN: DINH TRADING LIMITED
Claimant

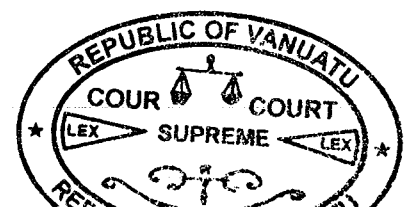
**AND: GOVERNMENT OF THE REPUBLIC
OF VANUATU**
Defendant

Conference ; 7 November 2011
Before: Justice RLB Spear
Counsel: No appearance by or for the Claimant
Florence Williams for the Defendant



CONFERENCE NOTES/ ORDER

1. Mr Jerry Boe was acting for the claimant but ceased to act in February 2011. It does not appear as if the claimant has instructed alternative counsel.
2. Be that as it may, Ms Williams informs me that this case has been settled directly between the claimant and the Minister of Education.
3. While the claimant can represent itself through a Director, the Republic of Vanuatu is required to work solely through the Attorney General in the State Law Office. Accordingly, it is highly irregular for there to have been ministerial involvement in this proceeding outside the involvement of the State Law Office. Such an approach can have an unsettling effect on the formal determination of legal proceedings. With the greatest of respect to the Minister involved, his decision alone cannot bind the Republic of Vanuatu in legal proceedings.
4. Ms Williams informs me that settlement was reached which involved a payment of Vt 2 million being made by the Republic of Vanuatu to Dinh Trading Ltd. Her instructions are that this payment constituted full settlement of both the claim and the counter claim.



5. This proceeding is accordingly closed as settled with leave to the claimant to reinstate the proceeding if the advice received by Ms Williams proves to be incorrect.

6. A copy of this Minute will be delivered to Dinh Trading Ltd.

BY THE COURT

