

Republic of Mozambique (acting through its Attorney General) (Appellant) v Prinvest Shipbuilding SAL (Holding) and others (Respondents)

Case ID: 2021/0085

Case summary

Issue

Whether the Court of Appeal erred in its approach to section 9 of the Arbitration Act 1996 in finding that the Republic of Mozambique's ("Mozambique") claims were "matters" within the scope of the relevant arbitration agreements.

Facts

This case concerns the "Tuna Bond" scandal in Mozambique. Three corporate vehicles wholly owned by Mozambique (the "SPVs") entered into supply contracts (the "Contracts") with three of the respondents (the "Prinvest companies") for the development of Mozambique's exclusive economic zone. The SPVs borrowed the purchase funds from various banks, over which borrowing Mozambique granted sovereign guarantees (the "Guarantees"). The Guarantees are governed by English law and provide for dispute resolution in the courts of England and Wales. Mozambique accuses the Prinvest companies and various others of paying significant bribes to Mozambique's corrupt officials, exposing it to a potential liability of approximately US \$2bn under the Guarantees, and accordingly brought proceedings in England and Wales. The Contracts are governed by Swiss law and provide for dispute resolution by arbitration. Mozambique is not a signatory to the Contracts, but Prinvest contends that as a matter of Swiss law Mozambique is party to them and bound by the arbitration agreement within them. On that basis, Prinvest sought a stay of all Mozambique's claims pursuant to section 9 of the Arbitration Act 1996. As a preliminary question, the issue arose as to whether Mozambique's claims were "matters" which fell within the scope of the arbitration agreements under section 9. At first instance, the High Court held the claims were not. The Court of Appeal disagreed on appeal.

Judgment appealed

[\[2021\] EWCA Civ 329](#)

Parties

Appellant(s)

Republic of Mozambique (acting through its Attorney General)

Respondent(s)

Prinvest Shipbuilding SAL (Holding) and others

Appeal

Justices

Lord Hodge, Lord Lloyd-Jones, Lord Hamblen, Lord Leggatt, Lord Richards

Hearing start date

24 January 2023

Hearing finish date

25 January 2023

Watch hearing

24 January 2023 [Morning session](#) [Afternoon session](#)

25 January 2023 [Morning session](#) [Afternoon session](#)

Judgment details**Judgment date**

20 September 2023

Neutral citation

[2023] UKSC 32