

Marvin Roy Feldman Karpa
v.
United Mexican States
(ICSID Case No. ARB(AF)/99/1)

Procedural Order No. 3
Concerning the briefing
of issues on jurisdiction raised by the parties

1. The Tribunal refers to the Claimant's communications of May 23 and June 20, 2000, to the Respondent's communication of June 30, 2000, and to the Claimant's communication of July 11, 2000.
2. The Tribunal has examined the above-mentioned communications and observes that they raise jurisdictional issues that both parties wish the Tribunal to consider and rule upon before the exchange of written pleadings on the merits. Certain jurisdictional issues are addressed in both the Claimant's communication of June 20, 2000 and in the Respondent's communication of June 30, 2000. Certain additional jurisdictional issues are addressed for the first time in the Respondent's communication of June 30, 2000 and commented upon in the Claimant's communication of July 11, 2000.
3. The Tribunal finds that, such jurisdictional issues having been raised by the parties for the Tribunal's immediate consideration, both parties should be allowed an opportunity to brief such issues fully in writing, further to the observations that the parties have already made in their above-mentioned communications. The current schedule of the proceeding therefore needs to be suspended to allow for such a briefing. The Tribunal does not envisage, however, holding a hearing on such jurisdictional issues.
4. The Tribunal accordingly invites the Claimant to submit a memorial on all the jurisdictional issues raised in the above-mentioned communications within 20 days from the date of this Order. The Respondent is to submit a counter-memorial on such jurisdictional issues within 20 days from its receipt of the Claimant's memorial on jurisdiction.
5. The schedule set forth in the Tribunal's Procedural Order No. 2 shall remain suspended until further directions are given by the Tribunal.
6. The Tribunal notes that under NAFTA Article 1128, the other NAFTA State Parties may, upon written notice, make submissions to the Tribunal on matters of interpretation of the NAFTA. The Tribunal believes that it would be appropriate, in order to ensure as far as possible the timely filing of any such submissions, to invite Canada and the United States of America to make any submissions that may be relevant to the jurisdictional issues that have been raised by the parties within the same time period for the filing of the Respondent's counter-memorial.

on jurisdiction. Such time period is expected to be 40 days from the date of this Order. Such invitation to the other NAFTA State Parties is being made through a letter from the ICSID Secretariat of today's date.

7. The Tribunal reserves its decision on any further submissions, and on any requests for the production of documents, in connection with the issues of jurisdiction raised by the parties. This order is signed on behalf of the members of the Tribunal by its President.

Konstantinos D. Kerameus
President of the Tribunal

July 17, 2000