

International Centre for Settlement of Investment Disputes

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April 17, 2002

BY FAX

Mr. Marvin Roy Feldman Karpa
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Mexico
c/o Mr. Mark B. Feldman
Washington, D.C.

United Mexican States
Secretaría de Economía
c/o Mr. Hugo Perezcano Díaz
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Alfonso Reyes No. 30, Piso 17
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Mexico

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

Dear Sirs,

I write in the absence of Alejandro Escobar from the office this week. The Arbitral Tribunal has instructed us, in view of recent correspondence concerning pending litigation in Mexico, to request the parties to this proceeding to provide the Tribunal with their views on the following questions:

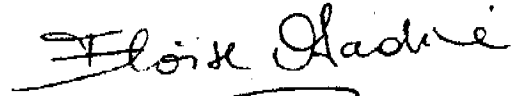
1. How should this Tribunal, in rendering its opinion on the merits, treat the pending, parallel court actions in Mexico (other than the 1993 *Amparo* proceeding), given that the Mexican courts are considering under Mexican law some of the same issues that this Tribunal is considering under NAFTA and international law?
2. Are the pending Mexican court proceedings consistent with the waiver requirements of NAFTA Article 1121(2)(b), taking into account, *inter alia*, the exception of extraordinary relief, and notably the apparent differences between the English and the Spanish versions of that article?

In addition, the Tribunal would appreciate receiving the views of the governments of Canada and of the United States of America, pursuant to the provisions of NAFTA Article 1128, on the interpretation of NAFTA Article 1121(2)(b), and in particular on the scope of the exception in that provision concerning proceedings for injunctive, declaratory or other extraordinary relief not involving the payment of damages, as well as any other relevant provision. This letter is accordingly copied to the attention of the relevant agencies of Canada and of the United States of America.

April 17, 2002

It would be appreciated if the submissions on these questions could be presented to the Tribunal by or before May 8, 2002.

Sincerely yours,



Eloïse M. Obadia
Counsel

cc:

Professor Konstantinos D. Kerameus
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