
OCTOBER 27, 1997

**DECISION ON A REQUEST BY THE RESPONDENT
FOR AN ORDER PROHIBITING THE CLAIMANT
FROM REVEALING INFORMATION REGARDING
ICSID CASE ARB/(AF)/97/1**

1. On September 10 1997, the Respondent, the Government of Mexico, requested the Tribunal to issue a formal order declaring that the proceedings are confidential and that breach of such order would permit the Respondent to request the Tribunal to enforce sanctions. The request was expressed as being made pursuant to Article 1134 of the NAFTA and Article 28 of the ICSID Additional Facility Rules. The Respondent's request was communicated to the Claimant for comment and comments were sent to the Tribunal on October 9, 1997.

2. The Respondent complains, first, of a telephone conference call conducted on August 19 1997, by the Chief Executive Officer (C.E.O) of the Claimant which (to use the Respondent's description) "apparently was intended to provide information to shareholders, investment analysts, and other members of the public, who are interested in the Claimants' activities" The C.E.O. first described the formal procedural steps involved in the case and then went on to discuss the content and possible effect of certain newspaper articles, as well as the possibility of a settlement and its terms. The Respondent also complains of what it describes as "a publicity campaign by the Claimant"; of a suggestion, as the Respondent sees it, by the Claimant that steps may be taken under the law of one of the NAFTA Parties to obtain the record of the proceedings; and, finally, of what the Respondent sees as a