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14 August 2001

Dear Madam and Sir

NAFTA UNCITRAL Investor-State Claim  
Pope & Talbot Inc and the Government of Canada

The Tribunal has received communication dated 10 August 2001 from Counsel for Canada concerning the recent interpretation of Article 1105 by the NAFTA Free Trade Commission.

As Canada has not advised the Tribunal of what it believes to be the implications of the Commissioner's interpretation for this proceeding, the Tribunal requests both parties to submit their positions on the following questions:

1. Should the Commissioner's interpretation be considered to have retroactive effect on rulings previously made by NAFTA tribunals?
2. If the interpretation is to have retroactive effect,
  - a. Should the interpretation change the result reached in this proceeding by the Tribunal with regard to "the verification episode"?

Megye  
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AUG 15 2001

DEPT. OF LAW DROIT COMM. INTL (JUL)  
JUSTICE CANADA  
DEPT. OF FOREIGN AFFAIRS &  
INTERNATIONAL TRADE  
MIN. DES AFFAIRES ÉTRANGÈRES  
ET DU COMMERCE INTERNATIONAL

- b. If the answer to a. is in the affirmative what would be the implications of Article 1103 on the Tribunal's ruling?

The Tribunal requests the parties to provide the foregoing information, together with any citations of authority in support of their views and any other comments they believe to be pertinent, by 10 September 2001.

Yours faithfully



Lord Dervaire  
Presiding Arbitrator