



November 1, 2007

Nassib G. Ziadé
Deputy Secretary-General
International Centre for Settlement of
Investment Disputes
1818 H Street, NW
Washington, DC 20433

Re: Grand River Enterprises, et al. v. United States of America.

Dear Deputy Secretary-General Ziadé:

Claimants are in receipt of the correspondence exchanged by yourself and Professor Anaya on October 23rd and 25th, as well as Respondent's letter of October 30th and Professor Anaya's letter of October 31st.

Claimants remain steadfast in their support of Professor Anaya's continued service on the Tribunal. The Secretary-General informed Professor Anaya of the two discrete activities that would need to be discontinued by him if he were to proceed as an arbitrator on the NAFTA arbitration. Professor Anaya has indicated that he is already in the process of discontinuing all such activities in order to take up his new role as Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous People of the United Nations Human Rights Council.

Claimants submit that it is highly inappropriate for Respondent to attempt to re-argue issues already fully-briefed by the parties. The Secretary General did not solicit further argument from the parties nor was any required. Instead, Respondent unilaterally elected to make its submissions without seeking leave to do so. It is therefore ironic that Respondent's submissions include the inaccurate allegation that Professor Anaya has not complied with the terms set out by the Secretary General for his continued service on the Tribunal. Claimants are also particularly concerned about Respondent's mischaracterization of Professor Anaya's statements, which are apparently intended to fabricate new grounds to support old arguments already considered by the Secretary General before issuance of your letter to Professor Anaya. Claimants will otherwise forbear from replying directly to any of Respondent's latest submissions, which Claimants oppose in their entirety.

The Tribunal appears to be holding pending issues in abeyance until the challenge to Professor Anaya has been resolved. Claimants expect that the Tribunal will immediately resume the arbitration upon receiving confirmation from Professor Anaya that he is no longer on the record as counsel in the proceedings identified by you in your letter addressed to him on October 23rd.

Respectfully submitted.

A handwritten signature in blue ink, appearing to be 'Arif H. Ali', with a stylized, overlapping loop structure.

Arif H. Ali

Copies:

Mr. Fali S. Nariman (by email only)
Prof. S. James Anaya (by email only)
Mr. John R. Crook (by email only)

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