

October 23, 2019

File Number: 0010-297024

VIA EMAIL

Ms. Meg Kinnear, Secretary General
International Centre for the Settlement of Investment Disputes
1818 H Street, N.W.
MSN C3-300
Washington, D.C. 20433

ICSIDsecretariat@worldbank.org

Re: *Daniel W. Kappes and Kappes, Cassidy & Associates v. Republic of Guatemala*
(ICSID Case No. ARB/18/43)

Dear Secretary General Kinnear:

We write in our capacity as legal counsel for non-disputing party La Puya, an environmental justice movement comprising community members from San José del Golfo and San Pedro Ayampuc, Guatemala, in the case of *Daniel W. Kappes and Kappes, Cassidy & Associates v. Republic of Guatemala* (ICSID Case No. ARB/18/43) (the "Matter").

The members of La Puya have an ongoing interest in the Matter inasmuch as they have been greatly and detrimentally impacted by the El Tambor mining project, and they have been active in the affected communities and in related domestic legal proceedings in Guatemala. Because of La Puya's unique perspective, knowledge, and insight regarding the matter—which differs from that of Claimants and Respondents—we believe La Puya's participation will assist the tribunal in determining various legal and factual issues that will arise throughout the course of the arbitration.

Therefore, pursuant to CAFTA-DR Article 10.20(3), ICSID Rule 37(2) and, to the extent applicable, Article 41(3) of the ICSID Additional Facility Rules, we respectfully request that the tribunal accept and consider *amicus curiae* submissions from non-disputing party, La Puya. La Puya further requests that ICSID make available to La Puya and the public all relevant documents that have been submitted in this Matter. Although Article 10.21 of CAFTA-DR requires the Government of Guatemala to promptly transmit to non-disputing Parties and make available to the public the notice of intent, the notice of arbitration, and other case materials, the Government of Guatemala has not made such materials available to the public or to La Puya.

Finally, we respectfully request that the Secretariat provide a copy of this letter to the Tribunal and to the disputing parties.

SheppardMullin

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Neil A.F. Popović". The signature is stylized and includes a horizontal line at the end.

Neil A.F. Popović
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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