

1. Are the teams allowed to (or expected to) look at the laws of the 18th Century, records of which are available on the internet? For instance the municipal laws of Britain and France on nationality as they existed in the 18th Century.

National laws pertaining to nationality and investment for Britain and France are assumed to be that of the 21<sup>st</sup> Century or of the 18<sup>th</sup> Century?

Treaties, customary public international law and case law are those of the 21st century. Participants should not rely on national laws to the extent that such laws are not part of the record. The record of the “arbitration” consists of the documents posted on the website.

2. Clarification regarding Article 9.1, mentioned in issue 3 is not present in CETA. Are the teams to assume that the reference is to Article 8.1 of CETA?

The Case Study and reference documents repeatedly refer to Article 9.1 (definition of foreign investment) and Article 29 (Dispute Settlement) which are not provided in CETA. Will these be provided?

Under Section F of the CETA, Article 8.19 refers to the rights of the parties under Chapter 29 (Dispute Resolution). Kindly, clarify as to which Chapter 29 is the said article referring to.

The reference to Article 9.1 is a typographical error. Reference is made to Article 8.1 of CETA.

As regards Chapter 29, only the excerpts published on the website are part of the record and potentially relevant for the Moot.

3. Is there a consensus on the whereabouts of the claimant’s brother?

Please refer to the Case-Study. It is part of the job of the lawyers to work with such conflicting information.

4. Is CETA, a multilateral or a bilateral treaty?

Do we assume that the CETA, despite being annexed to the Treaty of Paris was only concluded between France and Great Britain?

The annex to the Treaty of Paris was only concluded between France and Great Britain.

5. Can we have access to the Travaux préparatoires for the Colonial Economic Trade Agreement (CETA)?

To the knowledge of the organisers, no such travaux préparatoires are in the public domain.

6. In the Utrecht treaty, Art XIX, what is the “entire space of fix months”?

This is a typographical error. The relevant part should read “entire space of six months”.

7. Were the Bellefontaines subsistence farmers?

Please refer to the Case-Study.

8. Does Cecile's father have a will?

Please refer to the Case-Study.

9. What is the relationship between Friedrich Wilhelm von Thulemeyer and the President?

No information concerning the relationship is in the record.

10. What year was Cecile born in?

No information is available as that in the Case-Study.

11. Was Cecile born and/or sent away before or after the Utrecht Treaty?

No information is available as that in the Case-Study.

12. Have there been nominations for the arbitrators pursuant to Art 8.27(17) of the CETA?

Please refer to the Case-Study.

13. The claim was submitted under which Rules?

Please refer to the Case-Study.

14. Has the consent by the Respondent been rendered in accordance with the written requirements of Article 25 of the ICSID Convention and the New York Convention as required by Article 8.25?

Please refer to the Case-Study.

15. On page 59 of the Case Study, it is mentioned that Cecile cannot afford to “repatriate under Article IV of the Treaty”. Is it meant to be repatriation to France? Does Cecile consider herself French at this point?

Please refer to the Case-Study.

16. When did UK accede to the Genocide Convention?

For the purposes of the Moot, both France and Great Britain were the original members of the Convention, which entered into force in 1751.

17. Which international conventions on war crimes against humanity are applicable? Do these include any and every convention enforced till 2019? Is the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity included in the same?

Please refer to the Case-Study, especially pages 2-3.

18. What exactly are CETA’s ‘principles’ that dictate the nationalities of the arbitrators and how does that establish a procedure for the appointments of the arbitrators?

The organizers cannot provide guidance as to the interpretation of the Parties’ legal arguments.

19. The fact that Britain has appointed an arbitrator of its own, in the form of Charles Pratt, does it not indicate their implied consent to follow UNCITRAL Rules of Procedure?

The organizers cannot provide guidance as to the interpretation of the Parties' legal arguments.

20. What standard of consent is qualified enough for UNCITRAL RoP to be adopted against CETA's 'principles'?

The organizers cannot provide guidance as to the interpretation of the Parties' legal arguments.

21. Does the limitation period start running even if the Agreement that provisions for it is entered into after the limitation period is marked to start at a date previous to the Agreement itself? Further, is it the beginning of the limitation period that should be after the Agreement is entered into or should the Agreement should be entered into before the limitation period ends?

The organizers cannot provide guidance as to the interpretation of the Parties' legal arguments.

22. Did Britain agree only to the UNCITRAL Rules of Arbitration or only to the UNCITRAL Transparency Rules?

The organizers cannot provide guidance as to the interpretation of the Parties' legal arguments.

23. Does the fact that the Claimant brought the Claim under Art. 8.23 of CETA while not following Art. 8.27 automatically annul UNCITRAL Rules for constitution of the Tribunal and impose CETA instead?

The organizers cannot provide guidance as to the interpretation of the Parties' legal arguments.

24. When did the reports of the Chipody's destruction reach Cecile?

Please refer to the Case-Study.

25. Can the Applicant use facts from the Queen's proclamation as facts of the case?

Please refer to the Case-Study.

26. What kind of intervention are the Micmac demanding (amicus curiae/full party to the dispute/non-disputing party/other)?

Please refer to the record.

27. Claim 9, Respondent: "Respondent argues that not only the President's remarks about the British colonies in North-America as well as the treaties are a cause for concern." To which treaties does the phrase refer?

Please refer to the Case-Study.

28. When referring to continuing and composite acts, does claim 1 refer to only events that happened in 1755 (to the Claimant's family), or also to some other events that happened after (to the Claimant herself)?

Please refer to the Case-Study.

29. We would like to ask about clarification in paragraph 6 on page 61. In the penultimate sentence, should there be a change accordingly to the context of the paragraph of the word 'British' to 'Spanish' ?

Please refer to the Case-Study.

30. What was the exact year when the claim was submitted?

In early 1765.

31. Article 8.27.11 provides the following :

The organizers cannot provide guidance as to the interpretation of the Parties' legal arguments.

32. Can teams rely on historical information not included in the Case-Study as evidence in their oral presentations (such as the texts cited in the Case-Study or historical background)? Can such evidence be given weight?

The record of the "arbitration" consists of the document posted on the website. Participants are not allowed to introduce new evidence.

33. Does footnote 7 of the Case-Study refer to the IBA Guidelines currently in force?

Yes.

34. Will merit-related issues be addressed during the Hearing?

The hearing in March 2019 is on jurisdiction and admissibility.

35. Since skeleton arguments are usually produced in advance of a hearing, should the skeleton arguments omit any merit-related issues?

The skeleton arguments should address the issues identified in the Case-Study.

36. Is the hearing limited to jurisdiction issues or should it also encompass issues regarding the Arbitral Tribunal's competence?

Participants should anticipate that all issues set out in the Case-Study will be addressed at the hearing in March 2019.

37. Is the United Kingdom a member of the ECHR in the Case-Study? If UK is a member, did it make any reservation when signing the ECHR?

Please refer to the Case-Study and the documents posted on the website.

38. Is it clear how valuable the investment made by the Bellefontaine family was? If yes, could you please provide us with the value of it?

Please refer to the Case-Study.

39. Will the teams be allowed to give compendiums to the judges with full text of cases, relevant treaties etc?

No hearing bundles are allowed other than the documents published on the website.