
CLARIFICATIONS

- 1. Do we have to argue only on the issues provided in the moot problem or can we also form new issues and sub-issues?**

You cannot raise claims beyond those set out in Climatia's panel request (pages 8-9).

- 2. Whether we could add in any more contentions other than the three already mentioned in the moot problem?**

You cannot raise claims beyond those set out in Climatia's panel request (pages 8-9).

- 3. Can we add issues apart from the issues mentioned in the moot proposition?**

You cannot raise claims beyond those set out in Climatia's panel request (pages 8-9).

- 4. Whether new issues, if allowed to frame, can be in relation to any other international trading law, other than SCM Agreement, relating to the moot problem?**

No.

- 5. Whether the issues raised should be restricted to the requests made by Climatia before the Panel?**

You cannot raise claims beyond those set out in Climatia's panel request (pages 8-9).

- 6. Whether the questions/issues posted in page 8 is the questions presented by the Panel or the questions raised by the Claimants?**

No clarification necessary.

- 7. Is the moot problem entirely based on international law, and laws of no other country are involved as such specifically to work on?**

No clarification necessary.

- 8. Whether the short form for the International Bank for Development is IDB or IBD, as both have been mentioned in the proposition.**

The correct abbreviation is IBD.

- 9. The moot proposition discusses about the setting up of International Bank for Development (IBD) in page 2, Para 2 of the proposition but the same Para addresses the International Bank for Development (IBD) as IDB.**

The correct abbreviation is IBD.

- 10. Typographical error: Are UMMC and UMCC both referring to Ultron Metals Mining Company? and whether IBD and IDB are referring to International Bank for Development?**

The correct abbreviation is UMMC.

- 11. Whether Bromadia is a member of WTO or not?**

No clarification necessary.

- 12. Was Rarisia a member of IBD?**

Problem provides the necessary information.

- 13. Whether Bromadia and Minera are part of IBD?**

No clarification necessary.

- 14. Whether the countries Oxyonia, Climatia, Rarisia, Minera and Bromadia are a part of European Union?**

No clarification necessary.

- 15. How the vote shares of the members of IBD were decided and what are the vote shares of the members?**

Problem provides the necessary information.

- 16. How is the vote share of any country determined in IBD? Is it determined in accordance with the amount of shares held by the country? Or is there any provision like shares with differential voting rights or as such?**

Problem provides the necessary information.

17. Did GRMM become more profitable, after imposition of 50% export duty, than it used to be earlier?

Problem provides the necessary information.

18. Whether UMMC in 2042 is profitable or not?

Problem provides the necessary information.

19. What was UMMC's status in terms of profit when Shareholders' meeting between GRMM and UMMC took place in 2037?

Problem provides the necessary information.

20. Was UMMC profitable when they entered into an agreement with GRMM?

Problem provides the necessary information.

21. Does MMO control the daily activities of MOC and does it have control over MOC's decision making process?

Problem provides the necessary information.

22. Page 4, paragraph 1 mentions about direct control of MOC by MMO. What kind of company is MOC? Is such control by Government body sanctioned by the charters of the company? Is the control being done by the Minister (ex officio head of MMO) unofficially?

Problem provides the necessary information.

23. The problem says that "The Ministry of Mining Operations ("MMO") has given Mining Operations Company ("MOC") the exclusive right to engage in mining activities in Rarisia. MOC is under the direct control of MMO, and the Minister of Mining Operations is the ex officio head of MMO." Should it have been that the minister of Mining Operations the ex officio head of MOC, because he is the head of the MMO being the minister for the same anyway.

The Minister is the ex officio head of MOC.

24. In Para 1, Page 4, Moot Problem, it is mentioned that “The Minister of Mining Operations is the ex officio head of MMO”, whether in place of MMO, should it be MOC? Or is it fine?

The Minister is the ex officio head of MOC.

25. Before entering into an agreement with GRMM in 2038, was a portion of refined cobalt used by GreenO imported from other refineries? If yes, how much?

Yes. A "significant amount" was imported from other refineries. Information regarding the exact volume imported is not available in the public domain.

26. Was GRMM buying Cobalt from UMMC even before they entered into a supply agreement?

No.

27. Is Article 1.1(a)(iv), mentioned in page 8 of the moot problem, referring to Article 1.1(a)(1)(iv) of SCMA? Is Article 1.1(a)(iii), mentioned in page 8 of the moot problem, referring to Article 1.1(a)(1)(iii) of SCMA?

Yes.

28. Whether the Article 1.1(a) (iv) and Article 1.1(a) (iii) given in page 8 of Part (a) of the first claim raised in Climatia’s panel request is SCM agreement article 1.1(a) (1) (iv) and article 1.1 (a) (1) (iii) or not? The SCM agreement does not contain article 1.1(a) (iv) and Article 1.1(a) (iii) Which is discussed in point (a) of 20-year supply agreement between UMMC and GRMM. Kindly provide the clarifications for the same.

Please see clarification to question No. 27.

29. GreenO is the only company which is able to buy refined cobalt at 30-40% lower than the market price from GRMM. Is it true or were there other entities also which were receiving refined cobalt at reduced prices?

Entities outside Oxyonia are generally unable to purchase refined cobalt at prices paid by GreenO to GRMM.

30. Was GreenO the only company which was able to purchase refined cobalt from GRMM at reduced prices? Were there any other companies like GreenO in Oxyonia? It is not clear from the moot problem as to whether only GreenO received refined cobalt at lower prices or whether the prices of refined cobalt decreased for other consumers also after the new export duties came into effect?

See clarification to question No. 19. Additional clarification is not necessary.

31. What is the authority of Metallurgy International News journal?

No clarification necessary.

32. What is the nature of IDB? Is it a private corporation or an international body?

Problem provides the necessary information.

33. Are the names of different places mentioned in moot problem name of different countries or cities of the same country? For example: - Bromadia, Eldora. Is Bromadia a city in Minera?

Bromadia is a country. Eldora is a city.

34. Whether Ester Bluefin is acting under the supervision of GOO?

You are expected to make arguments based on the available information.

35. Whether UMMC approached others for the loan before GOO helped?

Problem provides the necessary information.

36. Did Climatia have any cobalt refineries?

Problem provides the necessary information.

37. Was GRMM the only company in Oxyonia which was indulged in the business of cobalt refining? How many companies of cobalt refineries were there in Oxyonia?

Problem provides the necessary information.

38. What is the increase in the export of cobalt during 2035 to 2038? (Any data regarding the past export of cobalt from GRMM during time span?).

Problem provides the necessary information.

39. Before the imposition of the export duties, GRMM used to export almost 40% of its total produce which after the imposition of the export duties came to a complete halt. But, on the other hand, after the imposition of export duties GreenO substantially increased its demand of refined cobalt from GRMM. This was done by GreenO as a result of substantial increment in the production of the electric cars and sourced its overall requirement of refined cobalt from GRMM. Was this increment in demand of GreenO of refined cobalt able to cover the loss of 40% sales which GRMM would have otherwise exported?

Problem provides the necessary information.

40. The reason behind doubling of exports of GreenO is not clear, was it because the prices of electric cars of GreenO decreased as a result of substantial reduction in the prices or refined cobalt which was one of the major ingredients in manufacturing the batteries of electric cars.¹ Or was there any other reason for increase in the exports of GreenO like better quality of cars, being manufactured by GreenO. Please clarify.

You are supposed to make arguments based on the information provided in the problem.

41. In the process of passing the loan application when can Oxyonia apply its veto power?

Problem provides the necessary information.

42. Apart from Oxyonia did any other member have a veto power?

No.

43. The heading of issue 3 speaks of the combined effect of export duties imposed, inter alia, battery grade cobalt exported from Oxyonia and long-term supply agreement

¹ The reduction in prices of reined cobalt was because of the imposition of 50% export duty on the refined cobalt.

between GRMM and 'UMMC'. However, the sub-issues talk about GreenO and not UMMC. So, is the heading talking about the 10-year long-term supply agreement between GRMM and GreenO? Further, the long-term supply agreement is already an issue under issue 1.

Yes. It is the long-term supply agreement between GRMM and GreenO. Please focus on the issues provided (a-c), which set out the specific aspects of the claims.

44. How much of refined cobalt produced by GRMM constituted battery grade cobalt?

Problem provides the necessary information.

45. Was GRMM converting all refined cobalt into battery grade cobalt after the contract between GRMM and Green O?

Problem provides the necessary information.

46. Whether current statistics/facts be applied, if so, should they be regarded as statistics of 2018 or of 2043?

No clarification necessary.

47. What is share of Climatia as a founding in IBD?

No clarification necessary.

48. What was the reason behind the lobbying by the end users of refined cobalt in Oxyonia?

No clarification necessary.

49. Was lobbying the sole factor behind the Oxyonia's decision to impose an export duty on Cobalt?

No clarification necessary.

50. Was the imposition of 50% export duty by Oxyonia entirely dependent on the agreement between GRMM and GreenO?

No clarification necessary.

51. In Page 7, in the agreement between GreenO and GRMM relating to the 10-year supply agreement, certain conditions were stipulated by GreenO for sourcing entire supply at market prices. One of the conditions was to right to buy at lower prices, is that all or were there any other conditions stipulated?

Problem provides the necessary information.

52. Page 5 paragraph 3. Shall the debtor meet both condition i. and ii. for the waiver of loan? Can fulfilment of only one of those conditions enable the said waiver?

No. Both conditions need to be met.

53. Why UMMC sold all its operations other than those of Adamtiuman mines?

No clarification necessary.

54. Why was the DSB not established in first request?

No clarification necessary.

55. Any reason why the first Panel request of Climatia was rejected?

No clarification necessary.

56. Second last paragraph of Prologue section talks about FuturZ having good success in developing the network or reliable suppliers. Please clarify on how many suppliers were providing the Cobalt to this company?

No clarification necessary.

57. Was FuturZ even after imposition of 50% export duties from Oxyonia, importing Cobalt from GRMM?

The problem specifies that FuturZ has been unable to import batter-grade cobalt from GRMM at competitive prices since 2038.

58. Any other information regarding the source of the 35% of the cobalt in the world (which is not in Minera and Rarisia).

No.

59. How many other Refineries (except GRMM) were in operation worldwide? After the economic liberalization in Rarisia how many refineries were set up in this country?

No clarification necessary.

60. What percentage of total cobalt from Rarisia and Minera is exported to Oxyonia?

No clarification necessary.

61. What are the average yearly prices at which refined cobalt was supplied to GreenO by GRMM post the contract in 2038?

Problem provides the necessary information.

62. Was there any specific reason for not including Minera and Rarisia as parties to this dispute?

No clarification necessary.

63. Any specific/main reason for failure of consultations between the parties?

No clarification necessary.

64. Does the Government of Oxyonia have any stake in GRMM?

No.

65. Did Government of Oxyonia levy any export duty on export of certain minerals prior to 2039?

Problem provides the necessary information.

66. What is the ratio of domestic to export sales of cobalt concentrates in Rarisia before and after giving of loan?

The problem specifies that cobalt concentrate obtained from the Conda Mines and exported from Rarisia increased by 75% by the end of 2038, and has stabilized at that level since then. You are supposed to make your arguments based on information provided in the problem.