



FDI MEDIATION MOOT



Clarifications | 2022 Competition



CLARIFICATIONS

These are the 2022 FDI Mediation Moot clarifications requests and responses:

1. Request

What were the terms of engagement and nature of services rendered by Mr Cavannaugh to the Mekari state authorities for previous arbitrations? Was he merely an external advisor or was he the officially-appointed legal counsel?

Mr. Cavannaugh is an equity partner in the dispute-resolution practice of an international law firm that acted for Mekari state authorities in previous arbitrations. The nature of Mr. Cavannaugh's personal involvement on these matters is unclear from available records.

2. Request

In February 2019, IICRA issued Vemma a credit-worthiness rating of CCC+, whereas in September 2019, Fitch issued it a rating of BB. Can the Organising Committee clarify the meaning of these ratings? Is one more positive than the other and if so, then to what extent?

The meanings are consistent with public information. No attempt has been made to standardize the ratings across the agencies.

3. Request

Pursuant to its findings in the second investigation, the CCM imposed a fine of MON 200 Million on Caeli Airways. Can the Organisers contextualise this, either by providing the equivalent USD value payable or representing the fine as a percentage of Caeli's revenue?

The fine of MON 200 million represents 20% of revenue earned by Caeli Airways in January 2019.



4. Request

Para 2290 of the case proposition states that CILS has been designated by the Mekari Home Ministry as a foreign-funded organisation working to destabilise Mekar. When was this done? Was it before or after the report of 14th June 2020?

The designation was made after the issuance of the report on 14 June 2020. The Mekari government has been critical of the agency in the past in matters unrelated to the SCC arbitration.