

### **CLARIFICATIONS ON ISSUES**

The broad categories of issues that the participants shall address are the following:

1. Jurisdiction
2. Attribution
3. Expropriation
4. Fair and Equitable Treatment and Full Protection and Security

**NOTE:** Participants should bear in mind that these issues are non-exhaustive and a given fact may go towards more than one issue.

#### **Further Clarification on issue of Jurisdiction:**

- i) The arbitration proceedings is under the BIT agreement, not the VM agreement.
- ii) Relevant dispute resolution is under *ad hoc* arbitration under the UNCITRAL Rules (the applicable procedural rule in this case).

