

# **ALSA** INTERNATIONAL MOOT COURT COMPETITION

OFFICIAL RULES 2019

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## 1. Definitions

- 1.1 “**ALSA**” shall refer to the Asian Law Students’ Association.
- 1.2 “**Moot**” shall refer to the annual ALSA International Moot Court Competition.
- 1.3 “**Moot Website**” shall refer to the official website of the Moot (<http://aimcc.alsainternational.org>).
- 1.4 “**Host**” shall refer to the ALSA National Chapter/Local Chapter hosting the International Rounds of the Moot.
- 1.5 “**Organizers**” shall refer to the organizers of the Moot decided by the Governing Council. The Organizers may be contacted through [alsaimcc2019@gmail.com](mailto:alsaimcc2019@gmail.com).
- 1.6 “**Team**” shall refer to teams participating in the moot.
- 1.7 “**Team Number**” shall refer to the number assigned to each registered team by the Organizers, which will serve as their unique identifier.
- 1.8 “**Rules**” shall refer to the Official Rules of the competition and applicable supplements to the Rules published by the Organizers or the Host.
- 1.9 “**Schedule**” shall refer to the official schedule of dates for all events and deadlines in relation to the Moot established each year by the Organizers and the Host.
- 1.10 “**Moot Problem**” shall refer to the official moot problem prepared by the Organizers and released on the Moot Website.
- 1.11 “**Request for Clarifications**” shall refer to an official request to clarify the moot problem submitted by a Team within the time limit stipulated in the Schedule.
- 1.12 “**Memorial**” shall refer to written arguments submitted, on behalf of both the Claimant and the Respondent, according to the official rules of the Moot by each Team. Memorials are also referred to as written pleadings.
- 1.13 “**Oral Pleading**” shall refer to a team member’s individual presentation in an oral round.
- 1.14 “**International Rounds**” shall refer to the oral rounds held in the host country.
- 1.15 “**Preliminary Rounds**” shall refer to the oral rounds in the International Round which will determine which teams will advance to the Final Rounds.

- 1.16 “**Semi Final Rounds**” shall refer to the semifinal rounds in in the International Rounds between the four teams with the highest points (both Memorial Round and Oral Round Points combined) after the preliminary rounds to determine the Finalist.
- 1.17 “**Final Round**” shall refer to the final oral round in the International Round between the winning teams from the Semi Final Rounds to determine the winner of the Moot.
- 1.18 “**Registration Fee**” shall refer to the official fee paid by the teams which are qualified to pass the International Rounds.

## 2. Organization of the Competition

- 2.1 ALSA International has the overall responsibility of the organization of the competition.
- 2.2 The Vice President of Academic Activities acting on behalf of ALSA International shall be the head of the organization of the Moot and have the overall responsibility for the competition.
- 2.3 ALSA International shall provide the opportunity for ALSA National Chapters to volunteer to host the Oral Rounds of the Moot.
- 2.4 The Host shall be decided by the Governing Council.
- 2.5 ALSA International shall appoint a Director of Moot Court Competition to act as the head of the Organizers and work in collaboration with the Vice President of Academic Activities and the Host to organize the Moot.
- 2.6 All materials prepared by or for the Organizers or the Host, including, without limitation, the Moot Problem, the Bench Memorial, the clarifications, the Rules, and the Schedule, are the exclusive property of ALSA International.

## 3. Structure of the Competition

- 3.1 The competition shall be entirely held in English.
- 3.2 The Moot shall consist of two rounds: The Memorial Round and the Oral Rounds.
- 3.3 Twenty-four (24) teams from the Memorial Round shall qualify to compete in the Oral Rounds at the host country.

- 3.4 The following teams shall qualify to participate in the Oral Rounds:
1. Twenty-four (24) teams with the highest memorial score shall qualify to participate.
  2. In the event that the registered teams represent less than twenty-four (24) countries, the remaining teams shall qualify to participate.
- 3.5 The Oral Rounds shall consist of the preliminary rounds, the semifinal round and the final round
- 3.6 The Oral round shall be conducted as follows:
1. Each team will perform both as the claimant and the respondent in the preliminary rounds;
  2. The four teams with the highest points (both Memorial Round and Oral Round Points combined) after the preliminary rounds will proceed to the Semi Final Round;
  3. The two winning teams from the Semi Final Round will proceed to the Final Round;
  4. In the event that two teams have the same total points, the team with the higher Team Oral Score shall proceed to the Semi Final Round;
  5. In the event that two teams have the same total points and Team Oral Score, the team with the higher Team Memorial Score shall proceed to the Semi Final Round;
  6. In the Final Round, a lot shall determine which team will perform as the Claimant and which as the Respondent;
  7. The winner shall be determined from the Oral Round points;
  8. In the event that both teams receive the same Oral Round points, the team with the highest Total Oral Score shall be the winner.

#### **4. The Panel**

- 4.1 The panel shall consist of either two (2) to three (3) Investment Settlement Dispute experts appointed by ALSA International in collaboration with the Host depending on the availability of the experts and may consist of more than three panelists in Semi-Final and Final Rounds. These individuals shall be referred to as panelist(s).
- 4.2 If only two panelists score a given Memorial or a given Oral Round, the Organizers shall create a third score and scoresheet by averaging the scores of the two panelists.
- 4.3 Panelists shall be unbiased.
- 4.4 Panelists shall score the Oral Pleadings in accordance with the marking guidelines provided by the Organizers.

- 4.5 Panelists may ask questions at any time during the Oral Pleadings.
- 4.6 Panelists may, at their discretion, extend total Team oral argument time beyond the allocated time, and Oralists asked by the panelists to expand upon arguments may, in this instance, exceed the time individual limit ask questions at any time during the Oral Pleadings.

## 5. Participation and Eligibility

- 5.1 The Moot is open to students who are currently enrolled in a university and are pursuing an undergraduate degree in law or law-related degree.
- 5.2 The following individuals are ineligible to participate:
1. Students enrolled in a graduate degree or research degree program.
  2. Students who have previously graduated from any type of law degree program. An exception is to be made to students who are at the time of registration had yet to graduate from their law degree.
  3. Students who are or have been involved in extensive ‘practice of law’ (including judges, advocates, lawyers, attorneys, barristers, solicitors, notaries, bailiffs, legal officers and etc.) that undertake the following: pleadings in courts, arbitrations or other dispute resolution institutions (e.g. mediations or conciliations); or any legal work that is justified by jurisdictional law.
  4. Students currently involved in the organization of the Moot.
  5. Students not registered as a team member.
- 5.3 Individuals who are ineligible to participate must request and obtain the written permission of the Organizers. All determination of eligibility is in the discretion of the Organizers.
- 5.4 Each team shall consist of a minimum of two (2) and a maximum of five (5) team members.
- 5.5 Any Team composed of more than five Team Member may be disqualified from the competition.
- 5.6 Substitutions of Team Members must be permitted by the Organizers. The request for a permission must be submitted to [alsaimcc2019@gmail.com](mailto:alsaimcc2019@gmail.com) with an explanation of the reason for the requested change. Substitution of Team Members will be granted only in exceptional circumstances upon the discretion of the Organizers.



- 5.7 Team members may be enrolled in different universities upon the discretion of the Director/Organizers.
- 5.8 Each team may have one (1) team coach to adequately prepare the Team to participate fairly in the Competition. A team coach may provide advice to a Team, provided such advice is limited to:
1. General instruction on the basic principles of international law;
  2. General advice on research sources and methods;
  3. General advice on memorial writing techniques;
  4. General advice on oral advocacy techniques;
  5. General advice on the organization and structure of arguments in the Team's written and oral pleadings;
  6. General commentary on the quality of the Team's legal and factual arguments;
  7. Advice on the interpretation and enforcement of these Rules; and
  8. Advice as to pleading options or similar strategic decisions.
- 5.9 The team coach is not allowed to actively take part in the oral pleadings. However, he or she may attend them. Teams not complying with this rule shall be dismissed.
- 5.10 The team shall not consult matters regarding the Moot with other persons aside from their team coach.
- 5.11 Team coaches must not also be Panelists.
- 5.12 Team members and team coaches are prohibited from engaging in communication with the Panelists on issues concerning the Moot Problem before the end of the Final Oral Round.
- 5.13 Team members are responsible for their own travel to the host country and any related expenses.

## **6. Registration**

- 6.1 Teams shall complete the registration form provided by the Organizers.
- 6.2 Once the team has completed the registration form, the team composition may not be changed after the registration deadline. However, the Organizers may consider such a change in exceptional circumstances if an email has been sent with a detailed request.

- 6.3 At the time of registration, teams shall select an official point of contact from the participating team who will be responsible for all official correspondence between the team and the Organizers.

## **7. Team Identification and Anonymity Rule**

- 7.1 After registration, participating teams will be provided with a Team number, which will serve as their unique identifier. All communication must be made in reference to this team number.
- 7.2 According to the anonymity rule, any details or information regarding the universities or countries of origin of the registered teams shall not be disclosed to the Panelists in any way. They may only disclose their team number during the whole course of the Moot.
- 7.3 For breaches of the Anonymity Rule that occur during or outside of the Oral Pleading Session, penalties shall be imposed at the discretion of the Organizers.

## **8. The Moot Problem and the Timeline**

- 8.1 The Moot Case shall involve issue of the dispute based on the Investment Settlement Dispute.
- 8.2 The dispute involves a set of theoretical and practical procedural and substantive legal issues. Any existing or fictitious legal provisions may be used.
- 8.3 The dispute itself and the names of all the parties mentioned therein are fictitious. Any resemblance to an actual dispute or persons living or dead is purely coincidental.
- 8.4 The Moot Case will be announced at appointed date and the same problem will be used throughout the Moot at the Moot Website.
- 8.5 Teams may submit clarification questions to the case within the indicated clarifications deadline. Submitted through contact provided in the Moot Website.
- 8.6 The Host will issue a timeline which is binding in accordance with these rules. The timeline will be published on the ALSA Website and The Moot Website.



## 9. Memorials

- 9.1 Teams must submit one (1) memorial for the Claimant and one (1) memorial for the Respondent (two (2) written submissions in total). Memorials shall be submitted according to the Host instructions no later than the date specified in the Schedule.
- 9.2 A memorial shall be contained in a single file. The electronic copies shall be submitted as a PDF file and a Microsoft Word for Windows file. Memorials of Claimant and Respondent shall be submitted in one (1) email according to the instructions provided by the Organizer.
- 9.3 Equipment or software failure or any other technical errors may not be considered as an excuse for improper formatting or late submission of memorials.
- 9.4 No team may revise, substitute, add to, delete from, or in any other manner alter its memorials once submitted. If team is found to commit any of the aforementioned act, deductions shall be imposed. The number of points deducted is left to the Organizing Committee's discretion.
- 9.5 The memorial shall comply with the following format:
1. White A4 size page;
  2. Black font, 12-point size, Times New Roman;
  3. Double spaced, except for footnotes;
  4. Margins on all sides shall be no less than 1 inch.
- 9.6 Each memorial shall include the following elements:
1. Cover page;
  2. Table of Contents;
  3. List of Authorities;
  4. Statement of Facts;
  5. Arguments.
- 9.7 The cover page must contain the following information:
1. The Team competition number in the top right corner;
  2. The name of the administering proceeding center;
  3. The name of the parties;
  4. The title of the document, i.e. Memorial for Claimant or Respondent as the case may be;
  5. It must not contain anything identifying the Team's origins (University name, logo, URL, city, country, etc.).

- 9.8 List of authorities shall contain those authorities actually cited in a form adequate to allow an educated reader to identify and locate the authority.
- 9.9 The footnotes shall be used to cite the authorities in the arguments. The footnote shall be in the form of Oxford University Standard for the Citation of Legal Authorities (OSCOLA). No facts or arguments shall be included in the footnotes. The footnotes may contain a short form of citation (if introduced in the List of authorities).
- 9.10 Footnotes shall be in Times New Roman, font 10 point and used for legal references only. They shall not contain any additional substantive parts of the pleadings.
- 9.11 Each source or authority must be cited using the Oxford Standard for Citation of Legal Authorities (OSCOLA 4th edition).
- 9.12 Each memorial shall not exceed 8,000 words in length, including all elements (as listed in 9.6 including footnotes).
- 9.13 A memorial shall be drafted in *formal* English. The usage of Latin maxims and foreign terms (e.g *Kompetenz – Kompetenz*) is allowed in so far they are widely accepted and known.
- 9.14 Excessive quotations shall be avoided. A quotation of more than one and a half lines in length shall be block quoted and single spaced.
- 9.15 The pages of the statement facts and arguments together shall be numbered consecutively in Arabic numerals (1,2...) All other parts of memorial shall be paged numbered consecutively in small roman numbers (i, ii, ...) each page shall be numbered in the middle at the bottom.
- 9.16 The paragraph of the statement of facts and arguments parts shall be numbered consecutively the Arabic numerals.
- 9.17 Participants shall include the word count on the last page of the memorial.
- 9.18 Failure to submit within the deadline, participants shall incur penalties prescribed in the Clause 13.
- 9.19 Submissions will be scored accordingly as the qualified team to participate in oral pleading round is to be announced.
- 9.20 The Bench Memorandum is strictly confidential. The Organizer will disqualify any Team that makes use of the Bench Memorandum. Teams

who obtain a copy of the Bench Memorandum should immediately return it to the Executive Director without examining the contents.

## **10. Oral Pleadings**

- 10.1 Each team shall present their oral arguments for the Claimant and the Respondent. The pleadings may be held in sitting.
- 10.2 All claims provided in the Summary of Oral Pleadings of the Claimant must be offered by the Claimant in the main pleadings. The Respondent may change or omit parts of claims they have provided in their Summary of Oral Pleadings in order to respond to the claims of the Claimant.
- 10.3 The content of the main pleadings of the Claimant shall not be entirely different from that of the Claimant's Memorial. New points (those not made in the main pleadings) may not be argued in the rebuttal or surrebuttal.
- 10.4 Each oral match consists of 80 minutes of oral pleadings. Claimant and Respondent are each allotted 40 minutes, including not more than 5 minutes thereof each for any rebuttal or surrebuttal. Each team shall inform the Host of the tribunal how it wishes to allot this between the two oral advocates and any rebuttal (or surrebutal). The time allotted includes the time needed to answer any questions from the panel. The Panel shall ensure that the Teams are treated fairly.
- 10.5 A team shall allocate at least 15 minutes to each oral advocate.
- 10.6 Only students registered as Oralists for the Team may act as oral advocates in accordance with the information provided in the Team's submitted Oralist Registration Form. Exceptions may be made to this rule in certain circumstances upon the Team's notification to the Organizers and subject to the Organizers' discretion.
- 10.7 No more than two Team members may plead during one Oral Round. Other Team members may be present during Oral Rounds in which their Team is pleading, and must sit on a separate bench and refrain from communicating with Oralists.
- 10.8 The Team may watch other Oral Pleadings if they are not participating in one in their current time. The presence of team members at a pleading session of which the opposing team that they will compete in a future Oral Round is participating in is prohibited.
- 10.9 The presence of Team Advisors or other spectators affiliated with the Team is permitted in the room during an Oral Round in which the Team is

competing. Teams are responsible for ensuring that their spectators do not engage in any disruptive behavior, and shall ensure that spectators do not disclose to panelists the identity of their institution or country.

- 10.10 The Organizers shall supply the Teams with the Schedule of the Oral Rounds at least one week before.
- 10.11 During an Oral Round, the Team members pleading may only communicate with those team members at the counsel's table, the Tribunal, the Secretary and opposing counsel.
- 10.12 Unnecessary noise, outbursts, or other inappropriate behavior that distracts from the argument in progress are prohibited among Teams and team-affiliated spectators.
- 10.13 Team members pleading in a given Oral Round may exchange written notes or assist each other in finding the necessary documents. No other communications shall be allowed.
- 10.14 Any electronic devices including but not limited to those which are internet-enabled or data-capable or have instant messaging capabilities shall solely be for time keeping purposes. Any electronic devices for material purposes are prohibited.
- 10.15 No documentation is permitted without prior consent from the Organizers once the round has commenced.
- 10.16 In case a Team fails to appear for a scheduled Oral Round, the arbitral tribunal after notifying the Organizer and waiting for 15 minutes shall conduct the Oral Round ex parte. The attending Team may present its arguments and shall be scored as if the absent Team were present.
- 10.17 The Team that fails to appear at the scheduled Oral Round forfeits all points for the round.
- 10.18 No audiotaping or videotaping of oral pleadings is permitted. The Organizers reserves all rights to the audiotaping and videotaping, or any other form of audio or visual reproduction, of any Oral Round or part thereof. All Teams participating in the Final Round will be deemed to have consented to the taping and broadcasting of the Final Round.

## 11. Summary of Oral Pleadings

- 11.1 Each team qualified for the Oral Rounds shall submit to the Organizers a Summary of Oral Pleadings containing all moot points for both the Claimant and the Respondent.
- 11.2 The deadline for the submission of the Summary of Oral Pleadings shall be provided in the Calendar.
- 11.3 The Summary of Oral Pleadings for both Claimant and Respondent shall be submitted in a single file and be no longer than 2 pages formatted in accordance with Rule 9.5. The Summary of Oral Pleadings shall be submitted as a PDF file and a Microsoft Word for Windows file in 1 email according to the instructions provided by the Organizer.

## 12. Scoring

- 12.1 The teams will be ranked according to the total score of their Oral Rounds (65%) and their memorial (35%).
- 12.2 Memorials shall be scored according to the following criteria:
1. Structure and Grammar: Ability to present facts straightforwardly, extract points for discussion, and use consistent logic and correct grammar;
  2. Legal Norms: Depth of knowledge and understanding of applicable international law;
  3. Evidence: Ability to use evidence and make appropriate reference to it;
  4. Thoroughness: Thoroughness and clarity of research and arguments.
- 12.3 If only two panelists score a given Memorial or a Given Oral Round, the Administrator shall create a third score and scoresheet by averaging the scores of two panelists.
- 12.4 The Oral Pleadings of each oralist shall be scored according to the following criteria:
1. Inclusion of relevant facts: Ability to identify issues and extract relevant details from the moot problem to formulate arguments;
  2. Knowledge of legal norms: Depth of knowledge and understanding of applicable international law;
  3. Structure and logic of arguments: the ability to present facts straightforwardly, extract points for discussion, and use consistent logic and grammar;
  4. Response: Ability to respond appropriately to Panelists and to rebut opponents' claims;
  5. Presentation: ability to present claims in a persuasive manner.



- 12.5 Determination of the winner in the preliminary rounds:
1. The winner of the Preliminary rounds shall be determined from the Memorial and the Oral Pleadings
    - i) The Memorial points shall be awarded as follows:
      - a. The team with the higher Memorial score will receive 3 points.
      - b. In the event that the Memorial scores of both teams are equal, the 3 points shall be awarded to the team with fewer deductions.
      - c. In the event that both teams have the same deductions, both will receive 1.5 points.
    - ii) The Oral Pleading points shall be awarded as follows:
      - a. The sum of the points awarded by each Panelist.
      - b. Each Panelist shall award 2 points to the team having the higher total Oral Scores for oralists.
      - c. In the event that both teams receive the same Oral Scores, the team with fewer deductions will receive 2 points.
      - d. In the event that they have the same deductions, each team will receive 1 point.

### **13. Penalties**

- 13.1 Memorials exceeding the maximum length shall result in a penalty of 5 points per page.
- 13.2 Failure to use A4 electronic page shall result in a penalty of 1 point.
- 13.3 Failure to use the correct font shall result in a penalty of 1 point.
- 13.4 Failure to use correct Font size shall result in a penalty of 1 point.
- 13.5 Any displays of any indication of a team's university or country of origin shall result in a penalty of 1 point per indication.
- 13.6 Failure to use the name of the Moot Problem shall result in a penalty of 2 points.
- 13.7 Failure to include all required elements in the cover page shall result in a penalty of 1 point.
- 13.8 Failure to use the correct page margins shall result in a penalty of 1 point.
- 13.9 Failure to correctly identify the party submitting the memorial shall result in a penalty of 1 point.



- 13.10 Failure to use correct page numbering in the statement facts and arguments shall result in a penalty of 1 point.
- 13.11 Failure to use correct page numbering in other parts of the memorial shall result in a penalty of 1 point.
- 13.12 Failure to meet the formal requirements of the footnotes shall result in a penalty of 1 point per infraction.
- 13.13 Any pleadings included in the footnotes shall result in a penalty of 1 point per infraction.
- 13.14 A delay of one (1) day in submitting the memorials shall result in a penalty of 1 point.
- 13.15 A delay of two (2) days in submitting the memorials shall result in a penalty of 3 points.
- 13.16 A delay of three (3) days in submitting the memorials shall result in a penalty of 5 points.
- 13.17 A delay of four (4) days or more in submitting the memorials shall result in team disqualification.

#### **14. Awards**

- 14.1 The winning team in the Final Oral Rounds shall be the Winner of the Moot.
- 14.2 The participant with the highest average score at the conclusion of the Preliminary Rounds shall be adjudged the Best Individual Oralist. The average score will be calculated by dividing the total number of points of each speaker by the number of times the speaker has presented oral arguments.
- 14.3 The team with the highest memorial points for the claimant shall be awarded the Best Memorial for the Claimant.
- 14.4 The team with the highest memorial points for the respondent shall be awarded the Best Memorial for the Respondent.

#### **15. Miscellaneous**

- 15.1 All requests regarding the organization and administration of the Moot shall be directed to the Organizer through published contact info on the Moot

Website. No Team shall seek direct communication with any member of the institution of Panelist.

- 15.2 All requests for the interpretation of the present Rules shall be forwarded to the Organizer. The Organizer shall also annually review and amend the Rules as necessary to correspond to actual circumstances.
- 15.3 Any Team submitting the Registration Form agrees to be bound by the Rules.
- 15.4 Any decision of the Host or the Organizers in connection with the organization, execution, competition and administration of the Moot is final and not subject to appeal.
- 15.5 The Rules shall take effect on March 15, 2019.
- 15.6 The Organizers reserve the right to add detailed regulates at any time if they are deemed necessary.