



ALSA INTERNATIONAL MEDIATION COMPETITION

OFFICIAL RULES 2020

16th – 18th October 2020

Organized by:

Asian Law Students' Association International

aimc@alsainternational.org



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RULE 1.0 DEFINITION

The following terms have the corresponding meanings:

- 1.1.1 “**ALSA**” refers to the Asian Law Student Associations.
- 1.1.2 “**BATNA**” refers to the Best Alternative to a Negotiated Agreement and refers to the best thing a Party can do, without the consent of the other Party, if the Parties fail to reach an agreement.
- 1.1.3 “**Break**” refers to a time period that may be asked by Team in a Mediation Session. During the Break, the overall time of the Mediation Session continues to run.
- 1.1.4 “**Caucus**” refers to a separate meeting between the Mediator and a Team. During the Caucus, the overall time of the Mediation Session continues to run.
- 1.1.5 “**Coach**” refers to individual responsible for supervising and assisting a Competing Team before and during the Competition.
- 1.1.6 “**Competition Problems**” shall refer to the official moot problems prepared by the Organizers.
- 1.1.7 “**Competition**” refers to ALSA International Mediation Competition.
- 1.1.8 “**Confidential Information**” refers to the confidential elements to be considered in determining the strategy and tactics of the Negotiators Teams in a given Mediation Session. The Confidential Information is for exclusive use of each team and shall not be disclosed to the opposing team.
- 1.1.9 “**Counsel**” refers to a participant from a team appointed to act as the Counsel in a Mediation Session.
- 1.1.10 “**Final Rounds**” shall refer to the final oral rounds in the International Rounds between the teams with the highest scores from the Preliminary Rounds to determine the winner of the Competition.
- 1.1.11 “**Host**” shall refer to the ALSA National Chapter hosting the International Rounds of the Moot.

- 1.1.12 “**Mediation Plan**” shall refer to written case analysis referred to in Rule 3.0.
- 1.1.13 “**Mediation Session**” refers to a session during which the Teams will simulate a mediation procedure pursuant to rules.
- 1.1.14 “**Organizers**” shall refer to the organizer of the Moot appointed by the ALSA International Board.
- 1.1.15 “**Preliminary Rounds**” shall refer to the oral rounds in the International Round which will determine which teams will advance to the Quarter Rounds.
- 1.1.16 “**Registration Fee**” shall refer to the official fee teams qualified for the International Rounds shall be obligated to transfer to the Host to compete in the International Round.
- 1.1.17 “**Request for Clarifications**” shall refer to an official request to clarify the moot problems submitted by a Team within the time limit stipulated in the Timeline.
- 1.1.18 “**Rules**” shall refer to the Official Rules of the competition and applicable supplements to the Rules published by the Organizers or the Host.
- 1.1.19 “**Team Number**” shall refer to the number assigned to each registered Team by the Organizers, which will serve as their unique identifier.
- 1.1.20 “**Team**” shall refer to teams participating in the moot.
- 1.1.21 “**Timeline**” 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.
- 1.1.22 “**Website**” shall refer to the official website of Competition - ALSA Malaysia.com

RULE 2.0 ORGANIZATION OF THE COMPETITION

Rule 2.1 Main Organization of the Competition

- 2.1.1 ALSA International has the overall responsibility of the organization of the competition.
- 2.1.2 The Vice President of Academic Activities acting on behalf of ALSA International shall be the head of the organization of the Competition and have the overall responsibility for the competition.
- 2.1.3 ALSA International shall provide the opportunity for ALSA National Chapters to volunteer to host the Oral Rounds of the Competition.
- 2.1.4 The Host shall be selected by ALSA International. 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 Competition.
- 2.1.5 The Director of Moot Court Competition shall be the Competition Administrator.
- 2.1.6 All materials prepared by or for the Organizers or the Host, including, without limitation, the Competition Problems, the clarifications, the Rules, and the Timeline, are the exclusive property of ALSA International.

Rule 2.2 Introduction

- 2.2.1 The ALSA International Mediation Competition (AIMC) 2020 is a means to promote the use of mediation among younger generations of professionals with a mind-set equipped to effectively resolve disputes. AIMC will allow students from different backgrounds and academic training to have the opportunity to enhance their mediation skills in an international setting.
- 2.2.2 AIMC is an educational event that seeks to encourage the effective use of mediation and the open exchange of ideas, experience and the know-hows between students from different countries, cultures, generations and backgrounds. Appreciation and respect for cultural diversity is highly encouraged by all participants.

2.2.3 The focus of AIMC is to effectively combine the use of the Mediator and collaborative problem-solving skills to successfully represent the Parties' interests and progress towards resolution. ALSA wishes to empower tomorrow's business people and legal practitioners to better satisfy the dispute resolution needs of an ever increasing cross-cultural and global market.

2.2.4 ALSA International Mediation Competition has been established with the following objectives:

1. To promote the use of mediation among the participants around the world.
2. To enhance the mediation skills among the participants.
3. To encourage the exchange of ideas between the participants

Rule 2.3 Language

2.3.1 The competition shall be entirely held in English.

RULE 3.0 STRUCTURE OF THE COMPETITION

Rule 3.1 Format of the Competition

- 3.1.1 All rounds of the Competition will be conducted from 16 – 18 October 2020.
- 3.1.2 The Competition consists of two Preliminary Rounds and one Quarter Final Rounds and one Semi Final Round and one Final Round.
- 3.1.3 During the Preliminary Rounds, each Team will shall compete at least once per round. Save in exceptional circumstances, every Team will compete on every Problem only once. Due to scheduling challenges, Teams consisting of four students may be asked by the Organizing Committee to compete twice on the same Problem.
- 3.1.4 With respect to the Final Rounds, the Teams will compete on the Problems assigned in this order: the Quarter-Finals on the afternoon of the Second day, the Semi-Finals and the Final on the Third day.
- 3.1.5 The winner from each match in each Round will proceed to the Final Round. In the event that two teams have the same total score, the Team with the higher oral Score shall proceed to the Final Round.
- 3.1.6 The winner shall be determined from the Final Round score only. In the event that both teams receive the same Final Round score, Team with higher oral score shall be the winner.
- 3.1.7 A Mediation Session will consist of the Mediator and two Teams, with two Team members (Client and Counsel) on each side representing respectively the Requesting Party and the Responding Party.
- 3.1.8 One professional will be the Mediator for each mediation session meanwhile the other professional will be the Judge for the round.

RULE 4.0 The Panel

- 4.1.1 The panel shall consist of one (1) Mediator appointed by ALSA International. These individuals shall be referred to as panelists.
- 4.1.2 There will be two Judges during the Preliminary Rounds, three Judges during the Quarter-finals and Semi-finals and five Judges during the Final.
- 4.1.3 Panelists shall be unbiased.
- 4.1.4 Panelists shall score the oral round and Mediation Plan in accordance with the marking guidelines provided by the Organizing Committee.
- 4.1.5 Panelists may ask questions at any time during the Oral rounds.
- 4.1.6 The panelist may, at their discretion, extend the time for each oralist, provided that the maximum extension for any oralist shall not exceed five (5) minutes.

RULE 5.0 Participation and Eligibility

Rule 5.1 Team Composition

- 5.1.1 Each team shall consist of between two (2) to four (4) undergraduate law students.
- 5.1.2 Team members may be from different educational institutions. All determinations of eligibility are in the discretion of the Organizing Committee. In exceptional cases, the Organizing Committee may grant eligibility to institutions with degree programs in international relations, provided that adequate instruction in international law will be available to all members of the Team.
- 5.1.3 Each institution could only send maximum 4 Teams
- 5.1.4 Team members must be a current student of their respective educational institutions at the time of the Competition.
- 5.1.5 When acting as a Team in a given Mediation Session, only one member of each Team will be allowed to participate as counsel and one member of each Team will be allowed to participate as client.
- 5.1.6 A substitution of Team Members may be permitted by the Organizers. The request for a substitution must be submitted to aimc@alsamalaysia.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.

Rule 5.2 Coach

- 5.2.1 Each Team may have one (1) Team coach. A Team coach may only assist in general discussions concerning the case, linguistic matters or presentational skills. Coaches may not provide substantial advice. The Team coach is not allowed to actively take part in the oral pleadings. However, he or she may attend them.
- 5.2.2 The Team shall not consult matters regarding the Problems with other persons aside from the Team coach.
- 5.2.3 Team coaches may not also be Panelists.
- 5.2.4 Team members and Team coaches are prohibited from engaging in communication

with the Panelists on issues concerning the Problem before the end of the Final Oral Round.

- 5.2.5 Team members are responsible for their own travel to the host country and any related expenses.

Rule 5.3 Observers

- 5.3.1 Observer refers to any individual who does not have any active role in the Competition and has been exceptionally authorized by the organizing Committee to attend the Competition and/or a Mediation Session.
- 5.3.2 Observers are not permitted to compete or be in communication in any means with Competitor Teams during the competition.
- 5.3.3 Observers affiliated with a Competitor Team are obligated to only attend their team's scheduled Oral Rounds.

RULE 6.0 TIMING

6.1.1 There are timing systems as illustrated in the tables below.

Rule 6.2 Overall Time

6.2.1 Preliminary Rounds

Total Time for Mediation Session = 100 min

Mediation = 75 min

Scoring = 10 min

Feedback = 15 min

*Participants must arrive five (5) mins prior to the round to settle themselves into the room.

6.2.2 Quarter and Semi Final Round

Total Time for Mediation Session = 115 min (1 hr and 55 min)

Mediation = 90 min

Scoring = 10 min

Feedback = 15 min

*Participants must arrive five (5) mins prior to the round to settle themselves into the room.

6.2.3 Final Round

Total Time for Mediation Session = 120 min (2 hrs)

Mediation = 105 min

Scoring = 10 min

Feedback = 15 min

*Participants must arrive five (5) mins prior to the round to settle themselves into the room.

6.2.4 The overall time allowance for the Mediation continues to run during any Caucus, Cross-Caucus or Break.

Rule 6.3 Summary of Possible Caucuses and Breaks

CAUCUSES				
	Team A	Team B	Duration	Who leaves the room
Caucus requested by Team	1	1	5 min	The Competing Team not part of the Caucus
Caucus requested by Mediator	1	1	5 min	
CROSS CAUCUSES				
	Both Counsel	Both Clients		
Cross-Caucus requested by Team A	1		5 min	The members of both Competing Teams not part of the Cross-Caucus
Cross-Caucus requested by Team B	1		5 min	
Cross-Caucus requested by Mediator	1	1	5 min	
BREAKS				
Break requested by a Team	1	1	3 min	Both Competing

				Teams.
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Rule 6.4 Break

- 6.4.1 Each Competing Team may take one Break of no more than three minutes during the Mediation.
- 6.4.2 If a Competing Team calls for a Break, both Competing Teams must leave the room during such Break. The Mediator, Coaches, other members of the Teams not participating orally in the Mediation Session, and all other persons must remain inside the room. Silence is to be observed by people staying in the room, including the Judges.

Rule 6.5 Caucus

- 6.5.1 During each Mediation Session the mediator and the Teams have the right to call for Caucuses
- 6.5.2 Each Caucus may last no longer than five minutes.
- 6.5.3 During any Caucus, the Competing Team or the members of the Competing Teams not part of the Caucus shall leave the room. The Judges, Coaches, other Team members, and all Observers will remain in the room.
- 6.5.4 Caucuses can take place between the mediator and both members of a Competing Team (a Caucus) or between the Mediator and either the Counsel from both Competing Teams or the Clients from both Competing Teams (Cross Caucus).
- 6.5.5 Each Competing Team has the right to call for one Caucus and for one Cross-Caucus during a Mediation.
- 6.5.6 During the Caucus, the overall time of the Mediation Session continues to run.

RULE 7.0 REGISTRATION

Rule 7.1 Application

- 7.1.1 Participants shall register by submitting the Registration Form available on the Website by 11.59 p.m. on the 27th of July 2020 (Monday).
- 7.1.2 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.
- 7.1.3 The Organizing Committee will close the registration after reach the maximum quota.

Rule 7.2 Selection Criteria

- 7.2.1 The Organizing Committee will decide at its discretion which institution are accepted to participate in the Competition
- 7.2.2 For the 2020 version of the Competition, the Organizing Committee will accept a maximum of forty (40) Teams.
- 7.2.3 In the event there are more than forty (40) registered teams, the teams will be chosen according to their registration time on a first come first serve basis.
- 7.2.4 If a Team is not selected, its Registration Fee may be refunded in full, less bank charges or any other related expense.

Rule 7.3 Registration Fee

- 7.3.1 The Registration Fee of USD 90.00 for international Team and USD 120.00 for Malaysian Team, must be paid before 11.59 p.m. on the 27th of July 2020 (Monday). Proof of payment must be attached to the Registration Form.
- 7.3.2 Only upon receipt of both the Registration Form and the Registration Fee, will the Organizing Committee officially confirm the registration of each Team by the 31st of July 2020 (Friday).
- 7.3.3 The Organizing Committee reserves the right to cancel this event or to make minor alterations to the content and timing of the programme. In the unlikely event of

cancellation, paying participants will be offered a full refund. The Organizing Committee will not, however, be held responsible for any related expense incurred by the participants.

RULE 8.0 TEAM IDENTIFICATION AND ANONYMITY RULE

- 8.1.1 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.
- 8.1.2 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.
- 8.1.3 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 Organising Committee

RULE 9.0 MEDIATION PLAN

- 9.1.1 Each Team shall provide a Mediation Plan for each Mediation Session in which it competes during the Preliminary Rounds
- 9.1.2 The Mediation Plan must clearly indicate the unique code of the Team as well as the names of each of the members of the Team.
- 9.1.3 Each Mediation Plan must be no more than 2 pages in 12-point, Calibri Light font, 1.5 spacing and will not be accepted by the Organizing Committee if it does not comply with these specifications.
- 9.1.4 For further guidance on how to structure the Mediation Plan, please refer to the “Instructions for Participants” (Annex I).
- 9.1.5 The Mediation Plans for all Preliminary Rounds’ Problems must be submitted to the Organising Committee by email to academic.aimc@alsamalaysia.com latest by 16th September 2020. Mediation Plans for the Preliminary Rounds sent after this date will not be entertained.
- 9.1.6 Teams will not be permitted to modify their Mediation Plans after submission to the Organizing Committee.
- 9.1.7 The Mediation Plans will be scored by the Judges at the beginning of the Mediation

Session during the Preliminary Rounds.

RULE 10.0 COMPETITION PROBLEMS

Rule 10.1 Problems

- 10.1.1 Each Problem will consist of General Information for all Parties and separate Confidential Information for the Requesting Party and the Responding Party.
- 10.1.2 All Teams will receive General and Confidential Information for the two Preliminary Rounds in advance. General Information for the Quarter-Final, Semi-Final and Final will also be sent in advance. However, Confidential Information and assignment of roles for each of the Final Rounds will be provided at the end of the Preliminary Rounds, Quarter-Finals, and Semi-Finals.
- 10.1.3 Teams, Coaches, Judges, Mediators, members of the Organizing Committee and anyone else who knows the Confidential Information may not directly or indirectly disclose any Confidential Information to any other person, save that disclosure by Teams during a Mediation and comments on such disclosures by Judges during their feedback are permitted.

Rule 10.2 Clarifications and Interpretation of The Problems

- 10.2.1 Each Team may submit to the Organizing Committee on or before **12th August 2020** a maximum of one written question for clarification or interpretation of either the General Information or the Confidential Information per Problem by the Competition Problems to academic.aimc@alsamalaysia.com.
- 10.2.2 Clarifications can be requested only if there is the presence of ambiguity or possible errors, not to request additional information, as the Problems are self-contained.

Rule 10.3 Staying within the Record

- 10.3.1 The Problems are self-contained and include all relevant facts. It is strictly forbidden for Teams to:
- deviate from the facts,
 - create their own background story,

- misrepresent facts,
- create new facts or
- deny facts contained in their Confidential Information.

10.3.2 However, the facts of the Problems are subject to reasonable interpretation and Teams may draw reasonable conclusions from them. Parties are also free to indicate at any time during the Mediation Session that they do not wish to disclose certain information (yet) or that they do not have certain information.

10.3.3 Teams are discouraged from carrying out research. If they decide to do so, any information presented should be limited to the strict minimum necessary to advance the Mediation Session and to find creative solutions to the Problem, whilst staying within the Problem's facts.

RULE 11.0 PENALTIES

- 11.1.1 Mediation plans exceeding the maximum length shall result in a penalty of five (5) score per page.
- 11.1.2 Failure to use A4 electronic page shall result in a penalty of one (1) score.
- 11.1.3 Failure to use the correct font shall result in a penalty of one (1) score.
- 11.1.4 Failure to use correct font size shall result in a penalty of one (1) score.
- 11.1.5 Any displays of any indication of a Team's university or country of origin shall result in a penalty of 1 score per indication.
- 11.1.6 Failure to use the name of the Competitions Problem shall result in a penalty of two (2) score.
- 11.1.7 Failure to use the correct page margins shall result in a penalty of 1 score.
- 11.1.8 Failure to correctly identify the party submitting the memorial shall result in a penalty of one (1) score.
- 11.1.9 Failure to meet the formal requirements of the footnotes shall result in a penalty of one (1) score per infraction.
- 11.1.10 A delay in submitting the mediation plan shall result in team disqualification
- 11.1.11 No person associated with a Competing Team, including the Coach/Coaches, may give advice, assistance or instructions to, or communicate or attempt to communicate with any of the participants, and in particular with the two students forming the Competing Team, in any way, during the Mediation. The violation of this rule shall result in team disqualification

RULE 12.0 AWARDS

- 12.1.1 The Winning Team in the Final Rounds shall be the Winner of the Competition. There will also be a First and Second Runner-up prize
- 12.1.2 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 scores of each speaker by the number of times the speaker has presented oral arguments.
- 12.1.3 The participant with the highest score at the conclusion of the Final Rounds shall be adjudged the Best Final Oralist.
- 12.1.4 The Team with the highest Mediation Plan score shall be awarded the Best Mediation Plan.
- 12.1.5 The Team with the total highest Mediation Plan and Preliminary Round score shall be awarded the Overall Best Team.

RULE 13.0 Miscellaneous

- 13.1.1 All requests regarding the organization and administration of the Competition shall be directed to the Organizing Committee through published contact info on the Website. No Team shall seek direct communication with any member of the institution of Panelist.
- 13.1.2 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.
- 13.1.3 Any Team registered agrees to be bound by the Rules.
- 13.1.4 Any decision of the Host or the Organizing Committee in connection with the organization, execution, competition and administration of the Moot is final and not subject to appeal.
- 13.1.5 The Rules shall take effect on 5th June 2020.
- 13.1.6 The Organizing Committee reserve the right to add detailed regulations at any time if

they are deemed necessary.

ANNEX I. MEDIATION PLAN

In the mediation plan, the Team's underlying interests, goals and strategies, defines its best alternative to a negotiated agreement (BATNA), and also reflects on the other Party's possible interests and BATNA. In so doing, the Competing Team works closely through the Problem, and, by putting its ideas down in precise form in writing, the Competing Team makes sure it has a clear understanding of the Problem and its own stake in it, as well as what might matter to the other Party. The Mediation Plan is seen as a basis for effective preparation rather than a substantive part of the formal Competition scoring.

The Mediation Plan for each Mediation Session during the Preliminary Rounds must not be more than 2 pages in 12-point, Arial font, 1.5 spacing and will not be accepted by the Organizing Committee if it does not comply with this format.

The Mediation Plan should contain a brief evaluation under each of the following headings:

1. Mediation Strategy: what is the Competing Team's strategy including its goals, objectives and its likely success for achieving a good outcome;
2. Division of responsibilities and tactics between Client and Counsel during the Mediation. Explain how the Competing Team plans to share responsibilities between Counsel and Client in the Mediation. Explain why the Competing Team chose the particular responsibility sharing by reference to the Problem;
3. The Competing Team's underlying interests – describe the interests that the Party plans to advance in the Mediation Session by reference to the Problem;
4. The Competing Team's BATNA;
5. The other Party's likely underlying interests – describe the likely interests of the other Party by reference to the Problem;
6. The other Party's likely BATNA – describe the likely BATNA of the other party by reference to the Problem.

A “strategy” refers to the overall approach taken to achieve a good outcome whereas a “tactic” refers to specific action used to try to achieve or advance the strategy. For the Final Rounds (Quarter-finals, Semi-finals, and Final) Mediation Plans are not required.