

Official Rules of Asia Cup 2018

Chapter I General Rules

Article 1 Purpose of the Competition

The International Law Moot Court “Asia Cup 2018” is hosted and administered by the International Law Moot Court Competition Asia Cup 2018 Organizing Committee (hereinafter *the Organizing Committee*). The purpose of this competition is to raise awareness regarding international law and the rule of law among students in Asia through academic exchange. It is hoped that this competition will foster friendship among students in the region.

Article 2 Composition of the Competition

Asia Cup 2018 is composed of a Memorial Examination, a Moot Court Competition.

Article 3 Official Language of the Competition

The official language of the competition is English.

Article 4 Venues of the Moot Court Competition

The Moot Court Competition is held in Japan.

CHAPTER II PROBLEM AND CLARIFICATION

Article 5 Competition Problem

- 1) The Competition Problem is written in English.
- 2) The Organizing Committee distributes the Competition Problem.

Article 6 Supplementation of the Competition Problem

- 1) The Organizing Committee can provide supplementation at its discretion to the extent it deems doing so necessary for the Competition.
- 2) Supplementation by the Organizing Committee shall be publicized.

CHAPTER III PARTICIPATION AND QUALIFICATION

Article 7 Qualifying Team

1) One team from each country other than Japan and one or two teams from Japan may participate in the competition. The Organizing Committee may make exceptions to this rule at its discretion. The Organizing Committee will notify the teams concerned in writing if such an exception is made.

2) Teams are to be selected based on the results of the Memorial examination. The winning teams in the qualifying round can be offered financial support by the Organizing Committee in order to attend the finals of the Asia Cup held in Tokyo if the teams meet the eligibility criteria for the support which determined by the Committee.

Article 8 Composition of the Team

1) Each team shall register 2 to 4 oralists.

2) Each school may register one team. Teams may petition the Organizing Committee, in writing, to allow multiple teams from a single school in extenuating circumstance: such as each team represents different colleges, faculties, branches, departments, or campuses of the same school and will be participating independently of each other.

3) Team members may be chosen by any method within its school.

Article 9 Qualifications of the Team Members

Participating teams shall consist of members who fulfill the following requirements: Team members are those who participate in writing the Memorial and who participate in the Moot Court.

1) The members of the team must be officially enrolled as undergraduate students in a university or equivalent program. No student enrolled in a graduate degree program in the field of international law may participate in this competition. In addition, undergraduate students who have previously graduated from a university with a law degree are disqualified from participating.

2) Individuals who work at present as legal professionals, or have done so in the past, may not participate.

Article 10 Certification of Participants

1) All participants are required to submit official documents to certify that they meet the requirements stipulated in Article 9. The deadline and the procedure for submission shall be announced separately.

2) Any participant who violates Article 9 or Article 10, paragraph 1, shall be excluded from all the events of the competition.

CHAPTER IV REGISTRATION OF THE TEAM

Article 11 Registration

Every team must complete its registration prior to the competition. The deadline for the registration shall be

announced separately.

Article 12 Registration of the Oralists

1) In addition to the team registration stipulated in Article 11, each team must register its oralists. The deadline for this registration shall be announced separately.

2) Once registration is completed, the list of oralists cannot be changed. If a situation arises in which it becomes necessary to change oralists, the team must submit to the Organizing Committee the reason for making the change. Based on this submission, the Organizing Committee determines the eligibility of the person in question at its discretion.

3) In principle, individuals who have previously participated in the Asia Cup as oralists are disqualified from participating in the present competition without the written approval of the Organizing Committee.

Article 13 Observer

1) Persons other than those registered in accordance with Article 12 will be regarded as observers, subject to an approval by the Organizing Committee.

2) Observers are not eligible to make Oral Pleadings at the Court without a written approval of the Organizing Committee.

Article 14 Team Number

After the registration of teams is completed, each team shall be assigned a team number.

CHAPTER V MEMORIAL

Article 15 Submission of the Memorial

1) Each team shall submit a Memorial for the Applicant (hereinafter called *Memorial*).

2) The Memorial shall be submitted by e-mail to the Organizing Committee.

3) The deadline for submission is to be announced by the Organizing Committee separately.

Article 16 Format of the Memorial

The format of the Memorial shall be as follows:

1) It shall be typed in black on white international standard A4 paper (21 x 29.75 centimeters) in English.

2) The font shall be either 12-point Times New Roman or 10-point Courier, although it is possible to use a larger font.

3) The Memorial shall be double-spaced, except for footnotes.

4) On all sides of the page, there shall be margins of not less than 1 inch or 2.6 centimeters.

5) There must be nothing in the Memorial that identifies or describes the university or team members that submit it, even by implication.

6) The Memorial must be formatted in Microsoft Word for Windows.

Article 17 Composition of the Memorial

The Memorial must consist of the following elements and no others, and should be saved as one file.

- 1) Cover page in accordance with Article 18
- 2) Table of contents
- 3) Summary of pleading (not to exceed 2 pages)
- 4) Main pleading (not to exceed 10 pages, including footnotes)

Article 18 Cover Page of the Memorial

The Cover Page of the Memorial must include the following elements:

- 1) A statement indicating clearly that what follows is the Memorial for Asia Cup 2018
- 2) The assigned team number, provided in accordance with Article 14

Article 19 Prohibition of Obstruction of the Competition

Any description that obstructs the administration of the competition or the judgment of judges shall not be included in the Memorial, regardless of whether it is articulated in the provisions of Chapter V.

CHAPTER VI ORAL PLEADING

Article 20 Language

Oral Pleadings and questions posed in the Court shall be in English.

Article 21 Order of Oral Pleadings

The order of the Oral Pleadings at the competition shall be as follows: main pleading of the Applicant, main pleading of the Respondent, rebuttal by the Applicant and finally surrebuttal by the Respondent.

Article 22 Oralists

At each Court, two oralists from each team must make Oral Pleading. Each oralist must make main pleading. One of the oralists from each team must make rebuttal or surrebuttal.

Article 23 Allocation of Time

The time allocation for the main pleadings, rebuttal and surrebuttal must be submitted before the opening of the Court on a designated form. All pleadings shall be made in accordance with this submission. The progress of time card is carried out in accordance with international standard.

Article 24 Obligations of Claims

- 1) All claims listed in the "Summary of Oral Pleadings" (hereinafter *Summary*) made in accordance with Article 25

must be offered by the Applicants in the main pleadings. Respondents may change or omit parts of the claims they have made in their Summary in order to respond to the Oral Pleadings by Applicants.

2) The content of the main pleadings must not be entirely different from that of the Memorial. New points (those not made in the main pleadings) may not be argued in the rebuttal or surrebuttal.

Article 25 Summary of Oral Pleadings

1) The oralists shall submit to the Organizing Committee a “Summary of Oral Pleadings” containing all moot points.

2) Oral Pleadings must be made in accordance with the Summary.

3) The deadline and procedure for the submission of the Summary are to be announced separately by the Organizing Committee.

Article 26 Times for Oral Pleading

Each Applicant and Respondent shall have 30 minutes in total in the Court, and no pleading shall exceed 20 minutes in length. No more than 5 minutes shall be used for rebuttal or surrebuttal.

Article 27 Extension of Oral Pleadings

The Judges may allow an extension of an Oral Pleading for up to 10 minutes per team at their discretion. If for a compelling reason the additional time exceeds 10 minutes, the opposing team may ask for equal additional time.

Article 28 Prohibition of Communication during Oral Pleading

When not pleading in Court, oralists are not allowed to communicate with anyone in any manner, except for written communication with their co-oralists sitting at the same table.

Article 29 Prohibition of Communication during Pleading

During the pleading, oralists are not allowed to communicate with anyone except the Judges, in writing or orally.

Article 30 Judges’ Discretion

Oralists may not raise objections to decisions of the Judges except for clear violations of the rules.

CHAPTER VII COMPETITION PROCEDURE

Article 31 Participation as Applicant and Respondent

1) Each team must perform both as Applicant and Respondent at Oral Pleadings.

2) Each team must submit a Memorial of Applicant.

3) Each oralist registered in accordance with Article 12 must perform in at least one round.

Article 32 Judging of Memorials and Oral Pleadings

Memorials and Oral Pleadings will be judged separately.

Article 33 Evaluation of Memorials

The Evaluation of Memorials shall be calculated as follows:

- 1) The Team's Memorial Score is calculated by deduction from the Team's Memorial Raw Score in accordance with Article 45.
- 2) The Team's Memorial Raw Score is the sum of the Memorial Raw Scores on Item awarded by all Judges for each team.
- 3) The Memorial Raw Scores on Item are scores on each of following items and each score shall be an integer from 1 to 10, with 5 being an average score:
 - a) *Structure and Grammar*: Ability to present facts straightforwardly, extract points for discussion, and use consistent logic and correct grammar
 - b) *Legal Norms*: Depth of knowledge and understanding of applicable international law
 - c) *Evidence*: Ability to use evidence and make appropriate reference to it
 - d) *Thoroughness*: Thoroughness and clarity of research and arguments.

Article 34 Evaluation of the Oral Pleading

The Evaluation of the Oral Pleading shall be calculated as follows:

- 1) In each round, the Team's Oral Score is calculated by deduction from the sum of the Individual Oral Scores for oralists, in accordance with Article 46. The Team's Total Oral Score is the sum of the Team's Oral Scores in the Preliminary Rounds.
- 2) In each round, the Individual Oral Score is the sum of the Oral Raw Scores for each oralist awarded by each Judge. This score shall be used to determine the Best Oralist Awards.
- 3) The Oral Raw Score for each oralist awarded by each Judge is the sum of the Oral Raw Scores on Item.
- 4) The Oral Raw Scores on Item are scores on each of the following items and each score is an integer from 1 to 10, with 5 being average:
 - a) *Structure and Logic*: Ability to present facts straightforwardly, extract points for discussion, and use consistent logic and correct grammar
 - b) *Legal Norms*: Depth of knowledge and understanding of applicable international law and the ability to utilize evidence appropriately
 - c) *Ability to Discuss*: Ability to respond appropriately to the Judges and to rebut opponents' claims
 - d) *Presentation*: Ability to present claims in a persuasive manner

Article 35 Preliminary Rounds

In the Preliminary Rounds, each team shall perform once as Applicant and once as Respondent.

Article 36 Determination of the Winner in the Preliminary Rounds

The winner of the Preliminary Rounds shall be determined on the basis of the total points of the Memorial Round Points and Oral Round Points. The Round Points will be determined as follows:

1) For the Memorial Round Points, the team having the higher Team's Memorial Score will receive 3 points. In the event that both teams receive the same Team's Memorial Scores, the 3 points will be awarded to the team with fewer deductions. In the event they have the same deductions, each team will receive 1.5 points.

2) The Oral Round Points are the sum of points awarded by each Judge. Each Judge will award 2 points to the team having the higher total Oral Scores for oralists. In the event that both teams have the same total Oral Scores, the one with fewer deductions will receive 2 points. In the event they have the same deductions, each team will receive 1 point.

3) If there are only two Judges, the average of the Oral Scores they award shall be regarded the Oral Score awarded by the third Judge.

Article 37 Requirements for the Final Round

The two teams with the highest total points of the Memorial Round Points and the Oral Round Points in the Preliminary Rounds shall advance to the Final Round. If the two teams have the same total points, then the team with the higher Team's Total Oral Score shall advance to the Final Round. If the two teams have the same total points and Team's Total Oral Scores, the one with the higher Team's Memorial Score shall advance to the Final Round.

Article 38 Determination of the Winner in the Final Round

In the Final Round, one of the two teams shall perform as Applicant and one as Respondent, to be determined by lot by the team representatives. The winner shall be on the basis of the Oral Round Points that is calculated according to the method described in Article 36 paragraph 2. If the two teams receive the same Oral Round Points, the winner shall be determined on the basis of the Team's Total Oral Scores that is calculated in accordance with Article 34 paragraph 1.

Article 39 Announcement of Scores and Comments

Scores for the Memorial and Oral Pleadings will be announced by e-mail by the Organizing Committee, together with any comments it may have, after the competition.

CHAPTER VIII AWARDS AND PENALTIES

Article 40 Participation Certificate

A Participation Certificate will be given to every participant in the Oral Pleadings.

Article 41 Award for Championship and Runner-Up

Awards will be given to the Winner and Runner-Up Teams in the Final Round.

Article 42 Fighting Spirit Award

The third-ranked team will receive the Fighting Spirit Award.

Article 43 Best Memorial Award

The three teams with the best Memorial Scores will receive the Best Memorial Award.

Article 44 Best Oralist Award

The Best Oralist Award will be given to the top three oralists. The best Individual Oral Score will be taken as his/her score, if the oralist made more than one pleading.

Article 45 Penalties for Violations in Memorials

The following penalties may be imposed on teams violating provisions of Chapter V:

- 1) A team that submits a Memorial one day after the deadline stipulated in Article 15, paragraph 3, shall be penalized 12 points; a team submitting a Memorial two days after the deadline shall be penalized 24 points, and a team that submits a Memorial three days after the deadline shall be disqualified from the competition.
- 2) A penalty of 6 points shall be assessed for each item stipulated in Article 17 that is missing.
- 3) A penalty of 1 point to 3 points shall be assessed, depending on the degree of the violation, if the items are not stated in the order stipulated in Article 17 or unnecessary items are included in the Memorials.
- 4) A penalty of 6 points per page shall be assessed if a Memorial exceeds the total number of pages stipulated in Article 17, paragraph 4.
- 5) In principle, a penalty of 2 points shall be assessed for other violations.

Article 46 Penalties for Violations during Oral Pleadings

Teams violating provisions of Chapter VI shall be penalized as follows:

- 1) In the Preliminary Rounds, a team that submits a Summary after the deadline stipulated in Article 26, paragraph 3, shall be penalized 2 points per day by each Judge.
- 2) Penalties shall be imposed on teams violating Articles 28 and 29 at the discretion of the Judges, depending on the degree of the violation.
- 3) In addition, at the discretion of the Judges, penalties shall be imposed for improper behavior.
- 4) The maximum penalty for any violation at the discretion of the Judges is 10 points.
- 5) If a team finds that the opposing team has committed a violation under paragraph 1 or 2 of this article, it may make an oral allegation with the Judges to that effect. This must be done after the pleadings and before Judges leave the Court.

Article 47 Ranking

For those teams that do not advance to the Final Round, rankings shall be determined on the basis of the total points of the Memorial Round Points and the Oral Round Points. When the total points are identical, the team having the higher Team's Total Oral Score shall be ranked higher. When teams have the same Team's Total Oral Score, the team

with the higher Team's Memorial Score shall be ranked higher.

CHAPTER IX FINAL PROVISIONS

Article 48 Dispute about Texts

In case a dispute about texts of the Official Rules arises, a decision as to how the Rules should be interpreted will be made by the Organizing Committee.

Article 49 Detailed Regulations

The Organizing Committee may add detailed regulations if they are deemed necessary.

Article 50 Entry into Force

The present Official Rules shall enter into force on 6 April 2018.

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