

Official Rules of Asia Cup 2023

3 April 2023

Asia Cup 2023 Organizing Committee

revised May 15, 2023

Chapter I General Rules

Article 1 Purpose

The International Law Moot Court Competition, “Asia Cup 2023”, is co-hosted by the Japanese Society of International Law and the Ministry of Foreign Affairs of Japan and administered by the Asia Cup 2023 Organizing Committee. The purpose of Asia Cup 2023 is to raise awareness regarding international law and the rule of law among students in Asia through academic exchange. It is hoped that Asia Cup 2023 will foster friendship among Asian students.

Article 2 Structure

Asia Cup 2023 consists of written pleadings and oral pleadings.

Article 3 Official Language and Venue

- (1) The official language of Asia Cup 2023 is English.
- (2) Asia Cup 2023 is held in Tokyo, Japan.

Article 4 Competition Problem and Supplementation

The Organizing Committee publishes the Competition Problem of Asia Cup 2023.

Article 5 Corrections and Clarifications

A request for corrections and clarifications to the Competition Problem may be sent by email to the Organizing Committee: asiacupmoot@gmail.com by the deadline in the Official Schedule. Corrections and Clarifications to the Competition Problem will be published by the date in the Official Schedule.

Article 6 Detailed Regulations

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

Article 7 Interpretation of Rules

The Organizing Committee shall serve as final arbiter of implementation and interpretation of these Rules and regulations.

CHAPTER II PARTICIPATION AND ELIGIBILITY

Article 8 Team Eligibility and Composition

(1) Each school in Asia may enter one team. A school may petition the Organizing Committee, in writing, to allow the participation of multiple teams from the school. Additional teams may be allowed if the teams represent different colleges, faculties, branches, departments, or campuses of the same school and will be participating independently of each other.

(2) A team may be composed of two to four team members who shall be the only individuals contributing to the work product of the team in Asia Cup 2023. Conducting research for a team's arguments, writing any part of a team's written pleadings, and presenting any of a team's oral pleadings are examples of activities that contribute to a team's work product.

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

Article 9 Team Member Eligibility

(1) A team member must be officially enrolled as an undergraduate student in a university or equivalent program. An undergraduate student who graduated from the university after the team submitted written pleadings may act as an oralist in the oral pleadings.

(2) A student enrolled in a graduate degree program in the field of international law, an undergraduate student who has previously graduated from a university with a law degree, and an individual who has worked as a legal professional may not be a team member.

CHAPTER III TEAM REGISTRATION

Article 10 Registration

(1) Every team must register with the Organizing Committee online at <https://www.asiacup.sakura.ne.jp> by the deadline in the Official Schedule.

(2) Every student who contributes to the work product of the team must be registered as a team member.

Article 11 Team Number

Once a team has completed registration, the Organizing Committee will assign the team a team number.

Article 12 Changes of Team Members

Once team members are registered, teams may not make changes, whether additions or substitutions, of team members, without permission from the Organizing Committee. Any request to make a change must be submitted to the Organizing Committee with an explanation of the reason for the requested change.

CHAPTER IV WRITTEN PLEADINGS

Article 13 Submission of Memorial and Counter-Memorial

- (1) Each team shall submit a Memorial of Applicant and a Counter-Memorial of Respondent (“written pleadings”) to the Organizing Committee by the deadline in the Official Schedule.
- (2) Unless otherwise agreed in advance and in writing by the Organizing Committee, a team will be disqualified from Asia Cup 2023 if it fails to submit its written pleadings in whole or in part by the deadline.

Article 14 Formatting

- (1) Written pleadings must be in Microsoft Word format and have .doc or docx. file extension. Each Memorial and Counter-Memorial must be saved in a single file.
- (2) All pages of written pleadings must be international standard A4 paper size (21 x 29.75 centimeters), with margins of not less than 1 inch or 2.6 centimeters on all four sides.
- (3) The font and size of all parts of written pleadings, excluding the Cover Page and page numbers but including footnotes, must be in ~~either~~ Times New Roman 12-point. The line spacing for all part of writte pleadings must be double-spaced, with the exception of the Cover Page, Table of Contents, headings, and footnotes (which can be single-spaced).

Article 15 Content

- (1) Each Memorial and Counter-Memorial must contain the following parts in the following order:
 - (i) Cover Page, which must include the following information:
 - (a) the team number in the upper right-hand corner followed by “A” if a Memorial of Applicant or “R” if a Coutner-Memorial of Respondent;
 - (b) the name of the case and the year of the Competition;
 - (c) the title of the document (i.e. “Memorial of Applicant” or “Counter-Memorial of Respondent”)
 - (ii) Table of Contents;
 - (iii) Pleadings, which must not exceed 12 pages, including footnotes; and
 - (iv) Submissions.

(2) Parts not enumerated in paragraph 1 should not be contained.

Article 16 Anonymity in Written Pleadings

Names of team members, and the country or school name of the team, may not appear on or within the written pleadings, even by implication.

CHAPTER V TEAMS PARTICIPATING IN ORAL ROUNDS

Article 17 Qualifying Teams

(1) The Organizing Committee will select teams participating in the Oral Rounds of Asia Cup 2023 on the basis of the preliminary examination of written pleadings. In principle, one team from each Asian country or region other than Japan and one or two teams from Japan may participate in the Oral Rounds.

(2) The preliminary examination of written pleadings is carried out in light of the evaluation criteria provided in Article 33.

(3) The Organizing Committee will inform all teams of the outcome of the preliminary examination of written pleadings in accordance with the Official Schedule. No information about the scoring or ranking will be provided.

Article 18 Team Registration for Oral Rounds

Each member of the teams qualified for the Oral Rounds must submit an official document which certifies that he/she meets the requirements provided in Article 9, by the deadline in the Official Schedule.

Article 19 Observers

(1) Persons other than those registered in accordance with Article 10 are regarded as observers, subject to an approval by the Organizing Committee.

(2) Observers may not act as an oralist at the Oral Rounds.

CHAPTER VI ORAL PLEADINGS

Article 20 General Procedures

Each Oral Round consists of 70 minutes of oral pleadings. Applicant and Respondent are each allotted 35 minutes. Oral presentations must be made by two members from each team. Prior to the beginning of the Oral Round, each team must indicate to the bailiff how it wishes to allocate 35 minutes among (a) its first oralist, (b) its second oralist, and (c) rebuttal (for Applicant) or sur-rebuttal (for Respondent). The team may not allocate more than 25 minutes, including rebuttal or sur-rebuttal, to either oralist. Any team member may act as an oralist.

Article 21 Extension of Time at Judges' Discretion

Judges may, at their discretion, extend total team oral argument time beyond the 35-minute allocation, and oralists asked by the judges to expand upon arguments may, in this instance, exceed the 25-minute individual limit.

Article 22 Three Judge Panels

In each Oral Round, the Organizing Committee in principle employ three judges whenever possible, and may employ more than three judges in the Semifinal Rounds and the Final Round. In extenuating circumstances, the Organizing Committee may authorize panels of two judges.

Article 23 Oral Rounds

The order of the pleadings in each Oral Round is: Applicant 1, Applicant 2, Respondent 1, Respondent 2, Rebuttal (Applicant 1 or 2), and Sur-rebuttal (Respondent 1 or 2).

Article 24 Rebuttal and Sur-rebuttal

Each team may reserve up to five minutes for rebuttal or sur-rebuttal. Only one of the two oralists participating in the Oral Round may deliver the rebuttal or sur-rebuttal, but the team need not indicate in advance which of the pleading team members will do so. Teams may waive their rebuttal or sur-rebuttal.

Article 25 Scope of Pleadings

- (1) A team's oral pleadings should in principle be made on the basis of its Memorial or Counter-Memorial.
- (2) The scope of Applicant's rebuttal is limited to responding to Respondent's primary oral pleadings, and the scope of Respondent's sur-rebuttal is limited to responding to Applicant's rebuttal. If Applicant waives rebuttal, Respondent's sur-rebuttal is deemed to be waived as well.
- (3) Oral judges may take any non-compliance with this principle into account in evaluating an oralist's performance.

Article 26 Communication and Electronic Devices in Courtrooms

- (1) Communication at the counsel table shall be limited to written communication among team members seated at the counsel table.
- (2) During an Oral Round, oralists may not operate, for any purpose, mobile phones, laptop computers, or any other computing or electronic devices.

Article 27 Timekeeping Devices in Courtrooms

The official time of the match shall be indicated by the bailiff or the timekeeper. No one other than the bailiff or the timekeeper may display timecards or otherwise signal to the oralist how much time is left.

CHAPTER VII COMPETITION PROCEDURES

Article 28 Preliminary Rounds

Each team participating in the Oral Rounds shall participate in Preliminary Rounds consisting of two Oral Rounds, once as Applicant and once as Respondent.

Article 29 Pairings

(1) The pairings of teams for Preliminary Rounds shall be done by a random draw. The Organizing Committee will distribute to each team the written pleadings of opposing teams on or prior to the first day of Oral Rounds.

(2) The Organizing Committee may subsequently modify the pairings to account for absent teams or other unforeseeable contingencies. The Organizing Committee will notify affected teams of new pairings and deliver their opponent's Memorial and/or Counter-Memorial as soon as reasonably possible.

Article 30 Preliminary Round Rankings

(1) Teams shall be ranked by Total Asia Cup Scores provided in Article 35, paragraph 4, from highest to lowest.

(2) If two or more teams are tied after application of paragraph 1 of the present Article, and the outcome of determination does not affect (a) any team's entry into the Semifinal Rounds, or (b) the pairing of any teams in the Semifinal Rounds, the teams shall be ranked equally. If, however, further determination is necessary to determine advancement or pairings, the Organizing Committee shall break the tie according to the following methods, starting with the first and working down only if the prior method does not break the tie:

- (i) the team with the higher Total Oral Score wins;
- (ii) the team with the higher Respondent Oral Score wins; or
- (iii) the Organizing Committee determines a method to break the tie, taking into account the interests of the teams and Asia Cup 2023 as a whole.

Article 31 Semifinal Rounds

(1) The Semifinal Rounds consist of two pairings of the four highest-ranked teams in accordance with Article 30.

(2) The pairings in the Semifinal Rounds shall be determined as follows: the first-ranked team versus the fourth-ranked team; and the second-ranked team versus the third-ranked team.

(3) In each Semifinal Round, the higher-ranking team shall have the pleading option, or the right to choose which side it will argue.

Article 32 Final Round

- (1) The two winning teams from the Semifinal Rounds advance to the Final Round of Asia Cup 2023.
- (2) The pleading option for the Final Round shall be determined by drawing lots or any other means the Organizing Committee chooses.

CHAPTER VIII Competition Scoring

Article 33 Scoring of Written Pleadings

Each judge will score each Memorial and Counter-Memorial on a scale of 50 to 100 points in light of the following evaluation criteria:

- (i) Knowledge of facts and law;
- (ii) Proper and articulate analysis;
- (iii) Extent and use of research;
- (iv) Clarity and organization; and
- (v) Style, grammar, and citation of sources.

Article 34 Scoring of Preliminary Rounds

Each judge will score each oralist on a scale of 50 to 100 points in light of the following evaluation criteria:

- (i) Knowledge of the law;
- (ii) Questions and answers;
- (iii) Knowledge of the facts;
- (iv) Style, pose and demeanor; and
- (v) Organization and time management.

Article 35 Scores

The calculation of scores shall be subject to the deduction of Penalties under Chapter IX.

- (1) Each team's Total Memorial Score is the sum of three judges' scores given to each Memorial and Counter-Memorial. This score shall be used to determine the Best Memorial and Counter-Memorial Awards.
- (2) Each oralist's Individual Oral Score is the sum of the scores of the three Oral judges for the oralist. This score shall be used to determine the Best Oralist Awards
- (3) Each team's Total Oral Score is the sum of the scores of the three Oral judges for each of its four oralists.
 - (i) Each team's Applicant Oral Score is the sum of the scores of the three Oral judges for each of its two oralists arguing Applicant.
 - (ii) Each team's Respondent Oral Score is the sum of the scores of the three Oral judges for each of its two oralists arguing Respondent.

(4) Each team's Total Asia Cup Score is the sum of the team's Total Memorial Score and the team's Total Oral Score.

Article 36 Two-Judge Panels

If only two judges score a given Memorial or Counter-Memorial or a given Oral Round, the Organizing Committee shall create a third score by averaging the scores of the two judges.

Article 37 Scoring Procedures for Semifinal and Final Rounds

Judges of the Semifinal and Final Rounds shall make an independent review of the oral arguments. The decision regarding the winner of the Round shall be by majority vote of the judges. No ties are allowed.

CHAPTER IX PENALTIES

Article 38 Memorial Penalties

- (1) Memorial Penalties shall be deducted from each judge's score on a team's Memorial or Counter-Memorial.
- (2) Penalties shall be assessed for violations of Articles 15 and 16 as follows:
 - (i) Failure to include all parts of written pleadings: 5 points for each part;
 - (ii) Excessive length of Pleadings: 5 points per page; and
 - (iii) Violation of anonymity: disqualification or up to 10 points.

Article 39 Oral Round Penalties

- (1) Oral Round Penalties shall be deducted from each judge's score for each oralist.
- (2) The Organizing Committee may assess up to 10-point penalties for violations of the letter or spirit of the Rules.

CHAPTER X AWARDS

Article 40 The Asia Cup Championship Award

The Asia Cup Championship Award is presented to the team that wins the Final Round of Asia Cup 2023.

Article 41 The Best Memorial Awards

- (1) The Best Memorial Award is presented to the team with the highest Total Memorial Score for its Memorial.
- (2) The Best Counter-Memorial Award is presented to the team with the highest Total Memorial Score for its Counter-Memorial.

Article 42 The Best Oralist Awards

- (1) The Best Applicant Oralist Award is presented to the oralist with the highest Individual Oral Score among the oralists arguing on behalf of Applicant.
- (2) The Best Respondent Oralist Award is presented to the oralist with the highest Individual Oral Score among the oralists arguing on behalf of Respondent.