



INTERNATIONAL INVESTOR-STATE MEDIATION COMPETITION

# IIMC COLOMBO 2024

Beyond a Competition.

## COMPETITION RULES

An initiative of the Moot Court Bench.

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# 1. ABOUT THE COMPETITION

## 1.1. Introduction

The International Investor-State Mediation Competition Colombo ("the Competition" or "IIMC Colombo") provides a global platform for mediation enthusiasts to learn from the best in the field to compete and reflect on resolving Investor-State Disputes using mediation. IIMC Colombo aims to strengthen the field of mediation by broadening students' knowledge on Mediation and enabling them to explore an avenue of Mediation which they would otherwise not have the opportunity to explore.

## 1.2. Language

The official and only language of the Competition is English.

## 1.3. Aim of the Competition

The Competition invites students pursuing their tertiary education to develop their skills and strategy as Mediators, Counsels and Negotiators and reach creative solutions in simulated mediations of real-world Investor-State disputes.

## 1.4. Organization of the Competition

**1.4.1.** The Moot Court Bench holds the overall authority over the organization and administration of the Competition.

**1.4.2.** The Moot Court Bench will administer the Competition according to the IIMC Colombo Rules ("the rules"). It holds the final authority to implement these Rules, as well as any additional measures as may be necessary for the execution of the Competition.

**1.4.3.** Any and all content, including all the Problems used in the Competition, any documents and audio/visual recordings created or produced for, or during the course of, the Competition are or will become the exclusive property of the Moot Court Bench, without whose express consent these may not be used for any purpose outside the Competition.

## 1.5. Place and Date of the Competition

**1.5.1.** The Competition will be held in-person, in Colombo, Sri Lanka and all participants will be informed well in advance of the exact venue(s) of the event.

**1.5.2.** The Competition Rounds of IIMC will take place from the **19<sup>th</sup> to the 24<sup>th</sup> of August 2024.**

### **1.6. Competition Overview**

**1.6.1.** University Student Teams will apply to mediate and negotiate simulated Investor-State Disputes.

**1.6.2.** Negotiator Teams and Mediator Teams will compete in 3 Preliminary Rounds, followed by the Semi-Final and Final Round ("the Rounds").

**1.6.3.** The performance of each participant or Team will be scored and evaluated by acclaimed experts, who will provide feedback to the participants at the end of every Round to help them improve their performance as they advance through the Rounds.

**1.6.4.** Each Preliminary Round will have two Expert Assessors, while each Semi-Final Round will have a minimum of three and a maximum of four Expert Assessors, and the Final Round will have a minimum of four, and a maximum of five Expert Assessors.

**1.6.5.** If any assigned Expert Assessor for any Round is not present, a reserved Expert Assessor(s) will replace them.

**1.6.6.** If the reserved Expert Assessor is also unavailable, a member of the Moot Court Bench Mediation Team ("the MCB Mediation Team" or "the Mediation Team") will be available to assess the Round. The Mediation Team would endeavour to not assign the same assessor or opponent across a Team's Rounds (Preliminary, Semi-Final and Final Rounds) but may use their discretion to assign the same assessor or opponent, should that seem to the Mediation Team to be the best course of action in all the circumstances.

## **2. PARTICIPATION AND ELIGIBILITY**

### **2.1. Structure of Participant Teams**

Universities can apply for one Negotiator Team and/or one Mediator Team separately. Cross-University Teams (Teams formed from students from different universities) are permitted.

### Negotiator Team

- 2.1.1.** A university may nominate one Negotiator Team for the Competition. A Negotiator Team must consist of a minimum of two and a maximum of four students.
- 2.1.2.** At least one student must be a full-time or part-time law student to play the role of Counsel at the Rounds.

### Mediator Team

- 2.1.3.** A university can nominate one Mediator Team. Each Mediator Team must consist of a minimum of one and a maximum of two students.

## **2.2. Coaches**

- 2.2.1.** A Negotiator Team and/or a Mediator Team may be assisted by a minimum of one and a maximum of two Coach(es).
- 2.2.2.** The Coach(es) of a Team can be, but are not limited to, professors, qualified lawyers, lecturers in Alternative Dispute Resolution (“ADR”), qualified mediators, negotiation trainers or past participants of mediation competitions.
- 2.2.3.** A Coach can be nominated for only one university and can under no circumstances accompany teams from two or more different universities to the Competition.
- 2.2.4.** Universities admitted with a Negotiator Team and a Mediator Team should be assisted by two different Coaches for the participating Negotiator Team and Mediator Team. Coach(es) assisting the Negotiator Team cannot assist the Mediator Team of that same university, and vice versa. Additionally, Confidential Information for the Competition Rounds should not be revealed to the Mediator Teams at any point before or during the Competition.
- 2.2.5.** Coaches cannot be Expert Assessors of the Competition unless the Moot Court Bench expressly requests them to so act.

## **2.3. Eligibility of Participants**

- 2.3.1.** Students who wish to apply must be registered in their respective institution as full-time or part-time students in the academic year of 2024/2025 at the time of registration. This includes undergraduate and

postgraduate students, provided that they are registered in the said academic year. Students who graduate in 2024 will be allowed to register, provided they are recognized as students by their university at the time of the registrations.

**2.3.2.** Participants need not be of the same nationality as their university.

#### Special Provisions for Professionally Qualified Mediators and Mediation Advocates

**2.3.3.** Students who have practical mediation and/or advocacy experience outside a university, training or clinic setting, or students who have received a mediation and/or mediation advocacy accreditation by the 21<sup>st</sup> of July 2024 are not eligible to apply as members of a Negotiator Team or Mediator Team.

#### Special Provisions for Law Students

**2.3.4.** Students entitled to practice law are not eligible to apply. If a student is qualified to practice law automatically upon completing their undergraduate law studies (i.e., without a further bar exam or similar) and certifies that they have not practiced as a lawyer (provided clients with legal advice/other legal services) they will be eligible, provided they are currently engaged in full time/part time studies.

### **2.4. Breach of Eligibility Criteria**

A Team that wholly breaches the eligibility criteria will be disqualified from the Competition. If only one member is in breach of the criteria, the decision of disqualification of the entire Team or the particular member will be at the discretion of the Moot Court Bench. If the disqualification of the said member will result in the Team not having the required number of members to compete, the Team would stand disqualified.

## **3. APPLICATION AND ADMISSION**

### **3.1. Procedure of Application**

**3.1.1.** A university may submit an application for one Negotiator Team and/or an application for the Mediator Team. The application and selection process for these two teams will be completely independent.

**3.1.2.** Participants must fill in the Google Form and provide all information that is necessary to complete the registration process. The link to these forms for Negotiator Teams and Mediator Teams can be found on the [Official Website](#) of the Moot Court Bench. The application(s) must be fully completed and submitted online by the Applicant Teams. The deadline for Applications is **29<sup>th</sup> of April 2024, 23.59 Indian Standard Time (IST)**. The selected Negotiator and Mediator Teams will be notified of their admission to the Competition.

### **3.2. Selection Criteria**

**3.2.1.** The MCB Mediation Team will select **Negotiator Teams** and **Mediator Teams** based on the following criteria:

- Communication, presentation, and other skills manifested in the Team's application.
- Training, coursework, and experience of the applying students.
- Performance at previous mediation or negotiation competitions.
- Preference will be given to universities which have an alternative dispute resolution curriculum (special focus on mediation and negotiation is an advantage).
- Representation of cultural and regional diversity among the selected universities.
- Any decisions pertaining to the Selection Process are wholly within the discretionary power of the Mediation Team, and any decision taken therein shall be final.

### **3.3. Registration**

**3.3.1.** The Teams attending the Competition will be required to pay their registration fees to secure their slot in the Competition as mentioned below, **on/or before the 31<sup>st</sup> of May 2024**.

For International Participants:

<b>Negotiator Teams</b>	Two Students	USD 350
	Third Student	Additional USD 150
	Fourth Student	Additional USD 100
	First Coach	Free
	Second Coach	Additional USD 150

<b>Mediator Teams</b>	One Student	USD 250
	Second Student	Additional USD 100
	First Coach	Free
	Second Coach	Additional USD 150

For Local Participants (rates given in LKR):

<b>Negotiator Teams</b>	Two Students	Rs.75,000
	Third Student	Additional Rs.15,000
	Fourth Student	Additional Rs.10,000
	First Coach	Free
	Second Coach	Additional Rs.15,000

<b>Mediator Teams</b>	One Student	Rs.30,000
	Second Student	Additional Rs.10,000
	First Coach	Free



	Second Coach	Additional Rs.15,000
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- 3.3.2.** Unless expressly informed and excluded in certain circumstances, registering a Team will entitle its members to attend every non-ticketed event of the Competition. This includes the Opening and Closing Ceremonies, trainings and workshops, panel discussions and networking events.
- 3.3.3.** The registration fee is payable via bank transfer/online payments, **within 20 days of receiving the confirmation email** of the Team's selection to the Competition. The transfer must indicate the name of the university for which the transfer was made. Any banking charges/transfer fees must be borne by the transferor. The Moot Court Bench will provide requisite payment instructions with the confirmation email as well as an invoice upon request. The registration fee is non-refundable. The **full payment must be completed on or before 31<sup>st</sup> of May 2024** to secure a slot for the Team in the Competition. Once the payment is made, the Teams must send a payment confirmation via email to [iimc@themootcourtbench.com](mailto:iimc@themootcourtbench.com).
- 3.3.4.** Failure to duly pay the registration fee, either by failing to pay on time or in full, will result in the revocation of the Team's registration and place at the Competition.

## 4. COMPETITION FORMAT AND PROBLEMS

### 4.1. Acting Team Members

- 4.1.1.** A Negotiator Team can appoint any two students, at its discretion, to play the role of Client and Counsel respectively for either the Requesting or Responding party, as assigned for each Round.
- 4.1.2.** A Mediator Team can appoint any student, at its discretion, to play the role of the Mediator at each Round.
- 4.1.3.** However, all the members of a Negotiator Team and Mediator Team must perform at least once during the Preliminary Rounds of the Competition.

## **4.2. The Problems**

**4.2.1.** The Competition will involve hypothetical disputes related to investments by foreign investors in host states, each consisting of General Information available to both Negotiator Teams and the Mediator Team, and Confidential Information available only to the Negotiator Team playing the Requesting or Responding Party.

**4.2.2.** The General Information for the Competition Rounds will be made available to the participants at least three weeks prior to the Competition.

**4.2.3.** The Mediator Team will only receive the General Information of each Round and not the Confidential Information.

**4.2.4.** Information or facts that are not mentioned in the General/Confidential Information cannot be introduced or referred to in the Round. Doing so will result in penalization of scores (See Rule 11). However, Teams are permitted to make statements that are reasonably based on the facts stipulated.

**4.2.5.** Confidential Information for Requesting/Responding Party:

- The Confidential Information for the Preliminary Rounds will be issued to the teams at least two weeks prior to the Competition date. The Organizing Committee/The Mediation Team will share the Confidential Information for the Semi-Final and Final Round upon announcing the participants selected for the said Round.
- Only the registered Coach(es) are permitted to interact with their respective teams during the preparation time for the Semi-Final and Final Rounds after the distribution of Confidential Information for these Rounds.
- Sharing Confidential Information with any individual outside the Negotiator Team and the registered Coach(es) before, during, or after a Session is strictly prohibited. Breach of this rule will lead to immediate disqualification from the Competition.

## **4.3. Qualifying for the Semi-Final and Final Rounds**

Mediator Teams' qualification for the Elimination Rounds will depend on their performance scores. Negotiator Teams' qualification will be based on a voting

system where the expert assessors will determine which of the two parties won a Round, irrespective of the Teams' scores. Each assessor's vote will count as one.

#### **4.3.1. Semi-Final Round**

The four Negotiator Teams with the highest votes and the two Mediator Teams with the highest scores in the Preliminary Rounds will advance to the Semi-Final Round. The Mediator Team with the highest score in the Semi-Final Round will be the winning Mediator Team of the Competition.

#### **4.3.2. Final Round**

The two winning Negotiator Teams of the Semi-Final Round will advance to the Final Round. The Team with the highest votes will be the winning Negotiator Team of the Competition. The Final Round will be mediated by a professional mediator.

## **5. COMPETITION ROUNDS**

### **5.1. Competition Session Participants**

A Round will consist of two Negotiator Teams representing the Requesting Party and the Responding Party, and a member of a Mediator Team will mediate the Round. Expert Assessors will assess the Teams.

### **5.2. Duration of the Rounds**

Total Time	135 minutes
Roll Call	10 minutes

Negotiation Session	90 minutes
Scoring Time	15 minutes
Assessors' Feedback	20 minutes

### **5.3. Break**

Each Negotiator Team may request a break from the Session for a maximum duration of three minutes.

### **5.4. Caucus**

**5.4.1.** Both the Mediator and the Negotiator Teams may call for one caucus or cross caucus each during a Mediation Session. Each caucus may last a maximum of five minutes.

**5.4.2.** During the caucus, the caucusing Negotiator Team will remain in the Competition room while the non-caucusing Team will leave the room and shall remain outside till the caucus ends. The Coaches and Expert Assessors shall remain in the room with the caucusing Negotiator Team during the caucus. A Session Supervisor will accompany the non-caucusing Team and bring them back to the room in accordance with the time limits of the caucus.

**5.4.3.** Coach(es) of all Teams, non-competing members of all Teams, all expert assessors and observers should remain in the room once the Round has commenced. However, if they leave the room, they may not return until the end of the Round.

### **5.5. Timekeeping**

**5.5.1.** The Session Supervisors of the Mediation Round will be the official timekeepers. They will be appointed by the Organizing Committee, and in assigning them, reasonable efforts would be made to avoid any conflict of interest with the Negotiator Team or the Student Mediator.

**5.5.2.** The Organizing Committee will notify the participants and the Expert Assessors of the time limits of the Session and the caucuses.

**5.5.3.** If there is no Session Supervisor available for a Round, the Expert Assessors will be the timekeepers. The decisions on timekeeping are final.

### **5.6. Assessment Criteria**

The Assessment Criteria applied to the Negotiator Teams (both the Client's and the Counsel's performance) and the Mediator Teams can be found on the Score Sheets. The MCB Mediation Team will ensure that the assessment will be unbiased and independent.

## **6. OUTSIDE MATERIALS**

### **6.1. Observing**

- 6.1.1.** Members and Coaches of the same Team are allowed to observe the performances of their own team only during all Competition Rounds.
- 6.1.2.** Expert Assessors may observe any Round. If they wish to do so, they must inform the Mediation Team at least one day prior to the Round.
- 6.1.3.** All observers, including team members and Coaches, must not conduct themselves in a manner so as to distract the Participants or Assessors during the Round by any means.

### **6.2. Handouts**

- 6.2.1.** A Negotiator Team may present one Handout during a Round.
- 6.2.2.** A copy of this Handout is to be distributed to the Mediator, the other Team and to the Assessors.
- 6.2.3.** A Handout will be limited to a one-sided A4-sized sheet. Teams will not be allowed to share any other prepared materials during the Round, including videos, presentations, or any other technological displays.

### **6.3. Assistance During a Session**

- 6.3.1.** No person shall give advice, assistance, or instructions to, or communicate or attempt to communicate with any of the participants from the Competing Teams during the Mediation Session.
- 6.3.2.** Violation of these Rules, regardless of the extent of the communication or who began the communication, may result in disqualification of the whole Team from the Competition, at the discretion of the Moot Court Bench.

## **7. SCORING**

### **7.1. Expert Assessors**

- 7.1.1.** The Mediation Team will select Expert Assessors who will assess the performance of the participants. All Expert Assessors shall be recognized mediators and/or negotiators.

**7.1.2.** Each Preliminary Round will be assessed by a panel of two Expert Assessors. The Semi-Final Round will be assessed by a panel of three Expert Assessors, and the Final Round will be assessed by a panel of three to five Expert Assessors.

**7.1.3.** The participants are not allowed to directly communicate with any Expert Assessor during the Competition, except when feedback is provided at the end of a Round.

## **7.2. Scoring Procedure**

The Expert Assessors will receive 20 minutes to score the Negotiator Team and the Mediator Team after every Round, based on separate scoring sheets for the Negotiator and Mediator Teams.

## **7.3. Feedback**

**7.3.1.** After submitting the scores, the Expert Assessors will receive 20 minutes to provide feedback to all participants in the Round. The Expert Assessors will provide feedback to the Student Mediator and Negotiator Teams at the end of each Session, based on the criteria in the Score Sheets. This feedback will not include the scores awarded nor say who won the Round.

**7.3.2.** The Negotiator Teams and Student Mediators can request information from the Mediation Team about their scores of each Round and ranking three weeks after the conclusion of the Competition.

# **8. PRIZES AND AWARDS**

The Expert Assessors will separately make recommendations of Teams for Special Awards on a Special Awards Score Sheet during the Preliminary Rounds. These recommendations will not be revealed to any Team until after the conclusion of the Competition.

For the purposes of Rule 8.1 and Rule 8.2, a Prize or Award entails a certificate given in recognition of an achievement.

## **8.1. Prizes\***

### Negotiator Teams

- 1<sup>st</sup> Prize Negotiation (Winning Negotiator Team in the Final Round)

- 2<sup>nd</sup> Prize Negotiation (Runner-Up Negotiator Team in the Final Round)

### Mediator Teams

- 1<sup>st</sup> Prize Mediation (Winning Mediator Team of the Semi-Final Round)
- 2<sup>nd</sup> Prize Mediation (Runner-Up Mediator Team of the Semi-Final Round)

*\*All Prizes will be awarded to the entire Team.*

## **8.2. Awards**

The Mediation Team will allocate the following Special Awards for the Negotiator Teams and Mediator Teams based on the number of votes on the Special Awards Score Sheets.

The Special Awards are as follows:

### **8.2.1. Preliminary Round Awards**

#### Negotiator Teams

- Distinction in the Opening Statement
- Distinction in Mediation Advocacy
- Distinction in Teamwork between Counsel and Client
- Distinction in Creative Solution Generation
- Distinction in Relationship Building with the Other Team

#### Mediator Teams

- Best Contribution of the Opening Statement to the Mediation
- Best Mediation Management

### **8.2.2. Semi-Final Round Awards**

- Best Client Award
- Best Counsel Award

### 8.2.3. Final Round Awards

- Best Speaker Award

### 8.3. Certificates

Each Negotiator Team member and Mediator Team member will receive certificates of accomplishment should they win a prize and/or receive an Achievement Award. All participating students will receive a Certificate of Participation, except where a team has been disqualified. The Moot Court Bench cannot issue additional certificates.

## 9. VIOLATION OF THE RULES

### 9.1. Complaints

An Organizing Committee member, a competing Team member or an Assessor can initiate a complaint for violation of any of the above Rules, as more fully set out in Rule 11.2. below.

### 9.2. Sanctions

The Moot Court Bench, at its absolute discretion, can sanction a Team by imposing a penalty that would result in a deduction of points or, in case of serious breaches, disqualification of the whole Team. Such decisions are final and are **not** subject to appeal.

### 9.3. Prohibition From Participation

Team Members, Coaches or Assessors who have breached any Rule, or the ethics of the Competition, will, at the absolute discretion of Moot Court Bench, be prohibited from participating in the remainder of the Competition or related events, and from participation in any role in the succeeding years.

## 10. PENALTIES

### 10.1. Penalties

The following malpractices will result in **a penalty of 5 points**:

- Any communication with an external party during the Round.



- Obtaining assistance during the Round.
- Creating or introducing new facts to the Problems.
- Sharing Confidential Information with other teams, both Negotiator and Mediator Teams.
- Being late to a Round, without providing a valid reason in advance.
- Exceeding the time limit given for breaks, caucuses, and overall time allocation of the Round.

## **11. MISCELLANEOUS**

### **11.1. Interpretation of the Rules**

If there is any ambiguity in interpreting these Rules, the Moot Court Bench's interpretation of the same shall be final and conclusive.

### **11.2. Complaints Procedure**

If any participant believes that there has been a violation of the Rules or has a complaint pertaining to any issue concerning the Competition, they must submit a duly filled Complaint Form that will be made available upon request.

### **11.3. Clarifications**

Any issue or clarification question pertaining to the administration and organization of the Competition must be directed to the Moot Court Bench via email, and any such clarification that is relevant to all Competing Teams would be made available to the said teams by the Moot Court Bench.

### **11.4. Amendment of Rules**

The Moot Court Bench may amend these Rules without prior notice and shall make such amended rules available to the public within 2 days of such amendment on the Moot Court Bench [website](#). The amendments shall take effect upon being made accessible on the [website](#).