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COMMERCIAL LAW DEVELOPMENT PROGRAM



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منافسة التحكيم التجاري الدولية
SCCA Int. Arabic Moot

5
2024 2023

Organized by | تنظيم



المركز السعودي للتحكيم التجاري
Saudi Center for Commercial Arbitration

Competition Conditions and Rules

Version (1)

UEA University of East Anglia

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Table of Contents

I. Definition of competition	3
II. Target group	3
III. Objectives of the SCCA Arabic Moot	3
IV. Skills Gained	3
V. Competition Rules.....	4
1. Definitions:	4
2. Interpretation of competition rules:	5
3. Competition stages:	5
4. Competition language:	5
5. The case:	6
6. Arbitral tribunal:.....	6
7. Selection of participating teams:.....	7
VI. Written submissions:	8
VII. Oral Arguments.....	12
1. Powers of the arbitral tribunal	12
2. Roles.....	12
3. Communication during oral arguments and attendance at hearings	12
4. Time allotted for oral arguments.....	12
5. Exceeding the time allotted for oral arguments	13
6. Scope of oral arguments	13
7. Evaluation of oral arguments.....	13
8. Final rounds / Final results:.....	15
9. Recording and photography of oral arguments	15

I. Definition of competition

The “SCCA Int. Arabic Moot” organized by the Saudi Center for Commercial Arbitration in Arabic is a practical model of arbitration procedures and the conduct of proceedings before arbitral tribunals. Students play the role of the parties to arbitration (claimant and respondent) before a tribunal of experienced, skilled arbitrators and with an audience of students arguing the case. This enhances the students’ skills and gives them important practical experience.

II. Target group

Undergraduate students from the faculties of Sharia and law and any Arabic-speaking team from all over the world.

III. Objectives of the SCCA Arabic Moot

1. Familiarization with arbitral proceedings, how different arbitral tribunals operate, and the rules and procedures in use.
2. Practical application of curricula.
3. Development of the skills necessary to operate as a party to arbitration through preparation of a claim and a defense by alternating between the roles of claimant and respondent and by formulating legal memoranda.
4. Development of students’ abilities to represent others, present a case in front of an audience, and increasing self-confidence to defend their ideas.
5. Enhancement of skills for courtroom advocacy and/or representing litigants before arbitral tribunals and filing memoranda.
6. Demonstration of the importance of rules and procedures for the understanding and practice of institutional arbitration.
7. Promoting a spirit of competition among participating students.

IV. Skills Gained

1. Students gain skills in oral advocacy and in writing the memoranda.

2. Students gain familiarity with the practice of arbitration to qualify them for future work in institutional arbitration.
3. Students gain experience necessary for their post-graduation working life.

V. Competition Rules

1. Definitions:

In the application of these rules, the following words and terms shall have the meanings indicated for each unless the context requires otherwise:

- a. **“Competition”** refers to the Arabic-language arbitration moot competition organized by the SCCA.
- b. **“Case”** refers to the notional facts and related legal issues prepared by law experts for purposes of arguing and competing in the competition.
- c. **“Parties to the case”** refers to the two litigants in the arbitration case (the claimant and the respondent) subject of the competition.
- d. **“Arbitral tribunal”** means the arbitral tribunal or any arbitrator who is a member of such a tribunal, as determined by the SCCA and/or the organizing committee. The arbitral tribunal is composed of a group of legal experts selected by the SCCA in coordination with the organizing committee, and who carry out the evaluation of written submissions and oral arguments during the competition.
- e. **“Finals”** or **“Final rounds”** are the semifinal and final rounds of the competition.
- f. **“SCCA”** is the Saudi Center for Commercial Arbitration.
- g. **“Academic committee”** is the committee selected by the SCCA to prepare the documents and notional facts of the case subject of the competition.
- h. **“Organizing committee”** is the committee appointed by the SCCA to organize and supervise the competition and to announce the results in connection to the winning team and all related matters.

- i. **“Team code”** is the code the organizing committee assigns to each team registered in the competition and which is used to identify written notes and oral arguments. The identities of the teams shall not be disclosed to the arbitral tribunal in any form.

2. Interpretation of competition rules:

- a. Any questions regarding the case or the interpretation of competition rules shall be sent to the organizing committee by filling out the academic committee contact form on the competition page on the SCCA website (ArabicMoot.org) by no later than 9 November 2023.
- b. The organizing committee shall have exclusive authority to interpret the competition rules. When a matter arises during competition that is not covered by the current rules, the organizing committee shall issue a decision on that matter in the light of principles of justice and equity. Organizing committee decisions, whether related to interpretation or application of the rules or otherwise, shall be final and binding on all participating teams.
- c. Clarifications and interpretations of the rules and the case shall be provided to the teams.

3. Competition stages:

The competition consists of two stages:

- a. Written submissions: At this stage, each team shall prepare written submissions for each party to the case (the claimant and the respondent) in light of the defenses and issues raised in the case. The filing deadlines are detailed in the Competition Schedule contained in Annex 1.
- b. Oral arguments: At this stage, each of the participating teams competes in oral arguments on behalf of the party represented it is representing in the case (the claimant or the respondent) in accordance with the timetable to be published by the organizing committee.

4. Competition language:

Arabic is the approved language during the competition and must be used in all correspondence to or from the organizing committee. The written and oral stages of the competition shall be conducted in Arabic.

5. The case:

- a. The details of the case are published on the competition page of the SCCA website (ArabicMoot.org).
- b. The academic committee shall write the documents and case file and shall answer questions concerning the details and notional facts of the case. The academic committee shall include commercial arbitration experts and practitioners as the SCCA deems appropriate.
- c. No member of the academic committee shall be entitled to advise or direct any student or team participating in the competition in any form.
- d. The case will be published on the competition page of the SCCA website (ArabicMoot.org) at 4:00 p.m. on Sunday 10th of September 2023..
- e. Following online registration, each participating team has the right to ask up to three questions to request clarification of the facts of the case through the competition page using the button “Ask the academic committee” on the competition website (ArabicMoot.org) until no later than 9 November 2023.
- f. The academic committee shall respond to the questions as it deems appropriate, and the clarifications will be published in the second version of the case. The answers can be used in written submissions and/or oral arguments, and the clarifications (if any) shall be an integral part of the case facts in the competition.

6. Arbitral tribunal:

- a. The arbitral tribunal shall evaluate the participating teams’ written submissions and the oral arguments of each individual member of the participating teams.
- b. In the final round, the arbitral tribunal shall be composed of legal experts from the arbitration community selected by the SCCA in coordination with the academic committee.
- c. Throughout the duration of the competition, the arbitral tribunal shall comply with the requirements of impartiality and independence.

7. Selection of participating teams:

- a. Undergraduate students of both sexes from the faculties of Sharia and law at Arab universities and Arabic-speaking teams from all over the world are entitled to participate in the competition.
- b. The team shall be regarded as participating in the competition once it has indicated its desire to participate by filling out the form available on the competition page of the SCCA website (ArabicMoot.org) unless the organizing committee finds that there is a barrier to the said team's participation. In such instance, the team must be notified, within five working days of the date of the form's completion and submission, that its application is not accepted.
- c. A team shall consist of a minimum of two members and shall not exceed six members. All team members must be Bachelor's-level university students in a faculty of Sharia or law at a participating university. A single university may not have more than one team in the competition except in the event that the university has two separate teams (a team of male students and a team of female students in the event of separate departments). The acceptance of the teams is subject to the discretion of the organizing committee.
- d. Unless the organizing committee decides otherwise and for reasons acceptable to the SCCA, all team members must be students at the same university. No member of a participating team may register on more than one team or represent any university with which he or she is not affiliated.
- e. Each team may employ up to two coaches. Teams are advised to register the first coach from one of the university faculty, a practicing professional from outside the university can be registered as a second coach.
- f. Teams must record their personal information in the designated registration form on the competition page of the SCCA website: (ArabicMoot.org).
- g. The composition of a team cannot be modified after the official registration deadline on 31 October 2023. The organizing committee may consider exceptional change requests

at its own discretion. Making changes can be done only through the form of “Change Request” on the Moot Webpage to be reviewed by the Organizing Committee.

- h. Participants must display a spirit of honest competition at all stages of the competition and adhere to the demands of ethics and mutual respect.
- i. Each team shall be identified using the team code to be provided by the organizing committee after the registration deadline. Team members’ names and nationalities shall not be revealed in written submissions.

VI. Written submissions:

1. All participating teams shall send written submissions to the organizing committee in Word and PDF format via the competition page on the SCCA website: (ArabicMoot.org) in accordance with the timetable contained in Annex 1.
2. The written submissions shall be evaluated based solely on the electronic version uploaded to the website.
3. No team shall be entitled to revise, replace, add to, delete, or amend written submissions after the filing deadline has expired.
4. Randomly-selected claimant’s memorandum will be published for guidance to all teams.
5. **Outside assistance:**

During the preparation of written submissions, outside assistance - whether provided by a university faculty member, coach, or otherwise - shall be limited to general discussion of the case, suggestions of academic sources, and linguistic assistance in general. It shall not include drafting or revising any part of the memoranda.

6. Formatting of written submissions:

- a. Each team shall file two written submissions, one on behalf of the claimant and one on behalf of the respondent.
- b. The formatting rules for written submissions are as follows: –

1. The maximum word count is 7,000 (seven thousand) words per memorandum for each party to the case (claimant or respondent), not including footnotes or codes. 5 marks deduction penalty is applied for exceeding this limit.
2. The memoranda shall be written in Arabic only, using the font Traditional Arabic. If foreign-language references are used, the sources must be cited in the footnotes.
3. The submissions shall be written in 18-point font, with line spacing of 1.5.
4. The footnotes shall be written in 12-point font, single spaced.
5. Page borders shall not be used in written submissions.
6. The first page of each memorandum must include the competition title first, then the participating team's code, then the client designation (specify which party to the case – either the claimant or the respondent – the team is representing). The pages must be numbered at the bottom of each page.
7. All paragraphs of the memorandum must be numbered sequentially except for the headings.
8. Each memorandum should be divided into five main sections as follows:
 - I. Introduction
 - II. Summary of defenses/arguments
 - III. Facts
 - IV. Detailed defenses/arguments
 - V. Requests
9. The submission must cite legal and factual evidence to support. That evidence shall be referenced in the footnotes as follows:
 - a. For factual evidence from the case file provided by the competition organizers:
Document name, page number, paragraph number if any
For example: Request for Arbitration, p. 6, para. 23
 - b. For legal references:

- i. Provisions of law: **Name of the law, date of promulgation, relevant article number**

For example: UNCITRAL Model Law on International Commercial Arbitration, 1985 (with amendments as adopted in 2006), Article 18

- ii. Books: **Author's name, book title, edition, page number**
- iii. Articles: **Author's name, article title, publication date, journal/site of publication, page number (if any)**

10. Each team shall submit a memorandum in which it is representing the claimant and another memorandum in which it is representing the respondent.

7. Evaluation of written submissions

a. The arbitral tribunal shall evaluate each team's claimant memorandum and respondent memorandum separately, in accordance with the following criteria:

- Accurate narrative of the facts of the case: 10 points
- Correct and legal defenses/arguments, and reliance on correct and relevant legal rules and principles: 10 points
- Clear analysis of defenses/arguments, full and correct acknowledgment and weighting of problems, and correct application of relevant legal rules and principles: 30 points
- Use of diverse legal references: 10 points
- Knowledge and use of the facts of the case so that legal defenses are based on facts: 20 points
- Presentation and style: 10 points
- Language skills, i.e. persuasiveness (logic, structure, quotations, comprehensiveness, style, and rhetoric): 10 points
- 5 marks deduction penalty is applied for exceeding the word count limit.
- 5 marks deduction penalty is applied for not bad formatting.

- b. The maximum point total and perfect score for each memorandum is 100 points according to the allocation and criteria in the above paragraph.
- c. If the event of **plagiarism** in any memorandum, whether of a legal source, another student's work, or any information lacking a citation, the memorandum shall be ineligible for any of the memorandum prizes, and the SCCA shall have full authority to expel the team from the competition if it deems it necessary.
- d. The scores shall be recorded on the official written submissions results form and shall be communicated to the participating teams only after the final round of competition is completed.

8. Copyright:

- a. Within the framework of competition procedures, the organizing committee shall print and distribute the written submissions after assigning each team a code.
- b. The organizing committee reserves the right to print, publish, and distribute the participating teams' written submissions for the purposes required by the competition. When printing, publishing, or distributing, the organizing committee shall mention the team name and code and the team members who filed the memorandum.
- c. All members of the competing teams expressly consent to the right of the SCCA - as well as of the organizing committee - to refer to, use, publish, or distribute all memoranda, materials, and means used in the competition (including, but not limited to, memoranda submitted during competition) for purposes of training, education, or organizing other competitions in the future.

VII. Oral Arguments

1. Powers of the arbitral tribunal

In addition to the stipulated powers and anything the organizing committee may authorize the arbitral tribunal to do, the arbitral tribunal shall administer hearings outright. As such, it may take any action it deems appropriate for control of the hearings and regulation of the process and manner of the arguments before it.

2. Roles

- a. Each team must prepare a defense in order to plead on behalf of each party to the case (the claimant and the respondent). Each team may freely select two of its members to argue on behalf of each party to the case.
- b. Only two selected members of the team are entitled to speak in each hearing session, Other non-pleading team members are allowed to attend the session for educational purposes.
- c. All teams will plead both roles (Claimant and Respondent) during the preliminary rounds while advanced rounds are based on random distribution of roles.

3. Communication during oral arguments and attendance at hearings

- a. The right to speak during oral arguments is limited to the arbitral tribunal and the team members selected by the team, whose names shall be communicated to the relevant committee or arbitral tribunal prior to arguments. No communication between the members of the participating team and any member of the audience shall be permitted during the hearings.
- b. During oral arguments, team members shall communicate with one another in writing only. No team may engage in any behavior that may affect the course of the hearing or the competing team's arguments.
- c. No reading from documents or memos may be used during oral arguments except a copy of the case and written pleading notes or legal texts that may be cited during arguments.

4. Time allotted for oral arguments

- a. In both preliminary and final rounds, each team shall be allotted 30 minutes for arguments.

- b. Each team is responsible for informing the arbitral tribunal how it will distribute its time among team members prior to commencement of the hearing.
- c. Each team is responsible for not exceeding the allotted time.

5. Exceeding the time allotted for oral arguments

- a. In the event that an oralist does not adhere to the time allotted for oral arguments, the arbitral tribunal shall warn the team to conclude its arguments. The chairman of the arbitral tribunal, however, may extend the allotted time for any team if necessary. The other team shall not be entitled to object to any decision of the arbitral tribunal.
- b. The arbitral tribunal shall treat the teams alike and maintain the same distance from all teams. When additional time is given to one of the two teams in the case, the other side shall be granted an identical amount of additional time if it so requests, not to exceed three minutes as described above.
- c. If a team's additional time goes unused for any reason, the time does not carry over and will be lost once the hearing ends, without affecting the outcome in any way.

6. Scope of oral arguments

Members of the arbitral tribunal shall have the right to question the speaker at any time during arguments as the arbitral tribunal deems appropriate. Questions should focus primarily on issues related to the case. The arbitral tribunal's questions may address other general topics concerning the legal issues raised by the case, provided that this does not cause the team to be unable to conclude its oral arguments. At its discretion, the arbitral tribunal may choose not to calculate the time spent discussing and answering the arbitral tribunal's questions toward the time available to the team to present its defense, as determined by the arbitral tribunal.

7. Evaluation of oral arguments

- a. The team's oral arguments score for the round shall be calculated based on the points each competitor obtains from the three arbitral tribunal members individually. Each arbitrator shall evaluate each competitor in each hearing on a 100-point scale according to the criteria listed

below, so that the maximum score that may be awarded to each team in each hearing is 200 points. There are four score bands:

- 59– 50: Needs improvement
 - 74– 60: Good
 - 90– 75: Very good
 - 100– 91: Excellent
- b. In both preliminary and final rounds, the teams shall be evaluated on their oral arguments according to the following criteria:
- Sound legal analysis, proper application of relevant articles of law, general knowledge of the legal issues raised, and understanding of relevant requirements and principles of law.
 - Knowledge and effective use of the facts of the case, enlistment of these facts to serve the defense strategy, and proper representation of the client in the oral proceedings.
 - Ability to answer questions and the arguments presented, effectiveness in responding to the arbitral tribunal’s questions, and professionalism before the arbitral tribunal.
 - Manner and style of presentation, means of persuasion (the ability to represent the party concerned convincingly).
- c. In the preliminary rounds, after the end of each hearing, the arbitral tribunal members shall evaluate the performance of the competitors in confidential deliberations. Each arbitrator shall be free to evaluate the oralist as he or she deems appropriate, bearing in mind that it is preferable that the tribunal members’ evaluations should not vary by more than 10 points.
- d. After the end of each hearing and evaluation, the arbitral tribunal members shall give their observations on the two teams’ overall performance during the hearing, without disclosing the final score for any oralist.
- e. Following the end of the preliminary rounds, the organizing committee shall announce the teams that qualify for the final rounds without disclosing the specific results of the preliminary rounds.

- f. The scores announced by the organizing committee are binding and final, and no party has the right to challenge them in any way.
- g. In Advanced rounds nominations are done through tribunal voting.

8. Final rounds / Final results:

Except as stated above, the following rules apply in the final rounds:

- a. A drawing to be carried out by the organizing committee in the presence of all participating teams shall determine which team will represent each party to the case (the claimant or the respondent) in the final rounds.
- b. The arbitral tribunal that presides over the final round will not calculate the winning and losing scores according to the rules applicable to the preliminary rounds, but will announce the winning team and the best speaker in the final round on the basis of secret deliberation among its members. The tribunal shall make its decisions by absolute majority without recording any scores for any team. Those decisions shall be final and cannot be challenged for any reason.

9. Recording and photography of oral arguments

- a. The recording and broadcast of oral arguments by any person (even a member of the competing teams) is prohibited unless prior approval is obtained from all interested parties (including the arbitral tribunal, the organizing committee, and the SCCA).
- b. Photography during hearings is permitted only to the organizing committee or its representatives, or to SCCA personnel named by the organizing committee.

Annexes:

Annex 1

Competition Timetable

Stage	Date	Hijri Date
Teams Registration Start	22 June 2023	4 Dhu'l-Hijjah 1444
Case Release	10 September 2023	25 Safar 1445
Welcoming Webinar	7 November 2023	23 Rabi II 1445
Deadline for Team Registration	31 October 2023	16 Rabi II 1445
Deadline for Requests for Clarification about the case	9 November 2023	25 Rabi II 1445
Deadline for Claimant Memo Submission	30 November 2023	16 Jumada I 1445
Deadline for Respondent Memo Submission	6 January 2024	24 Jumada II 1445
Trainings Programs	To Be Announced	To Be Announced
Arbitrators' Workshop	To Be Announced	To Be Announced
Virtual Hearings (Preliminary Rounds)	10 to 15 February 2024	1 to 6 Sha'ban 1445
In-Person Hearings (Advanced Rounds)	3 to 7 March 2024	23 to 27 Sha'ban 1445
Riyadh International Disputes Week (RIDW)	3 to 7 March 2024	23 to 27 Sha'ban 1445
Awards and Final Ceremony	7 March 2024	27 Sha'ban 1445



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