



THE RULES

2021



INTRODUCTION

1. International Construction Arbitration Moot (“ICAM” or “Moot”) is an annual competition for law students in the form of a moot court.
2. The ICAM is founded by the Association for Organisation and Promotion of the International Construction Arbitration Moot (“Association”). The Association holds the ICAM with the support and in cooperation with ***the International Construction Law Association*** (“ICLA”) and ***the Russian Institute of Modern Arbitration*** (“RIMA”).
3. The Association may attract sponsors and other partners at its own discretion.
4. The ICAM is intended to stimulate the development of construction law and its promotion among law students. In particular, the ICAM pursues the following goals:
 - Contribution to the development of construction law;
 - Uniting students from different legal systems;
 - Promotion of construction law;
 - Exchanging experience between professionals and students in the field who are in the very beginning of their career paths.

GENERAL PROVISIONS

5. These International Construction Arbitration Moot Rules (“Rules”) are the main document regulating how the ICAM is conducted.
6. The Rules have been developed and approved by the Association.
7. The Rules for the next year are published annually before the Moot starts. The present Rules apply only to the ICAM to be held in 2021.
8. The ICAM consists of the following stages:
 - Preparation of the Claimant’s Memorandum;
 - Preparation of the Respondent’s Memorandum;
 - Preparation of the Arbitral Award;
 - Oral hearings.
9. The dates for the Oral Hearings will be published on the ICAM’s official website.
10. The premises for the Oral Hearings are provided by the Host Institution.
11. The oral hearings are to be held via ZOOM.
12. The ICAM is conducted in English.
13. Preliminary rounds, or pre-moots may be held as part of the ICAM. Decisions on organisation of pre-moots are made by the Directors’ Board.

ARBITRATORS

14. To participate as an arbitrator a person must register as an arbitrator on the ICAM website.
15. The registration of arbitrators opens on 26 April and closes on 26 September. The registration of an arbitrator outside the period specified in the Rules is acknowledged at the discretion of the ICAM Organising Board.
16. The registration form and procedure are provided for on the ICAM's official website.
17. To become an arbitrator, a person should meet the following requirements:
 - i. Have a higher legal education either under- or postgraduate.
 - ii. Have experience in arbitration or construction law field.
18. An application for enrollment to arbitrators shall be deemed confirmed when a candidate received access to the Arbitrator Homepage.
19. Registration as an arbitrator doesn't guarantee participation in the ICAM.
20. ICLA Board Members receive the status of arbitrators by default without having to register.
21. Teams coaches who met the criteria specified in Paragraph 17 may be registered as arbitrators in accordance with the general procedure.
22. Persons who participated as arbitrators in the previous year of the ICAM and would like to continue to participate should contact the ICAM Organising Board to update their status. This should be done via the Arbitrator Homepage. If a person does not request the status update, he/she ceases to be an arbitrator in the following ICAM.
23. The ICAM Organising Board approves the list of arbitrators annually. The arbitrators from the list are appointed to the oral hearings.
24. The arbitrators to each Oral Hearings are appointed by the ICAM Organising Board.
25. When choosing an arbitrator, the following shall be taken into account:
 - the same arbitrator cannot judge a round with a team that he has previously judged;
 - the arbitrator must not be affiliated with the team that he is judging;
 - appointment of an arbitrator shall not lead to a conflict of interest.
26. Arbitrators are not entitled to disclose information received by them when they act as an arbitrator. Specifically, the arbitrators being team coaches cannot disclose the contents of the arbitrator's brief to the teams. In case of disclosure, the team and the coaches will be subject to liability for the breach of the Rules.
27. All communication with respect to arbitrators' registration is conducted by the ICAM Administrators.

TEAMS

28. In order to participate in the ICAM, a university team shall complete the registration.
29. An application for the team's registration is submitted through the official website of the ICAM. The application may be filed by its coach or a team member.
30. The registration of the teams opens on 26 April and closes on 13 June. Applications for the teams' registration submitted after the deadline may be accepted at the discretion of the ICAM Organising Board.
31. In case of non-compliance with these Rules, the ICAM Organising Board has the right to deny or to annul the registration.

32. The team consists of the team members and team coaches.
33. Each team may only consist of students of one educational institution. A team member should be studying at the educational institution at the time of the registration. Those team member who graduate from the institution after the registration is completed (i.e. they will not be the students of this institution at the time of the Oral Hearings) are eligible to participate in the ICAM. Team coaches do not have to be affiliated with the educational institution.
34. In order to be eligible to participate in the ICAM, a team member need to pursue a degree in Law or in other sphere related to construction law.
35. The team coaches shall be persons with a higher legal education, as well as those with work experience or teaching in the field of construction law.
36. A team shall be composed of 2 or more team members and 1 or more coaches.
37. After the registration is completed, the team receives access to Team Homepage on the ICAM website. All communication between the ICAM Organising Board and the team regarding the Moot will be conducted through the Team Homepage.
38. After the registration is completed, the team's composition may be modified. The change in the composition of the team should be submitted via Team Homepage by deleting information about the previous team member and/or adding information about the new team member.
39. The composition of the team can be changed until the Claimant's Memorandum is sent. After this moment, replacement or other change in the composition of the team may be permitted by the ICAM Organising Board only in exceptional circumstances. The team should submit request for the change in the composition of the team indicating reasons for the change via Team Homepage.
40. The team can withdraw from the ICAM without giving a reason before 13 June by following the appropriate procedure in Team Homepage.
41. A withdrawal after the date specified in paragraph 40 can only be effected for a valid reason. For this purpose, the team must contact the ICAM Organising Board. If the withdrawal is made without a valid reason, the team will not be allowed to participate at the ICAM in the following years.
42. All team members and coaches are expected to regularly check their Team Homepage for updates and announcements and are assumed to have done so. A team may not validly complain that it was not given proper notice of a rule change or update, when that change, or update was made available on the Team Homepage.
43. Each registered participant may serve any team member role, such as researcher, writer, oralist for the claimant, and oralist for the respondent, and may serve multiple or all team member roles, at any time during the ICAM.
44. In each of the Oral Hearings arguments are to be presented by two team members. Other members of the team may not assist them in any way during the presentation. Different team members may participate in the different hearings.

THE PROBLEM

45. The Problem is the controversial situation in the field of construction law composed by the world's leading experts in the sphere ("the Problem").
46. The Problem consists of two key issues: one on arbitration and one on substantive law matters.

47. For a better understanding of the substance of the dispute, teams may send requests for clarification of the facts presented in the Problem. Requests for clarification should be submitted via Team Homepage. A request for clarification must include a short explanation of the expected significance of the clarification (i.e. how the clarification may influence the argumentation on the case).
48. The ICAM Organising Board considers all requests for clarification submitted by the teams and decides whether to clarify certain fact. In case the ICAM Organising Board decides that clarification is needed, the clarifications will be published on the ICAM website, whereof a team will be notified. This clarification is mandatory for all teams.
49. A request for clarification of the Problem may be submitted before 27 June.
50. The ICAM Organising Board provides clarifications on the requests which it will find relevant within 7 days after the deadline for submission of such requests provided in paragraph 49 of the Rules.
51. Teams should be guided only by the facts contained in the Problem. No additional facts may be introduced into the Moot unless they are logical and necessary extension of the given facts or are publicly available true facts.

MEMORANDA

52. A team should prepare two memoranda on the issues indicated in the Problem. The memoranda should be submitted via Team Homepage. After each document is submitted, the team receives a notification from the ICAM Organising Board that the document has been received.
53. The team's arguments should be built on the basis of the following legal instruments and supplementary sources:
 - On the issues of substantive law: the UNIDROIT Principles of International Commercial Contracts (UNIDROIT Principles), case law (court's decisions and arbitral awards) and doctrine interpreting the UNIDROIT Principles or similar provisions of national laws or soft law instruments;
 - On the issues of procedure: the UNCITRAL Model Law (with 2006 amendments) and RAC Arbitration Rules.
54. Claimant's Memorandum should be submitted no later than on 1 August.
55. Respondent's Memorandum should be submitted no later than on 12 September.
56. A team will receive Claimant's Memorandum prepared by the other team within 7 days after the deadline established in paragraph 54.
57. When preparing the Memorandum for Respondent, the team should take into account the arguments set forth in the opposing team's Claimant's Memorandum. If the opposing team's Claimant's Memorandum does not disclose any of the issues included in the Problem, the team may go beyond the arguments set forth in it.
58. The teams that did not submit their Memoranda timely in accordance the paragraph 54 and 55 will not be eligible to participate in the Oral Hearings.
59. The ICAM Organising Board may accept the Memoranda submitted out of time only in exceptional circumstances. The Team should reach out to the ICAM Organising Board via Team Homepage explaining the reasons for the late sending. However, if the Memorandum is submitted 4 days after the deadline established in paragraph 54 or paragraph 55 or later, it will not be accepted by the ICAM Organising Board regardless the reasons for late sending.

60. The Teams are not bound by any strict requirements regarding the structure of their Memoranda. However, the Teams are advised to observe the following structure:
 - title page;
 - table of contents;
 - list of authorities;
 - statement of facts;
 - short introduction;
 - arguments;
 - prayer for relief (the requirement itself).
61. The title page shall indicate the party on behalf of which the Memorandum is composed (Claimant/Respondent). The title page shall not indicate the names of team members who worked on the Memorandum and the educational institution.
62. The formal requirements for Memoranda are as follows:
 - when writing a memorandum, the official style of English speech should be followed, i.e. the one that is usually used in court sessions.
 - the maximum volume of the memorandum is 65,000 (sixty five thousand) characters, excluding spaces, title page and list of authorities used, but taking into account footnotes.
 - when writing memorandum, Times New Roman font should be used, font size - 12 pt. When formatting footnotes, the font is Times New Roman, font size - 10 pt. Line spacing -1.5.
 - page margins should have the following dimensions: Left - 25 mm, Right - 15 mm, Top - 20 mm, Bottom - 20 mm. Paragraph indentation - 1.25 cm. The text must be justified.
 - the memorandum must contain references to the authorities used. Any citations must be properly formatted in accordance with any of the generally accepted standards for citing. Plagiarism is not allowed.
 - paragraphs must be numbered.
63. The team may re-upload the Memorandum with changes through the Team Homepage before the deadline established in paragraph 54 or paragraph 55 of the Rules. The Team may not introduce changes in the Memorandum after the deadline expires.
64. The submitted Memoranda are scored by the arbitrators. For each criteria team receives from 0 to 10 points. The following criteria should be taken into account:
 - the choice and competent evaluation of the facts of the Problem, which are decisive for the resolution of the dispute;
 - the reasonableness of the arguments based on the facts of the Problem;
 - depth of argumentation: use of the doctrine, judicial practice and other supplementary sources;
 - clarity, logical sequence of presentation;
65. All memoranda subject to scoring shall be sent to the arbitrators in an encrypted form, with no possibility of identifying the teams that prepared them.
66. The scoring of points in the Memorandum shall not be published. At the same time, the team points for the Memorandum serve as the basis for the pairing in the Oral Hearings.
67. The Team's scores for the Memoranda are decisive for the Team's participation in the Oral Hearings.
68. A memorandum that does not meet the requirements set out in these rules and generally accepted requirements for legal documents, e.g. incompetent writing, lack of logic, sloppiness, etc., will not be accepted, and the team that prepared the memorandum will automatically be ineligible for the oral hearing.

THE ARBITRAL AWARD

69. Apart from the Memoranda, teams should submit the Arbitral Award on the dispute presented in the Problem.
70. In the Arbitral Award the Teams should present decision on the dispute described in the Problem, as if they were arbitrators in this dispute. The Arbitral Award is to be delivered on the basis of law of the country where the Team's educational institution is located. In writing the Arbitral Award, the Teams should rely on current legislation, doctrine and judicial practice of their country.
71. The Teams should be guided by the formatting requirements provided in paragraph 62 while drawing up the Arbitral Award.
72. The Arbitral Award is written in any format. However, it is recommended to use the format usually used for the purposes of the arbitral award in the country.
73. The Arbitral Award should be submitted within the time frame stated in paragraph 55 of the Rules via the Team Homepage.
74. The team may re-upload the Arbitral Award with changes through the Team Homepage before the deadline established in paragraph 55 of the Rules. The Team may not introduce changes in the Arbitral Award after the deadline.
75. The Arbitral Awards submitted by the Teams may be published in the Journal available online.

ORAL HEARINGS

76. Teams that have submitted a Claimant's Memorandum, Respondent's Memorandum and Arbitral Award are allowed to participate in the oral hearings.
77. The Oral Hearings are held at the premises of the Host Institution at the dates established for the ICAM Oral Hearings. The precise schedule of the Oral Hearings is drawn up by the Administrators.
78. The Oral Hearing's Schedule is prepared by the Administrators in random order and published on the official website the Moot.
79. For each Oral Hearing the tribunal of three arbitrators (two side arbitrators and the presiding arbitrator) is formed. The arbitrators for each Oral Hearing are appointed by the ICAM Organising Board in accordance with paragraph 25 of the Rules.
80. The tribunal makes its decisions by a majority of votes.
81. In the Oral Hearing each Team should be represented by 2 team members. The role of each team member is determined by the Team itself.
82. The Teams are not restricted in their arguments by their written submissions (i.e. Memoranda).
83. Each Team is granted 30 minutes for the argumentation during the Oral Hearing, including presentations of both speakers, rebuttal and surrebuttal. The team members should divide these 30 minutes between different parts of its presentation at their own discretion. The arbitral tribunal may grant up to 10 additional minutes to each Team upon request. The tribunals are advised to grant the same amount of additional time to both Teams within one Oral Hearing for the sake of procedural equality.
84. The Oral Hearing is opened by the presiding arbitrator. The presiding arbitrator should explain to the Teams the procedure of the Oral Hearing.

85. The arbitral tribunal establishes the order of arguments of the Teams at its discretion. Normally, the party which raised an issue according to the Problem should be given the floor first, and after this the other party should be allowed to respond. However, where a respondent objects to the jurisdiction of the tribunal, the respondent should first be given the floor with regard to procedural matters to which the claimant must respond.
86. After the round of the main arguments for one of the issues, the arbitral tribunal may permit the round of rebuttal arguments.
87. The arbitrators may interrupt the presentation at any time for questioning or ask questions after the end of the participant's presentation.
88. After the presentations end, the arbitral tribunal should ask all the attendees to leave the room for the tribunal's deliberations.
89. Each arbitrator should score each of the oralists on a scale of 20 to 50 points. The team which receives more points for the Oral Hearings proceeds to the next round.
90. In their scoring, the arbitrators are completely free and based solely on inner conviction. But it is recommended in particular take into account the following aspects: validity of the legal position, clarity, cogency and logical presentation of the arguments, ability of the oralists to handle the questions of the arbitrators and respond to the opponent's position, as well as the oralists' oratorical skills.
91. After the deliberations end, the Teams are summoned by the arbitral tribunal. The tribunal gives the feedback for all oralists and announces the winner of the round.

SANCTIONS

92. In case of violation of the present Rules and/or rules of fair-play by the team members, coaches or Arbitrators, the ICAM Organising Board may impose sanctions on the persons who committed such violation. The sanctions may be imposed on the entire Team.
93. Depending on gravity of the violation, the ICAM Organising Board may:
 - refuse to register the team member, the Coach, the Team or the Arbitrator;
 - annul the registration of the team member, the Coach, the Team or the Arbitrator;
 - suspend the team member, the Coach, the Team or the Arbitrator for a certain period;
 - issue a warning;
 - declare a loss of the team by forfeit in the Oral Hearings;
 - downgrade the scores of the team earned in the Oral Hearings.

AWARDS

94. Award to the team for the best Respondent's memorandum
95. Award to the team for the best Claimant's memorandum
96. Award to the best individual oralist
97. Award to the Team prevailing in the Oral Hearings of the ICAM

STRUCTURE OF ICAM

98. The ICAM governing body is the Directors' Board, which is responsible for decisions on all key issues related to the ICAM.
99. The Directors' Board is composed of three Directors:
 - Executive Director appointed by the Association for the Organisation and Promotion of the ICAM;
 - ICLA Representative;
 - RIMA Representative.
100. Directors are re-appointed by their institutions annually.
101. The Directors' Board adopts its decisions by a majority of votes.
102. The Directors' Board executes its functions with the help of the Administrators. The Administrators are appointed by the Executive Director annually.
103. Taken together, the Directors' Board and the Administrators compose the ICAM Organising Board.
104. The Directors have decisive votes when adopting decisions by the ICAM Organising Board, while the Administrators act in a consultative capacity. The ICAM Organising Board adopts its decisions by a majority of votes.
105. The current Directors' Board is composed of:
106. The Directors' Board is authorised to interpret the Rules. The team members, the Coaches, the Teams and the Arbitrators may communicate the Directors' Board should they have any questions regarding the interpretation of the Rules.
107. The structure of the ICAM includes the Advisory Committee. The Advisory Committee assists the Directors' Board with handling the issues related to the holding of ICAM, except for technical matters.
108. The Advisory Committee is composed of the individuals who have made a significant contribution to the development of ICAM. The Advisory Committee Members are appointed by the Directors' Board.

MISCELLANEOUS

109. All dates and deadlines provided in these Rules should be deemed expired at 11:59 pm of the relevant day according to Moscow time [UTC+3].
110. ICAM's official website – www.icamoot.com