

# FIRST ESSAY COMPETITION

klrcA YPG  
YOUNG PRACTITIONERS GROUP

klrcA  
REGIONAL RESOLUTION GLOBAL SOLUTION



**WE ARE PLEASED TO ANNOUNCE THE FIRST ESSAY COMPETITION WHICH IS AIMED AT PROMOTION AND FOSTERING INTEREST IN ARBITRATION AND OTHER FORMS OF ALTERNATIVE DISPUTE RESOLUTION, PARTICULARLY IN MALAYSIA.**

## ELIGIBILITY

All members of YPG KLRCa are eligible to participate in the First Essay Competition.\*

\* Membership is open to all young practitioners and students aged 40 or below and is free of charge: <https://www.klrca.org/about-klrca-young-practitioners-group.php>

## TOPICS

Participants are invited to submit their essays on **ONE** of the following topics:

### 1. THE KLRCa ARBITRATION RULES 2017: A STEP TOWARDS IMPROVEMENT OF EFFICIENCY

In the light of the recent trends of costs and length optimization of arbitration proceedings, the KLRCa made a decision to improve efficiency and quality in the conduct of KLRCa-administered arbitrations. With this revision of its 2013 Arbitration Rules, the KLRCa takes a new turn, and will be balancing its "light-touch" approach with more cost and time effective procedural mechanisms, such as expeditious appointment of emergency arbitrators. Main amendments include the Guide to the KLRCa Arbitration Rules 2017, commencement of arbitration, joinder of the Parties, new power of the Director of the KLRCa to consolidate disputes, technical review of Awards and simplified structure of the Schedules. Furthermore, Article 1 of Part II of the KLRCa Rules is supplemented with paragraph 4 (as adopted by UNCITRAL in 2013).

### 2. THE NEED FOR INVESTMENT MEDIATION RULES AS A MECHANISM TO BE EMPLOYED IN RESOLUTION OF DISPUTES ARISING FROM INVESTMENT TREATIES WITH MALAYSIA

Recent criticism of Investor-State Dispute Resolution System (ISDS) has raised discussion about the lack of trust in the existing mechanisms and the need for further improvements. Mediation, along with an idea of establishment of an investment court, is considered as one of possible developments to be actively employed by the governments, investors, international institutions and other interested groups. Some parties have already made attempts to discontinue arbitrations and successfully settled by way of mediation.\* An idea of enforcement mechanism for mediated settlement agreements proposed by UNCITRAL in 2000, sounds particularly promising in the context of existing and future treaties and OBOR initiative.

\* For example, *ČEZ v. Albania* (2013), *Slovak Gas Holding BV et al v. Slovak Republic* (2012), *Barmek Holding A.S. v. Azerbaijan* (2006) etc.

## REQUIREMENTS

1. Each participant can submit only one essay.
2. Essays must be written by one person. Co-authored essays will not be accepted.
3. Essays must be original and unpublished. Plagiarised entries will be rejected.
4. Language: each essay must be written in **English**.
5. Word limit: each essay must be **2,500** words or less, **including** all footnotes, references, citations etc.
6. Formatting requirements:
  - a. Document format: participants shall submit an essay **both** in PDF and Word format.
  - b. Paragraph format: paragraphs be double spaced.
  - c. Text font: Times New Roman, size 12.
  - d. Cover page shall contain the following information:
    - category (Young Practitioners or Students)
    - title of essay
    - author's full name
    - affiliation (law firm, university etc.)
    - contact details (address, email, phone number etc.)
    - word count

## DEADLINE

**1<sup>ST</sup> SEPTEMBER 2017 by 23:59 (MYT)** via email to: [ypg@klrca.org](mailto:ypg@klrca.org). Please use one of the following subject lines in your email: **"Essay Competition: Young Practitioner"** or **"Essay Competition: Student"**

## SELECTION PROCESS

1. Winners will be selected by a distinguished Essay Competition Committee.
2. All essays will be judged anonymously.
3. Selection criteria:
  - a. clarity;
  - b. originality and creativity;
  - c. quality of research, analysis and organization;
  - d. persuasiveness.
4. All decisions of the Essay Competition Committee shall be final.

## AWARDS & PUBLICATION

The following prizes will be awarded for the best three essays from each category:

### YOUNG PRACTITIONERS

- **GRAND PRIZE:** RM 3,000
- **FIRST RUNNER-UP:** RM 1,500
- **SECOND RUNNER-UP:** RM 1,500

### STUDENTS

- **GRAND PRIZE:** RM 3,000
- **FIRST RUNNER-UP:** RM 1,500
- **SECOND RUNNER-UP:** RM 1,500

The best essay in each category (Young Practitioners and Students) will be published in the KLRCA Newsletter; the essays of the Runner-Ups will be posted on the KLRCA website. Any other essay might be also considered for publication. The decision whether to publish any entry is made by the KLRCA. By submitting an essay for this competition, each author gives the KLRCA all rights, including express permission to edit and publish the essay in all media without limitation and without any other notice, with due acknowledgement to the author.