

2025 BRICS Lex Model: Official Rules

Theme: Negotiating the Terms of Reference for a BRICS International Investment Agreement

Contents

Rule 1: General Principles.....	2
1.1. Purpose	2
1.2. Supremacy of the Rules.....	2
1.3. Official Language	2
Rule 2: Eligibility and Participation.....	2
2.1. Eligibility	2
2.2. Team Composition.....	2
2.3. State Representation	2
Rule 3: Structure of the Model	2
3.1. Qualifying Stage (Written, Remote)	3
3.2. Preparatory Stage (Online).....	3
3.3. Main Stage (In-Person, Moscow).....	3
Rule 4: The Main Stage – Procedural Framework	4
4.1. Committees	4
4.2. Timeframe	4
4.3. Rotation and Representation.....	4
4.4. Assessment. Judges, Moderator and Secretaries	4
4.5. The Negotiation Process	5
4.6. Coaches.....	7
Rule 5: Adoption of the Final TOR	7
Rule 6: Assessment and Awards	7
6.1. Assessment of Teams.....	7
6.2. Individual Assessment of Teams Members.....	7
6.3. Assessment Criteria	7
6.4. Awards	8
Rule 7: Logistics and Code of Conduct	8
7.1. Financial Conditions	8
7.2. Code of Conduct.....	8
Appendix 1	9

Rule 1: General Principles

1.1. Purpose

These Rules govern the procedure and conduct of the BRICS Lex Model (hereinafter "**the Model**"). The Model simulates a diplomatic conference where student delegations, representing BRICS/BRICS partner universities, negotiate to develop Terms of Reference (hereinafter "**the TOR**") for a future BRICS International Investment Agreement (hereinafter "**the IIA**").

1.2. Supremacy of the Rules

These Rules shall be the primary governing document for all procedural aspects of the Model. Any point of order or procedural dispute shall be resolved with reference to these Rules.

1.3. Official Language

English is the sole official and working language of the Model. All speeches, submissions, negotiations, and the final TOR must be in English. The use of other languages is permitted only for brief, ceremonial welcoming remarks and short, universally recognized diplomatic phrases that adhere to international etiquette.

Rule 2: Eligibility and Participation

2.1. Eligibility

The Model is open for participation of law students studying at the bachelor's, specialist's and master's level or equivalent levels at the universities of BRICS/BRICS partner States. It is presumed that all participants in the Model have taken a general course in public international law prior to participating in the qualifying stage and have a good command of English.

2.2. Team Composition

Each team consists of 2-4 participants. A team can be assisted by 1 or 2 coaches.

2.3. State Representation

To foster cross-cultural understanding, teams will be assigned to represent during the main stage of the Model a BRICS/BRICS partner State that is not their own home country. The assignment takes place in a form of an online team draw.

Rule 3: Structure of the Model

The Model consists of three sequential stages:

3.1. Qualifying Stage (Written, Remote)

- (a) Teams submit a written assignment based on the “Problem for the 2025 BRICS Lex Model” deposited on the official website of the Model: https://pravo.hse.ru/inter/brics_consortium/brics_lex_model/.
- (b) Registration of the teams is accomplished by completion and submission of the registration form and submission of the written assignment, which may be done at any time prior to 23:59 Moscow Standard Time (UTC+3) 1 November 2025.
- (c) Teams are encouraged to employ Associated Materials for the Problem prepared by the Organising Committee and deposited on the official website of the Model.
- (d) The selection of teams for the preparatory and main stages will be made by the Organising Committee on the basis of the written assignments submitted by the participants.

3.2. Preparatory Stage (Online)

- (a) **Timeframe:** 5 – 28 November 2025.
- (b) **Key Activities:**
 - (i) Official briefing by the Organising Committee on the procedures of the main stage of the Model and random draw for States representation: each team will be assigned by lot to represent a BRICS/BRICS partner State that is not that team's home country.
 - (ii) After the distribution of BRICS/BRICS partner States for representation by teams at the main stage of the Model, teams are advised to make in-depth research about the principles, standards and practices for protecting foreign investment in the BRICS/BRICS partner State assigned to the team.
 - (iii) Training sessions from leading experts (academics, practitioners, government officials): an overview of the strategies on protection of foreign investments in BRICS/BRICS partner States; negotiation techniques and diplomatic protocol.
- (c) **Participation:** Each online session is mandatory for all teams to attend — at least one team member should participate in the session.

3.3. Main Stage (In-Person, Moscow)

- (a) **Timeframe:** 1 – 3 December 2025.
- (b) **Venue:** Faculty of Law, HSE University, Moscow. The Model will operate in the following locations: Committees work areas, informal meeting room (the ‘break-out room’ equipped with computers), the room for the Judges and secretariat, and the conference hall.

Rule 4: The Main Stage – Procedural Framework

4.1. Committees

The substantive negotiations will be conducted within 6 (six) Committees, each focused on a key component of the TOR:

- (a) **Committee I:** Scope of the IIA. Definitions of "Investment" and "Investor".
- (b) **Committee II:** Market Access and Treatment.
- (c) **Committee III:** Settlement of Disputes.
- (d) **Committee IV:** Expropriation and Compensation.
- (e) **Committee V:** General and Security Exceptions.
- (f) **Committee VI:** Obligations of the Investor.

To ensure a more effective and intensive negotiation process, the draft TOR will be prepared by the Organizing Committee. During the work of each Committee, the TOR section corresponding to the Committee's profile will be projected on the screen in the Committee work area. The task of the teams will therefore be to present the position of the designated BRICS/BRICS partner State, find common ground with the positions of other States, and arrive at a formulation of the TOR provision that, on the one hand, will be accepted by a majority of the teams' votes, on the other hand, will best correspond to the national position of each team as a participant in the Model.

4.2. Timeframe

The Committees work sequentially according to the following schedule:

- (a) 1 December 2025: Committees I and II;
- (b) 2 December 2025: Committees III, IV and V; and
- (c) 3 December 2025: Committee VI.

The working time of each Committee is 3 (three) astronomical hours (with the possibility of one break of no more than 10 (ten) minutes at the decision of the Moderator).

4.3. Rotation and Representation

Each team is expected to actively participate in all six Committees. Teams are responsible for presenting and defending their assigned BRICS/BRICS partner State's position in every Committee.

4.4. Assessment. Judges, Moderator and Secretaries

- (a) In addition to the teams, the following persons participate in the work of each Committee:

- (i) three Judges from among leading experts in the field of investment protection and negotiations on international agreements. One of the Judges performs the functions of Moderator;
 - (ii) at least two Technical Secretaries; and
 - (iii) an Auditor.
- (b) The task of the Judges is to evaluate opening statements of the teams, as well as the participation of individual team members in the negotiation process. Judges record the scores of teams and individual participants on a scoresheet, the form of which is attached to these Rules (Appendix 1).
 - (c) The Moderator gives the floor to teams and individual participants, announces issues on which there are differences in the positions of teams, gives forth transition to the break-out room and determines the time of work in the break-out room, and otherwise manages the work of the Committee.
 - (d) The Technical Secretaries record the negotiation process and the positions of the teams, as well as provide technical assistance to the teams during the discussion and voting on the provisions of the TOR.
 - (e) The Auditor receives score sheets from the Judges and calculates the scores of each team and individual participants.
 - (f) Within the work of each Committee delegates may raise a 'Point of Order' to indicate a procedural error, or a 'Point of Inquiry' to ask the Moderator for clarification on the Rules. Technical Secretaries reflect the raised Points of Order and Points of Inquiry in the minutes of the Committee session.

4.5. The Negotiation Process

- (a) **Opening statements:** Each Committee will begin with opening statements from each team in according with the following procedure:
 - (i) Teams perform in alphabetical order according to the names of the BRICS/BRICS partner States they represent, in accordance with the Latin alphabet.
 - (ii) In the opening statement, the team outlines the approach of the represented BRICS/BRICS partner State to the issue the relevant Committee is working on.
 - (iii) Each team is given up to 6 (six) minutes for the opening statement.
- (b) **Assessment of opening statements:** Each Judge, including the Moderator, assesses the opening statement of each team. The team receives a general score for the opening statement. The maximum score the Judge can give a team for an opening statement is 10 (ten) points.

- (c) Based on the opening statements, the Moderator announces the issues on which discrepancies in the teams' positions have been identified and which require negotiations so that the relevant TOR provision can be put to a vote.
- (d) **Discussion of contentious issues; break-out rooms:** Teams discuss contentious issues in the Committee work area. At any time during the Committee's work, at the request of any team or by his/her decision, the Moderator may allow the discussion to continue in the informal negotiation room (the 'break-out room') and announce a time for discussion in the break-out room:
 - (i) In this case, each team may choose to remain in the general Committee work area or join the discussion in the break-out room. Splitting team members into different locations is not permitted.
 - (ii) If negotiations are opened in the break-out room, one of the Judges who is not the Moderator, as well as one of the Technical Secretaries, will also move there.
 - (iii) Teams are required to return to the general Committee work area no later than the time specified by the Moderator.
- (e) After returning to the Committee work area, the team which initiated discussion in the break-out room presents to the other teams the TOR provision they discussed in the break-out room and also submits the corresponding provision in electronic written form to the Technical Secretary.
- (f) Following the presentation of TOR provision discussed in the break-out room, each team is given up to 3 (three) minutes for the remark on the proposed provision. Teams give their remarks in alphabetical order according to the names of the BRICS/BRICS partner States they represent, in accordance with the Latin alphabet. A team may choose not to give remarks on the proposal.
- (g) Once all teams have presented their positions, the Moderator announces that the relevant issue will be put to a vote. A proposal is considered adopted if a simple majority of teams votes in favor. In the event of a tie, the proposal is not considered adopted. If a proposal is adopted by a majority vote, it is included in the TOR with the States that voted against it indicated in parentheses.
- (h) **Assessment of negotiations:** Each Judge, including the Moderator, assesses participation of the team members in the negotiations, either in the general Committee work area, or in the break-out room. Team members receive individual scores for participation in the negotiations. The maximum score the Judge can give a team member for negotiations is 10 (ten) points for each Committee session.
- (i) **Identity of team members:** Nationality, university, country of residence and study of the team members are not disclosed to the Judges; only names of the participants and the BRICS/BRICS partner State which they represent shall be indicated.

4.6. Coaches

Team coaches may participate in Committee meetings as observers and be present both in the general Committee work area and in the break-out room. Coaches are prohibited from communicating with team members during Committee meetings.

Rule 5: Adoption of the Final TOR

The final consolidated TOR document will be presented by the Organising Committee after the completion of the work of all six Committees. The TOR should be adopted by a **two-thirds (2/3) majority** of all the teams in a final plenary session.

Rule 6: Assessment and Awards

6.1. Assessment of Teams

The final score of each team is made up of scores for the following elements:

- (a) a score for the written assignment (memorandum) submitted at the Qualifying Stage – maximum of 10 (ten) points;
- (b) a score for the opening statement at the Main Stage – maximum of 10 (ten) points for each Committee;
- (c) a score for the oral remarks within the Committees' work – maximum of 5 (five) points for each Committee; and
- (d) an average score of the team members for participation in the negotiating process – maximum 10 (ten) points for each Committee.

The scores of teams and team members, as well as overall results, are revealed at the closing of the Model.

6.2. Individual Assessment of Teams Members

In addition to giving scores to each team, the Judges assess individual performance of active team members and give individual scores for participation in the negotiation in the general Committee working area and the break-out room (if this is the case) - maximum of 10 (ten) points individually to a team member in each of the six Committees sessions.

6.3. Assessment Criteria

Assessment of the team and individual performance is based on the following criteria:

- (a) **Knowledge of international investment law:** depth of legal understanding, knowledge of relevant case law;

- (b) **Knowledge of position:** depth of the awareness of the represented BRICS/BRICS partner State's approach to the foreign investment protection;
- (c) **Negotiation skill:** ability to build alliances, compromise, and advance the represented State's interests;
- (d) **Diplomatic conduct:** adherence to protocol, respect for other delegations, and persuasive public speaking; and
- (e) **Quality of written submissions:** clarity, legal soundness, and strategic value of proposed provisions.

6.4. Awards

The following prizes will be awarded:

- the best team (1-5 places)
- the best oralists (1-5 places)
- the best memorandum (1-5 places).

Special prizes to the best negotiators will be awarded by partner of the Model – the law firm Brevia Law Offices. Another prizes can be awarded by other partners of the Model.

Rule 7: Logistics and Code of Conduct

7.1. Financial Conditions

HSE University will cover hotel accommodation and meals for delegates during the official Main Stage dates. Travel expenses to and from Moscow are the responsibility of the participants' home universities or through private funding. Brevia Law Offices provides a need-based financial aid for foreign teams participating in BRICS Lex Model. The financial aid is intended to support eligible teams by covering travel expenses up to USD 2,000. The teams wishing to apply are invited to contact the BRICS Lex Model organizing committee at vrusinova@hse.ru and BRICS_LS_Consortium@hse.ru by 1 November 2025. Applicants should include a letter explaining the team's financial circumstances and providing justification for the request.

7.2. Code of Conduct

All delegates are expected to maintain the highest standards of professional and ethical behavior, respecting the diversity of opinions and the diplomatic nature of the proceedings. The Organising Committee reserves the right to take appropriate action in case of any misconduct.

Appendix 1

Forms of scoresheets

TEAM ASSESSMENT SCORESHEET	
Judge Name: _____	Team Number/State: _____
Committee: _____	
Score for the OPENING STATEMENT: _____ (1 to 10)	
Score for the ORAL REMARKS within the Committee work: _____ (0 to 5)	
TOTAL SCORE FOR THE COMMITTEE SESSION: _____ (1 to 15)	
Signature: _____	
Criteria:	
Knowledge of international investment law: depth of legal understanding, knowledge of relevant case law;	
Knowledge of position: depth of the awareness of the represented BRICS/BRICS partner State's approach to the foreign investment protection;	
Diplomatic conduct: adherence to protocol, respect for other delegations, and persuasive public speaking;	
Organization and time management: clearly following of a logical roadmap, spending sufficient time on each principal issue, while maintaining an effective tempo.	

TEAM MEMBER SCORESHEET	
Judge Name: _____	Team Member Name/State: _____
Committee: _____	
Score for the PARTICIPATION IN THE NEGOTIATING PROCESS: _____ (1 to 10)	
Signature: _____	
Criteria:	
Knowledge of international investment law: depth of legal understanding, knowledge of relevant case law;	
Knowledge of position: depth of the awareness of the represented BRICS/BRICS partner State's approach to the foreign investment protection;	
Diplomatic conduct: adherence to protocol, respect for other delegations, and persuasive public speaking;	
Negotiation skill: ability to build alliances, compromise, and advance the represented State's interests.	

WRITTEN ASSESSMENT SCORESHEET			
Team Number/State: _____			
Score of Expert # 1	Score of Expert # 2	Score of Expert # 3	Average Score
Assessment instructions:			
<p>Written assignment (memorandum) should be assessed based on the “Problem for the 2025 BRICS Lex Model” deposited on the official website of the Model: https://pravo.hse.ru/inter/brics_consortium/brics_lex_model/. While assessing a memorandum, its clarity, legal soundness, and strategic value of proposed provisions shall be addressed.</p>			
Commentaries of the Organising Committee members:			