

Law of the sea Moot Court Competition

(LOS-MCC)

The Rules

Preface

*The International Tribunal for the Law of the Sea (ITLOS) is an independent judicial body established by **the United Nations Convention on the Law of the Sea**(UNCLOS) to adjudicate disputes arising out of the interpretation and application of the Convention.*

The Tribunal is open to States Parties to the Convention and, in certain cases, to entities other than States Parties (such as international organizations and natural or legal persons).

*The **jurisdiction** of the Tribunal comprises all disputes submitted to it in accordance with the Convention. It also extends to all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal. To date, twelve multilateral agreements have been concluded which confer jurisdiction on the Tribunal.*

*Unless the parties otherwise agree, the jurisdiction of the Tribunal is mandatory in cases relating to the **prompt release** of vessels and crews under article 292 of the Convention and to **provisional measures** pending the constitution of an arbitral tribunal under article 290, paragraph 5, of the Convention.*

*Disputes before the Tribunal are instituted either by **written***

application or by **notification of a special agreement**. The procedure to be followed for the conduct of cases submitted to the Tribunal is defined in its Statute and Rules.

Association of Boundary and Ocean Studies (hereafter referred to as ABOS) is a university-level academic association under the guidance of Wuhan University China Institute of Boundary and Ocean Studies. With Prof. Kong Lingjie (孔令杰) as adviser, ABOS is committed to researches on maritime and land border disputes, “one belt and one road” policy, governance of polar areas, World War II and Post-War international new order, as well as basic theories of international law. ABOS aims at popularizing relevant knowledge of international law, providing a platform for all students of WHU to communicate and study together and offering policy advices for relevant national departments. Regular activities held by ABOS includes reading workshops, academic salons, thesis seminars and alumni fora. Previous and upcoming major events include the Knowledge Contest for the Law of the Sea and the Law of the Sea Moot Court Competition.

The Law of the Sea Moot Court Competition (LOS-MCC) is the annually held international moot court competition owned by the ABOS.

In the view of these goals, ABOS sees the need to support and enhance the development of the study and practice of the law of the sea. The competition seeks to educate law students to develop their legal- and

oral presentation skills and to educate the lawyers of the future in the area of the law of the sea. The competition attempts for greater involvement of experts on law of the sea from legal academia, International Tribunal for the Law of the Sea and Ministry of Foreign Affairs.

In that regard, ABOS has set out the following Rules:

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Abbreviations

ABOS	Association of Boundary and Ocean Studies
CIBOS	China Institute of Boundary and Ocean Studies
CICTSMR	Collaborative Innovation Center for Territorial Sovereignty and Maritime Rights
ITLOS	International Tribunal for the Law of the Sea
LOS-MCC	Law of the Sea Moot Court Competition
OP	Oral Pleading(s)
WS	Written Submission(s)
UNCLOS	United Nations Convention on the Law of the Sea

A. Organization and Structure

1. Organization of the Competition

1.1 As the competition is organized by ABOS, ABOS has the overall responsibility of the organization of the competition. The CIBOS offers technical and academic support.

1.2 The President for the competition, acting on behalf of ABOS shall be the Head of organization of the competition and in this role the person responsible overall for the competition.

1.3 The Academic Board of the ABOS shall be in charge of ensuring the high quality of the competition. Their responsibilities include, but are not limited to, the following:

- 1) Assisting in developing the Rules, the scoring and making guidelines and score sheets as well as advising ABOS on the appointment of the case author and the topic of the case of the competition;
- 2) Selecting judges for scoring the WS, and for the OP.

1.4 ABOS has the right to develop, and interpret the existing rules as well as issue additional rules and updates which will be applicable immediately. These come into force once they are published on the website.

1.5 ABOS will define a timeline for the competition which will be binding.

1.6 ABOS owns the intellectual property rights of all the documents of the competition.

2. Structure of the Competition

2.1 The competition will be entirely held in the English language.

2.2 The competition has three stages: Preliminary Rounds, Semi-Finals and the Grand Final.

2.3 ABOS will publish the date and venue of each stage of the competition.

2.4 The Semi-Final Round will be held as follows:

- 1) The four best teams from the Preliminary Round will qualify for the Semi-Final Rounds.
- 2) In Semi-Final #1 the Team with the highest (1st) Overall Score will plead against the Team with the fourth (4th) highest Overall Score.
- 3) In Semi-Final #2 the Team with the second (2nd) Overall Score will plead against the Team with the third (3rd) highest Overall Score.
- 4) The winning teams of each Semi-Final Round will advance to the Grand Final.

3. The Tribunal and Judges

3.1 The Tribunal for each round of competition consists of experts on law of the sea appointed by ABOS in cooperation with CICTSMR and

CIBOS, willing to be active at the hearings. These individuals are referred to as judges. The judges shall not provide support or advice of any kind to any participating team or any coach before, during or after the competition commences. Teams receiving support or advice from a judge will be disqualified.

3.2 A maximum of two judges will examine and score the WS according to certain scoring and making guidelines.

3.3 The Tribunal shall consist of the following:

in the preliminary rounds three (3) judges

in the semi-finals three (3) judges

and in the Grand Final five (5) judges

3.4 Timekeepers are responsible for recording the time used by the Teams, and any extensions awarded by the President of each tribunal. Timekeepers will notify the time remaining for every individual Oralist, including extension times, to the both teams.

3.5 The judges shall ask questions from the teams at any time during the OP.

3.6 A person who discloses or who is considered to have a conflict of interest shall not be selected to be a Judge, if the team that gave rise to the conflict is competing. However, in a round in which the team that caused the conflict to arise is eliminated, that person may, after elimination, serve as a judge.

3.7 A “conflict of interest” means an affiliation which would, in the eye of a reasonable observer, create an inference that the affiliated judge would be unable to be impartial as to the conduct or result of any Round. Affiliation means a personal or professional relationship between a judge and a school, coach, or Team member that is participating in the competition in which the judge is participating.

3.8 Conflicts of interest DO NOT appear when:

- 1) the judge knows one or both coaches, either because of professional or personal affiliation, prior participation in the competition, or other reasons;
- 2) the judge is an alumnus of one of the schools participating in the OP;
- 3) the judge is an employee of one of the schools participating in the OP where such employment is sufficiently remote from the activities of the Teams as to dispel any reasonable suspicion of partiality;
- 4) the judge is from the same province (or city) as a team that he/she is scoring.

B. The Competition

1. Team Composition

- 1.1 In order to take part in the competition, a team must be from a university. If the university has a campus in another area, this is allowed to enter as well.
- 1.2 There shall only be ONE team per university since the team will be representing it. And all team members must be from the same university. If more than one team per university will register, the university shall select the participating team.
- 1.3 Each Team is allowed to register maximum two coaches.
- 1.4 The team shall consist of 3-6 students and they must be enrolled in the same university. Students being on exchange in another country are eligible to participate under the foreign university. The teams shall submit their team composition via the Registration Form.
- 1.5 Although the students must do all the research of the written memoranda themselves – without assistance from anyone who is not a student member of the team – faculty, advisors, and coaches may help identify the issues, comments on the persuasiveness of the arguments the students have made in drafts and, when necessary, suggest other arguments the students might consider employing, as well as assist in linguistics matters. However, the final product must be the students' – not the coaches'. Teams not

obeying this rule will be disqualified.

1.6 Students involved in any of the following points will be excluded or disqualified:

- 1) The student is involved in the current organization of the competition;
- 2) The student is not enrolled in the university;
- 3) Students who have been/are engaged in the practice of law. The practice of law implies a significant amount of professional activity in functions such as judge, advocate lawyer, attorney, barrister, solicitor, notary bailiff, or corporate legal officer. Practice of law entails activities such as pleadings before domestic or international courts, arbitral tribunals or other dispute resolution institutions, including those with a mediation or conciliation function. One, but not the sole indication of activities relevant for this rule is that the activity at issue is normally undertaken only by admitted legal practitioners, even if it can technically also be performed by non-admitted legal practitioners.
- 4) Student employment during holiday periods that is typically undertaken by law students (such as internships of up to 3 months of duration in law firms and other legal institutions) shall normally not be regarded as having been or engaging in

the practice of law. However, teams should consult the ABOS representative in case of any doubts, in particular in cases of professional activities outside of holiday periods, so as to avoid subsequent disqualification.

1.7 A student who is engaged in any activity is not subject to such Rules if the activity occurs after the commencement of OP date listed in the Timeline.

1.8 Students or team coaches/administrators may apply for an exemption from the aforementioned rules by email to ABOS before the stated registration deadline.

1.9 Team members and team coaches are prohibited from engaging in communication with a judge on the issues of the Case before the end of the Final Oral Round.

2. Registration

2.1 Teams have to fill in a team **Registration Form** before the beginning of actual pleading rounds in order to be fully registered to the competition. ABOS will provide the teams with a confirmation of their registration.

2.2 Once the team has filled in the registration form, the team composition shall not be changed after the registration deadline. However, ABOS may consider such a change in exceptional circumstances if an email has been sent with detailed request.

2.3 The team composition does not include the team Coach(es).

3. Team Identification and Anonymity Rule

3.1 After submitting the registration form, ABOS will issue a team number. All communication must be made in reference to this team number.

3.2 According to the anonymity rule, the judges shall not be aware of any details or information regarding the registered teams' universities. Coaches and teams should be careful not to disclose their identities or that of their schools to the judges. Ex parte communications between coaches/teams and judges are not encouraged.

3.3 In this regard, teams and team coaches are prohibited to disclose the aforementioned information. They are only allowed to reveal their team numbers to the tribunal.

3.4 For breaches of the Anonymity Rule that occur in or outside the OP session, the penalty will be at the discretion of the ABOS.

4. The Case and the Timeline

4.1 The competition will be launched after the Case has been published on the website according to the timeline. The same Case has to be used throughout the whole period of the competition.

4.2 ABOS will issue a timeline which is binding in accordance with these rules. The timeline will be published on the website.

4.3 Teams may submit a maximum of six (6) clarification questions to the case within the indicated clarification deadline.

5. The Written Submissions

5.1 Registered teams must send one Written Submission for the Applicant and one Written Submission for the Respondent (two separate Written Submissions in total). [Guidelines for WS](#) can be found in Appendix C on the website.

5.2 The WS have to be submitted as electronic copies only in word document format. The “protect document” function may be used. The title of this electronic document shall include the party and team number. (e.g. LOS-MCC_Team001_ApplicantWS_2017.doc)

5.3 If a team does not send in their WS within the deadline, penalty points will be given. If they are not sent in maximum four (4) days after the deadline, the team will be disqualified.

5.4 Any modification of the WS after submitting them to ABOS is not permitted.

5.5 ABOS will own the copyright on the WS after submitted.

5.6 The Academic Board and ABOS will in cooperation with the selected judges score and overview the WS. Each of the WS shall be assessed by a maximum of two(2) judges.

5.7 The WS will be scored on the following criteria:

- 1) Analysis of the legal issues, 60%;

2) Argumentation and writing style, 40%.

5.8 The maximum score is fifty (50) points per WS.

5.9 50% of the total scores of both WS will be used for the team ranking.

5.10 The penalty system can be found in Appendix E.

5.11 The final scores will be published after the Final Oral Round has been concluded.

6. The Oral Pleadings

6.1 Each team shall present their oral arguments for the Applicant and the Respondent. The pleadings may be held in sitting.

6.2 The President of the ABOS shall establish the pairings for the Preliminary Round by a random draw. The President of the ABOS may modify this random draw to ensure competitive diversity and balance.

6.3 Each team is granted a total thirty (30) minutes, during which they present their main oral pleading and address the questions asked by the Tribunal. The Team Appearance is not included. In addition, each team is granted five(5) minutes to present their rebuttal/sur-rebuttal.

6.4 An Applicant Oralist may ask for an extension at the end of his/her pleading time. The President of the Tribunal will decide whether to award an extension, in consultation with the other judges. The respondent Team has a right to ask for any extension time awarded

to the Applicant Team. This time will NOT be automatically awarded to the Respondent Team but only upon request at the end of a Respondent Oralists' allocated time. This extension time can be freely divided between the Respondent Oralists. If all the extended time is used up, Respondent Oralists are not entitled to any other extensions.

6.5 Only two (2) of team members shall present the main oral pleadings.

One (1) team member shall be the researcher, who shall not speak during the OP.

6.6 The team captain shall introduce all the team members and the nominated Oralists within the Team Appearance. This time is not included in the main oral pleading time. However, this should not exceed more than three (3) minutes.

6.7 Only the nominated Oralists may answer questions from the Tribunal during the OP. This needs to be done during the allocated speaking time.

6.8 The order of the presentations during the OP can be found in the guidelines for the OP on the website. The [Guidelines for OP](#) can be found in Appendix D.

6.9 The teams will be ranked according to the total score of their OP (50%) and their WS (50%) in the Preliminary Rounds.

6.10 In case of a tie in the ranking, the average score of the WS will be

essential.

6.11 The score of the OP will be made on the following criteria each counting for 50%:

(1) Legal Analysis

(2) Argumentation and Style

6.12 The maximum score is 50 points (1-5 poor, 6-10 fair, 11-15 good, 16-20 very good, 21-25 excellent; for each criteria).

6.13 During the preliminary rounds, only the Tribunal and other judges, the timekeepers, the presenting teams, the team coaches and ABOS are allowed to take part. The Semi-Finals and the Grand Final are open to the public.

6.14 Teams shall not present any visual aids or presentations or documents, treaties, other legislation, amicus curia briefs, hand-outs to the other teams and the Tribunal.

6.15 Teams may use one (1) device for the inquiry of information only. One (1) additional device may be used for timekeeping. The use of internet is not allowed. Recording of notes on the laptops, during the OP is prohibited. The Tribunal has the right to issue penalty points in case of disturbance due to the use of the laptop.

7. Awards

7.1 The following awards will be given to the teams:

1) The champion.

- 2) The Runner-up.
- 3) The 2nd Runner-up.
- 4) The Best Overall Written Submission (combined scores of the Applicant and Respondent WS as well as the penalty points).
- 5) The Best Applicant's Written Submission.
- 6) The Best Respondent's Written Submission.
- 7) The Best Oralist of the Applicant.
- 8) The Best Oralist of the Respondent.
- 9) The Best Coach.

C. Appendixes

The Appendixes are an addition to the official rules and thus, binding.

Appendix A – Competition Timeline

Appendix B – Written Submission Cover Example

Appendix C – Guidelines for Written Submissions

Appendix D – Guidelines for Oral Pleadings

Appendix E – The Penalty System

Association of Boundary and Ocean Studies, 2017