



THE GENERAL RULES OF

China International Law of the Sea
Moot Court Competition of 2021

2021

PREAMBLE

The Association of Boundary and Ocean Studies (ABOS) launched and has been operating China International Law of the Sea Moot Court Competition since 2017, in order to provide a platform for college students to exchange views on fascinating issues of the law of the sea.

To ensure openness, fairness and transparency of the Competition, ABOS adopted the following General Rules.

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DEFINITIONS

The following terms as used in these Rules have the corresponding meanings.

“Competition” means the 2021 China International of the Sea Moot Court Competition.

“Competition Year” means the period starting on the date of the release of the Competition case and ending at the conclusion of the Grand Final.

“The President” means the President of ABOS.

“Preliminary Rounds” means a set of Pleadings which form the first stage of the whole Competition where each Team competes against two other Teams, once as Applicant and once as Respondent.

“The Semi-Finals” means a set of Pleadings which form the second stage of the whole Competition where each Team competes against two other Teams, once as Applicant and once as Respondent.

“The Grand Final” means a set of Pleadings which occurs after the Semi-Finals, among Teams who win in the Semi-Finals.

“Round(s)” means Preliminary Rounds as the context dictates.

“Rules” means these Official Rules of the Competition.

“Team” means a team of eligible students recognized by the Academic Board of ABOS that registers to compete in the Competition.

“Team Member” means any eligible student who is registered as a competitor on behalf of a Team.

ABBREVIATIONS

ABOS	Association of Boundary and Ocean Studies
CIBOS	China Institute of Boundary and Ocean Studies
CSLOS	Chinese Society of the Law of the Sea
ITLOS	International Tribunal for the Law of the Sea
CHINA ILOS MCC	China International 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

RULE 1: ORGANIZATION OF THE COMPETITION

1.1 Administration

The Competition is organized annually by the Association of Boundary and Ocean Studies (ABOS), a students' academic association at Wuhan University. It is sponsored by the Wuhan University China Institute of Boundary and Ocean Studies (CIBOS) and the Chinese Society of the Law of the Sea (CSLOS), which provide necessary guidance and academic support. All materials developed by ABOS for the Competition, including - but not limited to - the Official Rules and the cases, are the sole property of ABOS. These materials may not be reproduced for any purpose other than participation in or administration of the Competition without the express and prior written consent of ABOS. All the Written Submissions submitted by the teams become the sole property of ABOS, and may not be republished without its express consent.

1.2 Structure of the Competition

The 2021 Competition consists of three stages: (a) Preliminary Rounds, (b) Semi-Finals, and (c) the Grand Final.

1.3 Organization of Preliminary Rounds, Semi-Finals, and the Grand Final

(a) Where more than 16 Teams have registered, only 16 Teams will be selected to advance to the Preliminary Rounds according to the Written Submission's score ranking. The President of ABOS shall establish the pairings for the Preliminary Round by a random draw.

(b) Before the Oral Pleading, the ABOS will exchange the Written Submission between the Applicant and Respondent in a reasonable manner.

(c) If a Team believes that an infraction of the Rules or an unfair treatment has

occurred during the Oral Pleading, the Team may submit a written complaint to the ABOS within 15 minutes after the Oral Pleading. The written complaint shall clearly state the alleged violation and the parties involved. After all the Preliminary Rounds are completed, ABOS will publish the Preliminary Round Score. Each Team may request a further clarification about the score calculation within 1 hour. The result is final and binding.

(d) The ranking of the Teams in the Preliminary Round shall be determined by the overall score that a Team gets in the Preliminary Round. A Team's overall score in the Preliminary Round comprises its WS score and OP score in the Preliminary Round, each of which accounts for fifty percent (50%) of the overall score. In case of a tie, the Team with a higher average score of OP shall prevail.

(e) The Semi-Final Round will be held as follows:

i) The top four (4) Teams in the ranking of Teams in the Preliminary Round shall qualify for the Semi-Finals.

ii) In Semi-Final #1 the Team with the highest (1st) Overall Score will plead against the Team with the fourth (4th) Overall Score.

iii) In Semi-Final #2 the Team with the second (2nd) Overall Score will plead against the Team with the third (3rd) Overall Score.

iv) Before the OP, who represents for the Applicant or the Respondent will be determined by drawing lots.

v) According to the four Teams' performance in the Semi-Final Round, the best Applicant and the best Respondent will advance to the Grand Final. In the Grand Final, the best Applicant will argue Applicant, and the best

Respondent will argue Respondent.

1.4 Organization of Rounds

Adjustments will be made in accordance with the COVID-19 prevention and control measures taken by the Chinese government if necessary.

1.5 The Academic Board of ABOS

(a) The President and certain members of ABOS are designated to constitute the Academic Board of ABOS. Its responsibilities include, but are not limited to, the following:

(i) 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.

(ii) Selecting judges for scoring the WS and the OP.

(b) ABOS has the right to interpret the existing rules.

(c) ABOS has the right to promulgate any other measures for the orderly conduct of the Competition or to correct deficiencies in the Competition.

RULE 2: PARTICIPATION AND ELIGIBILITY

2.1 Institutional/Team Eligibility

(a) Any university offering a degree in law is eligible to participate in the Competition.

(b) Only one Team per university can register and participate.

2.2 Team Composition

(a) The Team shall consist of 3 to 6 full-time undergraduate or postgraduate students and they must be enrolled at the same university. The Teams shall submit their Team composition via the Registration Form.

(b) Each Team can register a maximum of four oralists.

(c) Participating institutions and individuals are not permitted to use the current year's case for any purpose other than participating in the CHINA ILOSMCC, including, but not limited to, conducting an internal moot court competition and/or CHINA ILOSMCC Team try-outs. Teams and/or individuals associated with institutions that violate this Rule may be disqualified from the Competition, and institutions violating it may be declared ineligible to participate in the future.

2.3 Team Member Eligibility

Students having any of the following situations are not eligible:

- i) The student is involved in the current organization of the Competition.
- ii) Students who have enrolled in a program of study leading to an advanced post-graduate degree in a legal field (e.g., Ph.D., D.Phil., J.S.D.).
- iii) 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.
- iv) 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, especially in cases of professional activities outside of holiday periods, to avoid subsequent disqualification.

2.4 Team Selection Process

Team Members may be chosen by any method approved by the responsible authority within the institution.

2.5 Outside Assistance to Teams

Each Team must produce its own legal and factual arguments without the assistance of persons who are not Team Members.

2.6 Assistance from Team Coaches

(a) A Team shall have a maximum number of two (2) Team Coaches to prepare the Team to participate fairly in the Competition.

(b) Team Coaches may offer advice to a Team, provided such advice is limited to:

- i) general instruction on the basic principles of international law;
- ii) general advice on research sources and methods;
- iii) general advice on Submissions writing techniques;
- iv) general advice on oral advocacy techniques;
- v) general advice on the organization and structure of arguments in the Team's written and oral pleadings;
- vi) general commentary on the quality of the Team's legal and factual arguments;

- vii) advice on the interpretation and enforcement of these Rules;
- viii) advice as to pleading options or similar strategic decisions.

2.7 Assistance from Other Teams

Team Members and Team Coaches from any Team, including Teams that have been eliminated from the Competition, may not provide assistance in any way to any other Team. Prohibited assistance includes, but is not limited to, the following: giving the Team's notes or Submissions to a Team still in the Competition; posting the Team's Submissions online so that a person who is not a registered Team Member or registered Team Coach may access them; engaging in practice Moots against a participating Team; and providing video or audio recordings of previous Moots, whether practice Moots or Competition Moots, to a Team still in the Competition.

2.8 Draft Written Submissions

Before Written Submissions are submitted, Teams may not distribute their WS to anyone who is not a registered Team Member or a registered Team Coaches. Registered Team Coaches may provide feedback on WS at any time provided they abide by the provisions of Rule 2.7.

2.9 Corrections and Clarifications

- (a) Teams may request clarifications by submitting written clarification questions to ABOS before May 31, 2021. ABOS will issue a written document with clarifications before the deadline as indicated in the Official Timeline.
- (b) ABOS will not reply to questions already answered in the General Rules.
- (c) Any requirement for clarification should be raised within the stipulated time limit. Otherwise Teams will be deemed to have accepted all arrangements of the

committee.

2.10 Anonymity of Teams

(a) According to the anonymity rule, the Judges shall not attempt to ascertain the school or country of origin of any Team during a Round. Team Members and Coaches shall not disclose their affiliations to the Judges. They are only allowed to reveal their Team numbers to the tribunal. Ex parte communications between Team Members/Coaches and Judges are not encouraged.

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

RULE 3: TEAM REGISTRATION

3.1 Team Registration

(a) Each Team must register with the ABOS by completing a registration form online at <https://www.cibos.whu.edu.cn> by the deadline as mentioned in the Official Timeline. Each Team must provide a valid email address at registration. ABOS will provide the Teams with a confirmation of their registration. Notice sent to the registered email address for the Team constitutes notice to all Team Members.

(b) All Team Members and Coaches are expected to regularly check the Official Website of the Competition for updated information and are assumed to have done so. A team may not complain about rules or information that is already changed or updated on the Official Website.

3.2 Team Member Registration

(a) Every student who contributes to the work product of the Team, at any point in the CHINA ILOSMCC session, must be registered as a Team Member and

counted toward the maximum of six Team Members that constitute that Team. Conducting research for a Team's oral and/or written arguments, writing any part of a Team's Written Submissions, and presenting any of a Team's oral arguments are examples of activities that contribute to a Team's work product.

(b) Each registered Team Member should be identified as oralists or researchers and cannot change after the registration deadline in the Official Timeline.

(c) It is the responsibility of the Team to ensure that students are eligible under the provisions of Rule 2.3.

3.3 Team Coach Registration

Team Coaches must be registered by completing the online registration form located under the "Profile" link on the Official Website by the registration deadline in the Official Timeline.

3.4 Team Number as Identification

Once a Team has completed registration, ABOS will issue an official Team Number. All communication must be made in reference to this Team Number.

3.5 Changes to Registration Information

Once the Team has completed registration, Teams may not make any changes, whether additions or substitutions, including to contact and mailing information, without permission from ABOS. Any request to make a change must be submitted to losmcc@163.com with an explanation of the reason for the requested change. Substitution of a Team member is permitted up to three weeks before the start of OP date only with the written permission of ABOS by official email or online notice.

RULE 4: JUDGES AND ELIGIBILITY TO JUDGE

4.1 Determination of Eligibility

The Tribunal for each round of the Competition is composed of Judges being experts and practitioners on the law of the sea and related fields, appointed by ABOS in cooperation with CIBOS.

4.2 The Tribunal and Judges

(a) Judges will review and score the WS together under certain scoring and marking guidelines.

(b) The Tribunal shall consist of the following:

(i) in the preliminary rounds three (3) Judges;

(ii) in the semi-finals five (5) Judges;

(iii) in the Grand Final five (5) Judges.

(c) Judges shall not provide support or advice of any participating Team or any Coach before, during or after the Competition. Teams receiving support or advice from a Judge will be said disqualified.

(d) Judges shall not communicate with the Team Members or Coaches on the issues of the case before OP.

(e) Judges shall not reveal the contents or scores of WS to Team Members or Coaches.

4.3 Judge Conflicts of Interest

(a) 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.

(b) An “Affiliation” means a personal relationship between a judge and a Coach,

or Team Member who is participating in the Competition in which the Judge is participating.

(c) 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 is eliminated, that person may, after elimination, serve as a Judge.

(d) It is the duty of a Judge to report any Affiliations at the time he or she registers to Judge or subsequently, directly to the Administrator in advance of the Moot. The Administrator shall investigate any reported Affiliation (whether self-reported by a judge or otherwise) and shall determine whether such Affiliation constitutes a Conflict of interest.

(e) Conflicts of interest DO NOT necessarily appear when:

(i) the Judge knows one or both Coaches, either because of professional or personal affiliation, prior to participation in the Competition, or other reasons;

(ii) the Judge is an alumnus of one of the schools participating in the OP;

(iii) 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;

(iv) the Judge is from the same province (or city) as a Team that he/she is scoring.

4.4 Comments by Judges

Judges are encouraged to provide direct feedback to Teams regarding their performance at the end of an Oral Round. In providing such feedback, Judges

are encouraged to give due regard to the time limitations and schedule of the Competition and must abide by the following: in the Oral Rounds, Judges may not provide any feedback that would reveal the scores given to individual Oralists, or the results of the Round.

RULE 5: WRITTEN SUBMISSIONS

5.1 General

(a) 50% of the total scores of both written submissions will count towards the Overall Team Score at the conclusion of the Preliminary Rounds of the Oral Pleading Rounds.

(b) The WS will be scored on the following criteria:

- i) Analysis of the legal issues, 60%;
- ii) Argumentation and writing style, 40%.

(c) The maximum number of points that a Team can score for the Submissions is one-hundred (100): 50 points for the Submission on behalf of the Applicant and 50 points for the Submission on behalf of the Respondent.

5.2 Submissions of Applicant and Respondent

(a) Each Team participating in the Competition must prepare one Written Submission for the Applicant and one Written Submission for the Respondent.

(b) Each Team must submit its written submissions to the Association of Boundary and Ocean Studies (ABOS) via its E-mail: losmcc@163.com, no later than 23:59 (12:59 p.m.) Chinese Standard Time, on the date specified in the Appendix A.

(c) ABOS may assess a discretionary penalty if a Team fails to timely e-mail its written submissions to the ABOS. If they are not sent in maximum four (4) days

after the deadline, the Team will be disqualified.

(d) Any modification of the WS after submitting them to ABOS is not permitted.

(e) Equipment failure or problems will not be considered an excuse for improper formatting or late submission of written submissions.

5.3 Form Requirements

(a) File Type: All parts of each Written Submission must be contained in a single file. Written Submissions must be submitted as electronic copies only in “*.docx” Format by Microsoft Office Word 2019. The “protect document” function may be used. Written submissions that do not conform to this rule, such as written submissions in PDF format or using a “.dat” file extension, will not be accepted. If a Team submits its written submissions in an unacceptable format, it may resubmit conforming written submissions but will be subject to resubmission penalties under Appendix C-Penalty System.

(b) Paper Size/Margins: All pages of the Written Submissions must be A4 size (21.0 x 29.7 cm), with equal margins of one inch (2.54 cm) on all four sides.

(c) Font and Font Size: The font and size of the text of all parts of the Written Submissions, excluding the Cover Page and page numbers but including the footnotes, must be in Times New Roman 12-point.

(d) Line Spacing: The text of all parts of the Written Submissions must be double-spaced, except for the Cover Page, Table of Contents, Index of Authorities, headings, and footnotes. Quotations to sources outside of the Written Submissions may be block quoted (i.e., right and left indented) and single-spaced only if the quotation (excluding footnotes) has at least fifty words.

(e) Kerning is not permitted.

5.4 Contents of the Written Submissions

(a) Each of the Written Submission must contain the following parts in the following order:

(i) Cover Page (with the given team number, the name of the case and type of document;

(ii) Table of Contents;

(iii) Index of Authorities;

(iv) Statement of Jurisdiction;

(v) Questions Presented;

(vi) Statement of Facts;

(vii) Summary of Pleadings; and

(viii) Pleadings (including Conclusion/Prayer for Relief).

(b) Parts not enumerated in paragraph (a), for example, a Table of Abbreviations, are prohibited.

(c) Teams must ensure that their Written Submissions do not contain any information that reveals the identity of the university.

5.5 Length

(a) The Statement of Facts section, including the section title, any section headings, section subheadings, conclusion, associated footnotes, signature block, or other language a team might elect to include, must be no longer than 1,200 words.

(b) The Summary of Pleadings section, including the section title, any section headings, section subheadings, conclusion, associated footnotes, signature block, or other language a team might elect to include, must be no longer than 700

words.

(c) The total length of the Pleadings section, including the section title, any section headings, section sub-headings, the required Conclusion/Prayer for Relief, associated footnotes, signature block, or other language a Team might elect to include, must be no longer than 9,500 words.

5.6 Citation

Footnotes must be used to identify the source of statements or propositions made in the body of the Written Submissions. Endnotes are not permitted. Footnotes may include substantive pleadings in addition to the text of the citation itself. Footnotes are included in the word limit of Rule 5.

RULE 6: ORAL PLEADING

6.1 General

- (a) In regard to the Court etiquette, a formal suit is strongly recommended for each Team Member to show respect to both the Judges and other competitors. Business dress is permissible during the whole process of the oral pleading.
- (b) The timekeeper will ensure each section go through smoothly and punctually. Each Team should estimate and calculate their oral statement before the formal pleading section, prevent time-consuming data searching or preparation.
- (c) Each Team must ensure that it does not have any documentation that reveals the identity of its university.

6.2 General Procedures

- (a) Each Team is scheduled to have a maximum of fifteen (15) minutes in the preliminary round to appear before the tribunals from the start of the scheduled

time.

(b) 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. In addition, each Team is granted five (5) minutes to present their rebuttal/sur-rebuttal.

(c) The oral pleadings of each Team must be delivered by a maximum of 2 people from that Team.

6.3 The Composition of Tribunals

In the Preliminary rounds, the tribunal shall be composed of three (3) Judges. In each Semi-Final and Grand Final, the Tribunal shall be composed of five (5) Judges. The Judge sitting in the middle shall be the President of that tribunal.

6.4 Oral Rounds

(a) The order of the pleadings in each Oral Round at all levels of the Competition is: Applicant 1 --> Applicant 2 --> Respondent 1 --> Respondent 2 --> Rebuttal (Applicant 1 or 2) --> Sur-rebuttal (Respondent 1 or 2).

(b) Once an oralist has completed his or her main pleadings, he or she may not make any additional arguments, except for rebuttal or sur-rebuttal. This applies irrespective of whether the pleading Team uses all of the time it has allocated for the main pleadings.

(c) Verbatim reading of the written submissions during the oral round is strictly prohibited.

6.5 Rebuttal and Sur-rebuttal

(a) Only one Team Member may deliver the rebuttal or sur-rebuttal. The rebuttal or sur-rebuttal must be delivered by one of the two oralists participating in the

Oral Round.

(b) A rebuttal shall immediately follow Respondent 2, and the sur-rebuttal shall immediately follow the rebuttal.

(c) The Team need not indicate prior to rebuttal or sur-rebuttal which of the pleading Team Members will deliver rebuttal or sur-rebuttal.

(d) Teams may waive their right to deliver a rebuttal or sur-rebuttal. But this is not recommended.

(e) Each Team shall be given a maximum of five (5) minutes to present its rebuttal or sur-rebuttal, including the time to address the Judges' questions. No time extensions are allowed during rebuttal or sur-rebuttal.

6.6 Scope of Pleadings

(a) A Team's oral pleadings are not in any way limited to the scope of the Team's Written Submissions.

(b) The scope of the Applicant's rebuttal is limited to responding to the Respondent's primary oral pleadings, and the scope of the Respondent's sur-rebuttal is limited to responding to the Applicant's rebuttal. If the Applicant waives rebuttal, Respondent may not appear for sur-rebuttal.

(c) Judges are admonished to enforce the limits on the scope of rebuttal and sur-rebuttal and may take a violation of this Rule into account in evaluating an oralist's performance.

6.7 Researchers

During each Oral Round, one additional Team Member may sit at the table with the two oralists as a researcher. The person acting as researcher must be one of

the Team Members registered pursuant to General Rule Part B. The person acting as researcher need not be the same person in each Oral Round.

6.8 Oral Courtroom Communication

- (a) Each oralist may communicate with the Judges during his/her allotted time. In addition, the Judges may communicate to each Team directly in an extraordinary circumstance.
- (b) Communication at the counsel table between Team Members is only allowed in writing to prevent disruption.
- (c) Written communication during the Oral Round shall be limited to written communications among Team Members seated at the counsel table. No other written communications may take place.
- (d) Only the oral communications described above in Rule 8(a), (b) and (c) are permitted. Particularly, no written communications or exhibits may be presented or delivered to any Judge.

6.9 Spectators

- (a) All Preliminary Rounds are closed to the public.
- (b) Semi-Finals and the Grand Final are open to the public. The audience shall avoid making any unnecessary noise, outbursts, or other inappropriate behavior which distracts from the argument in progress.
- (c) The presence of Team Coaches or other spectators affiliated with the Team is permitted in the courtroom during an oral round in which the Team is competing in all Rounds. Teams are responsible for ensuring that their spectators do not engage in any disruptive behavior.

6.10 Audio and Video Recording

(a) No audio or video recording of oral pleadings is permitted except by the Administrator of the ABOS.

(b) The videos recorded by the Administrator is only saved as files. In no circumstances are participating Teams permitted to view or listen to any video or audio recordings until after the completion of the entire Competition.

(c) ABOS reserves all rights to the audio and video recordings, or any other form of audio or visual reproduction, of any Oral Round or part thereof. All Teams participating in the Competition will be deemed to have consented to the recording and broadcasting of that Oral Round.

6.11 Others

(a) During an Oral Round, participants may not indicate their university to the Judges or anyone else in any way.

(b) The use of electronic devices during OP is not allowed, including but not limited to those which are internet-enabled or data-capable, or have instant messaging capabilities. All such devices must be turned off and removed from sight as soon as entering the courtroom, and must remain off and out of sight until the conclusion of the OP. The ABOS shall determine a penalty that corresponds to the severity of the violation.

(c) The official time of the competition during the Oral Round is the time indicated by the Timekeepers. No one other than the Timekeepers appointed by the ABOS for each Team may display timecards or otherwise signal to the oralist how much time is left.

RULE 7: AWARDS

7.1 The Final Championship

The Team that wins the Final Championship will receive two awards: a trophy to keep, and the CHINA ILOSMCC Cup with the name of the Champion Team's institution engraved. The CHINA ILOSMCC Cup must be returned immediately after the award ceremony.

7.2 Awards

The following awards will be given to the teams:

(a) First prize: 4 teams (into the final).

 Champion: 1 team.

 Runner Up: 1 team.

 Second Runner Up: 2 teams.

(b) Second prize: 4 teams.

(c) Third prize: 8 teams.

(d) Best Coach: 1-2 persons (for guide teachers).

(e) Best Written Submission: 1 for the applicant and 1 for the respondent (according to Written Submission's score ranking).

(f) Best Oralist: 1-4 for the applicant and 1-4 for the respondent (according to oralists' score ranking during the whole competition).