



**IBDMAR**  
Instituto Brasileiro  
de Direito do Mar



**BILOS**  
Brazilian Institute  
for the Law of the Sea

## II ITLOS MOOT COURT COMPETITION RULES

### 1. GENERAL ASPECTS

The ITLOS Moot Court Competition is an initiative of the Brazilian Institute for the Law of the Sea (BILOS).

The Oral Rounds II ITLOS Moot Court Competition will take place online from November 10<sup>th</sup> – 11<sup>th</sup>, 2020.

Participation is opened to undergraduate, master's and Ph.D students in international law, international relations and other correlated sciences from all universities in Brazil and in the world.

### 2. DEFINITIONS

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

- a) “Administrator” means the person appointed to administer that competition.
- b) “Applicant” means the side of the Team arguing on behalf of the Applicant State at any given point in the Competition.
- c) “Bench Memorandum” means the memorandum of law and authorities concerning the Competition Problem prepared by the IBDMAR/BILOS Board for the exclusive use of Competition judges.
- d) “Competition” means the 2020 ITLOS Moot Court Competition.
- e) “Competition Problem” means the official Problem of the Competition as supplemented, clarified, or corrected by the IBDMAR/BILOS Board.
- f) “Competition Year” means the period starting on the date of the release of the Competition Problem and ending at the conclusion of the Oral Rounds.
- g) “Memorial” means the written pleadings of each Team, written and submitted pursuant to these Rules.

- h) “Official Team Contact” means the individual identified by the Team during the registration process for receipt of official team correspondence.
- i) “Official Schedule” means the official timetable of the Competition, setting forth all relevant events and deadlines associated with the Competition.
- j) “Oral Round” means a single match of oral presentation between two Teams, one representing Applicant and one representing Respondent.
- k) “Penalty” means the consequence of a rule violation.
- l) “Problem Clarifications and Corrections” means the official clarifications and corrections to the Problem.
- m) “Respondent” means the side of the Team arguing on behalf of the Respondent state at any given point in the Competition.
- n) “Rules” means these Official Rules of the Competition.
- o) “Team” means a team of eligible students recognized by the IBDMAR/BILOS Board that registers to compete in the Competition.
- p) “Team Advisor” means an individual, such as a coach or advisor, who at any time during the Competition Year has responsibility for organizing, advising, or training a Team, whether or not a member of the faculty of the institution represented by the Team.
- q) “Team Member” means any eligible student who is registered as a competitor on behalf of a Team.

### **3. COMPETITION PROGRAM**

The Official Program of the Competition will be announced by the Organizing Committee until November 2<sup>nd</sup>, 2020. The schedule of all rounds and parallel events to the Competition will also be indicated on the same day.

### **4. HYPOTHETICAL CASE**

The hypothetical ITLOS Moot Court Case will be made available on the IBMDAR/BILOS website from June 5, 2020.

#### **4.1. CLARIFICATION REQUEST**

Teams are allowed to send one clarification request containing questions on the hypothetical Case to [contato@ibdmар.org](mailto:contato@ibdmар.org). The deadline for sending these questions will be July 5, 2020. The answers to these questions will be made available on the IBDMAR/BILOS website until July 25, 2020.

## 5. LANGUAGE

The official language of the Competition will be **English**. All documents and oral submissions must be presented in such language.

## 6. REGISTRATION

**Deadline for registration:** Entries will be opened on June 8, 2020 and will be closed on August 10, 2020. Please note that the deadline for registration is different from that one for submitting the memorials.

Registration for the Competition will be conditioned to: i) Completion and submission of the registration form, (Link: <http://www.ibdmар.org/inscricao-moot-court/>); and ii) Online payment of the registration fee.

Registration is subject to the procedures described above and will only be confirmed after payment.

**Registration fee per team:** R\$ 250.00 (two hundred and fifty Brazilian Reais)

**Registration fee per team** (for teams with any member associated to IBDMAR/BILOS): R\$ 150.00 (one hundred and fifty Brazilian Reais)

## 7. STAGES OF THE COMPETITION

The Competition will be carried out in two stages: written and oral.

The documents and presentations made by the team members, both in the written and oral stages, should be original and unpublished.

### 7.1. WRITTEN STAGE

In the written stage, participants must submit written memorials to the Organizing Committee. All registered teams must send two full memorials: one representing the *Applicant* and the other representing the *Respondent*.

The memorials – one for the *Applicant* and other for the *Respondent* – will be evaluated by experts in International Law of the Sea and Public International Law. At this stage, the Organizing

Committee reserves the right to disqualify teams that may not reach a basic knowledgeable standard of 50/100.

All proficient teams in the written stage will automatically qualify for the oral stage.

The memorials should be sent to thiagoborges@ibdmr.org and to contato@ibdmr.org. The e-mail above described should be sent with the *subject* "MEMORIALS – NAME OF THE FACULTY/UNIVERSITY/RESEARCH GROUP".

**The deadline for submitting the memorials will begin on August 10, 2020 and will be closed on September 20, 2020. Failure to send the two memorials will result in disqualification of the team.**

### **7.1.1. MEMORIALS FORMATING RULES**

Each memorial must be presented as a single document, which should observe the following items:

- Cover;
- Summary;
- Table of Authorities;
- Each memorial must not exceed the total of 12 pages (excluded from this count, cover, summary and table of authorities).

Spacing: 1.5

Margins: Top: 2cm, Bottom: 2cm, Left: 2cm, Left: 2cm

Source: Arial 12

**The memorials should not contain any information of the team and of team members.**

### **7.2. ORAL STAGE**

For the oral stage, exceptionally this year, will take place online. The online platform will be announced until July 25.

At this stage, participants will be invited to simulate the oral hearings of the ITLOS hypothetical Case.

The teams' memorials will be made available to the judges in each round. However, in the oral stage, teams will not be bound to their memorials. The memorials will not be taken into account in the teams' score in the oral stage.

**Oral presentations during the Round must be made by two, and only two Members, from each Team.**

Prior to the beginning of the Oral Round, each Team must indicate to the bailiff and the judges how it wishes to allocate its 40 minutes among (a) its first Oralist, (b) its second Oralist, and (c) reply (for Applicant) or rejoinder (for Respondent).

The Team may not allocate more than 25 minutes, including reply or rejoinder, to either Oralist, although in extenuating circumstances, the Judges have discretion to permit a single Oralist to argue beyond the 25-minute limit.

Time allocated for but not used by one Oralist may not be used by the other Oralist or saved for rebuttal or sur-rebuttal.

Any Team Member may act as an Oralist during any round of the Competition, and need not always argue the same side.

During each Oral Round, one additional Team Member may be present to the online session with the two Oralists, as Counsel. The person acting as Counsel need not be the same person in each Oral Round.

Before the oral rounds, teams will have access to the opponent teams' memorial.

Communications between Oralists and Counsel during the online session are allowed only in writing.

The content of the *reply/rejoinder* shall be directed to bringing out the issues that still divide the Parties.

Teams' delays to the online session longer than 15 minutes will not be tolerated. The reorganization of the rounds and possible penalties are subject to the discretion of the Administrator, based on the analysis of each factual situation.

At the oral stage, only oralists can argue.

Oral Rounds rules may have some adaptations due to the online platform selected to the Competition.

### **7.2.1. ADVANCED ROUND**

If more than six Teams register in the ITLOS Moot Court Competition, a Semifinal Round will be placed between the best four Teams ranked in the Preliminary Rounds.

In this case, First Ranked Team will face the Fourth ranked and Second ranked will face the Third Ranked.

The best ranked Team may choose the side it will serve, as Applicant or Respondent.

In the Advanced Round, no grades will be given by the judges. They will only point the winner of the round or decide to tie. In case of tie, the memorial grades will decide the winner.

The winners of the Semifinal Round go to the Final Round.

## **7.2.2 FINAL ROUND**

The two best ranked Teams from Preliminary Rounds, or the winners of Semifinal Rounds will face each other in the Final Round.

The best ranked Team in the Final Round may choose the side it will serve, as Applicant or Respondent.

In the Final Round, no grades will be given by the judges. They will only point the winner of the round. No tie decision is allowed in the Final Round. The Team with more indications as winner wins the Final Round.

## **8. OFFICIAL WEBSITE**

Official documentation and other practical information will be made available on the official BILOS website: <http://www.ibdmar.org/>.

## **9. TEAMS**

### **9.1. Institutional/Team Eligibility**

All educational institutions offering a degree in law or in a field related to international law or international relations are eligible to participate in the Competition. All determinations of eligibility are in the discretion of the IBDMAR/BILOS Board.

Each institution may enter one Team, regardless of the number of colleges, departments, faculties, or schools within that institution, and the Team may include students from one or more of its colleges, departments, faculties, or schools (for example, by allowing a student in an international relations program to compete on the Team with students from its law faculty). However, a duly authorized officer of an institution may petition the IBDMAR/BILOS Board, in writing and prior to the start of the Competition Year, to allow the participation of more than one Team from that institution. Additional Teams may be allowed if it is established that each such Team fulfills the participation and registration requirements of these Rules, and the Teams represent different colleges, faculties, branches, departments, or campuses of the same institution and will be participating independently of each other.

A duly authorized officer of two or more institutions may petition the IBDMAR/BILOS Board, in writing, to allow the participation of one Team composed by Team Members from different institutions. In this situation, the IBDMAR/BILOS Board shall authorize any extra Team from these institutions.

Institutions that have outstanding debts for fees or other Competition obligations are not eligible to compete in the Competition until such fees have been paid or obligations have been satisfied.

## **9.2. Team Composition**

A Team may be composed of two to five Team Members who shall be the only individuals contributing to the work product of the Team over the course of the Competition Year. Substitutions of Team Members must be made in accordance with these Rules.

## **9.3 Team Member Eligibility**

A person may be a Team Member if he or she: (a) is pursuing a law degree, an international law-related degree, or an international relations-related degree; and (b) intends to compete on behalf of an eligible institution at which he or she is enrolled as a full-time or part-time student as of (i) the Team Member registration deadline; and (c) has not, after having graduated from any type of law degree program, either (i) engaged in the practice of law, or (ii) engaged in any paid or unpaid activity (outside of degree studies) which would give the student an undue advantage in any aspect of the Competition over students who have not yet completed their first law degree; and (d) has never participated as judge, either of Memorials or in any Oral Round, at any level of the ITLOS Moot Court Competition.

At each Oral Round only two Team Members must serve as oralists. One third Team Member may complete online session as Counsel.

Advisors, Coaches and Observers are not part of the Team and cannot complete the online session during an Oral Round.

The official appointment of the members, *coach/coaches* and the observers, somehow academically linked to the appointing institution, will be at the discretion of each University, Faculty or Research Group responsible for the appointment.

## **9.4. Outside Assistance to Teams**

Each Team must research, write, edit, and develop its own legal and factual arguments without the assistance of persons who are not Team Members.

Any Team that receives outside assistance may be penalized and may be disqualified from the Competition.

Team Advisors and Coaches may provide advice to a Team, provided such advice is limited to: (a) general instruction on the basic principles of international law; (b) general advice on research sources and methods; (c) general advice on memorial writing techniques; (d) general advice on oral advocacy techniques; (e) general advice on the organization and structure of arguments in the Team's written and oral pleadings; (f) general commentary on the quality of the Team's legal and factual arguments; (g) advice on the interpretation and enforcement of these Rules; and (h) advice as to pleading options or similar strategic decisions.

## **10. APPOINTMENT OF THE TEAM MEMBERS**

The appointment of team members by Colleges, Research Groups and Universities should be based on a democratic and transparent process, based on a method approved by the institution and its representatives.

For practical reasons, teams that will not be able to travel to the host city on the date of the Competition will be disqualified.

## **11. ESPIONAGE**

Under no circumstances will be allowed for a team to attend the opposing teams' rounds. If such a rule is violated, penalties such as disqualification may be imposed on the offending team.

No records will be permitted during the oral rounds, unless these occur with the permission of the table of judges.

Such rules do not apply to the final round.

All oral rounds will be open to the general public, except for the members, observers, and *coaches* of other participating teams.

## **12. AWARDS**

The Awards for best memorials, oralists and teams will take place at the closing ceremony of the event. Only Preliminary grades will be considered to decide the Oralist Awards.

## **13. INTERPRETATION OF THE RULES**



The rules of the Competition will be interpreted by the IBDMAR/ITLOS Board and Administrator always in the best interest of the event.

#### **14. TEAM CONFIDENTIALITY**

At the beginning of the Competition, each team will receive a code number that will be used for its identification. It is forbidden to identify the team by means of the name of the University or by the country, state or city of origin.

#### **15. PENALTIES**

Penalties will be imposed by the Administrator, which will analyze each case in its particularities, measuring possible violations. Penalties will not be imposed to the teams, but individually to their members.

The Administrator will impose the penalties based on the *fair play* and the spirit of the Competition.

#### **16. CONTACT**

Contact with the Organizers can be made by the following email addresses: thiagoborges@ibdmар.org, thiagocarvalhoborges@gmail.com and contato@ibdmар.org. Additional contacts must be made through the following address:

#### **Instituto Brasileiro de Direito do Mar (IBDMAR)**

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Mundo Plaza, Torre Empresarial 19º andar, sala 1924,  
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