



IBDMAR
Instituto Brasileiro
de Direito do Mar



BILOS
Brazilian Institute
for the Law of the Sea

III 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 III ITLOS Moot Court Competition will take place online from November 8th – 10th, 2021.

Participation is open to undergraduate, master's and PhD students in law, 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 the 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 2021 III 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 the Applicant and one representing the 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 an advisor who, at any time during the Competition Year, has the responsibility of organizing, advising, or training a Team, not mattering 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 2nd, 2021. 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, 2021.

4.1. CLARIFICATION REQUEST

Teams are allowed to send one clarification request containing questions on the Competition Problem to itlosmootcourt@ibdmар.org. The deadline for sending these questions will be July 5,

2021. The answers to these questions will be made available on the IBDMAR/BILOS website until July 25, 2021.

5. LANGUAGE

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

6. REGISTRATION

Registration will open from **June 5**, 2021 and will close on **August 20**, 2021. Please note that the deadline for registration is different from the one for submitting the memorials.

Registration for the Competition will be conditioned to: i) Completion and submission of the registration form, (to be made available in June); 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\$ 400.00 (four hundred Brazilian Reais)

Registration fee per team (for Teams with any member associated to IBDMAR/BILOS): R\$ 300.00 (three hundred Brazilian Reais)

Upon registration and payment of the fee, each registered Team will be assigned **a letter for identification purposes**. This is to ensure impartiality whilst evaluating the Team's performance in both stages of the Competition, and shall be punished by a penalty if contravened in any of these phases.

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, shall 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 do 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 itlosmootcourt@ibdmr.org and to contato@ibdmr.org. The e-mail above described should be sent with the *subject* “MEMORIALS – Team + Letter Assigned upon registration”.

The deadline for submitting the memorials will begin in August 20, 2021 and will close in September 20, 2021. Failure to send the two memorials will result in the 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 aforementioned items are **mandatory**. Whenever they are not verified, 1 point will be objectively taken out from the final average of the memorial.

The memorials should not contain any information about the Team and about the Team members. It does not matter whether this identification happens inside the document or in the file name or data.

If the Organizing Committee finds any identification of the Team or its participants within the file, 1 point will be deducted per issue found. If a Judge happens to find it, the penalty will be that of elimination.

7.1.2. RULES REGARDING DELAYS IN THE DELIVERY OF THE MEMORIALS

Teams are responsible for ensuring that their memorials are delivered within the announced deadline. Should they fail to deliver their memorials, a deduction of 1 point per day will be done for the first week after the deadline expires.

Should a Team fail to submit a memorial within a week of the deadline, automatic disqualification from the Competition will apply.

7.2. ORAL STAGE

The oral stage will take place remotely. The online platform will be announced until July 25.

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

The Teams' memorials will be made available to the judges of each round. However, in the oral stage, teams will not be bound to their memorials.

7.2.1. PROCEDURAL RULES FOR THE ORAL ROUNDS

7.2.1.1. TEAM MEMBER PARTICIPATION

Each Team is only allowed **3** (three) members per room, consisting of two Oralists and one Off-counsel.

Teams should show up 15 minutes in advance in order to provide information regarding their time distribution to the bailiff before the Round.

Any Team member may act as an Oralist during any Oral Round in the Competition, and need not always argue the same side.

Only Oralists will be allowed to argue.

The person acting as Off-counsel need not be the same person in every Oral Round.

The entrance of **any** additional members will **not** be allowed into the chatroom.

7.2.1.2. DELAYS TO THE ORAL ROUNDS

Delays to the online session longer than 15 minutes will **not** be tolerated, and will cause automatic disqualification from the Competition.

For up to 15 minutes, each minute of unjustified delay to the Oral Round will incur in the reduction of 1 point per 5 minutes of delay, and this will be applied objectively to the Team's acquired score within the Round.

7.2.1.3. ALLOCATION OF TIME

Each Team will have a total time of **40 (forty) minutes** to allocate as they find suitable between both Oralists. However, a Team may **not allocate more than 25 (twenty-five) minutes**, including for replies, to a single Oralist. In extenuating circumstances, however, it is possible that the Judges allocate more time to an Oralist resulting in an argument beyond the 25-minute limit.

The time allocated for, but not used by one Oralist may not be used by the subsequent Oralist, save for any of the applicable replies.

Upon arrival in the room, each team will have to tell the bailiff how much time will be allocated to each Oralist for the respective Round. This will have to be restated before the Judges, along with the presentation of each Oralist.

Teams may reserve a specific amount of time of up to 3 (three) minutes for their rebuttal or surrebuttal. This should also be announced by the Teams before their exposition.

7.2.1.4. POSTURE OF ORALISTS

The III ITLOS Moot Court Competition will be held as an online (remote) event. As such, there is no need for Oralists to stand up during their exposition. This is by no means a prohibition and, if they so wish, Oralists may stand up for the purpose of delivering their arguments if they so wish.

Oralists, as well as other Team members, must always respect the Judges and other adversary Teams at **all times** during the Moot Court Competition, and that includes the Oral Rounds.

7.2.1.5. REBUTTAL AND SURREBUTTAL

There will only be a rebuttal if such is requested by the Applicant.

There will be **no** surrebuttal if there is no rebuttal.

7.2.1.6. ORDER OF THE PROCEEDINGS

The session will begin with the exposition by the Applicant's Oralists.

Once the Applicant Team finishes its argument, the Respondent Team will **immediately follow**, as soon as it is called by the Presiding Judge.

Should there be a rebuttal, this will immediately follow the Respondent's exhibition, followed by a surrebuttal, if applicable.

7.2.1.7. COMMUNICATIONS DURING THE ORAL ROUNDS

Communications between the Teams and Judges must **only** happen during each Team's respective period of time. Exceptionally, the Presiding Judge may communicate with the other Team or any other participant of the room if necessary, to ensure the smooth running of the session.

Communications between Oralists and Counsel during the session are allowed **only** in writing amongst themselves. This is subject to the application of a penalty.

Communication between Oralists and other Team members while an argument is being made is **not** allowed, except regarding technical assistance directly related to the equipment being used to take part in the Moot.

7.2.1.8. ISSUES REGARDING INTERNET CONNECTION

Should one of the Teams' internet connection fail, it will be up to the Judges to determine if any extra time should be allocated to said Team and, if so, how much, depending on each factual situation.

Should any of the Judges' internet connection fail, the Round will **not**, in principle, be interrupted. This is because there will be an opportunity for the Judge to watch the recording of the relevant parts of the Round, if necessary.

Should the connection of two or more Judges fail, the Round **must** be interrupted until at least two Judges are fully reinstated.

7.2.1.9. POWERS OF THE JUDGES

The Judges can allocate extra time in case a Team's internet connection fails.

Any decision regarding allocation of extra time, address of any complaints and application of any penalties will pertain to the Judges.

7.2.1.10. POWERS OF THE PRESIDING JUDGE

The Presiding Judge will be called upon to resolve any divergences amongst the judging bench.

The Presiding Judge will notify the Teams in case necessary to ensure the smooth running of the online session. This can include calling attention to any details which are relevant to the online session, such as an unmuted microphone or an internet connection failure.

The Presiding Judge will announce the conclusion of the session and that the Judges will retire to a break-out room in order to deliberate on the expositions.

The Presiding Judge will also be responsible for reconveying the Judges and Teams for feedback when the deliberation is complete.

7.2.1.11. USE OF MICROPHONES

All participants **must** have their microphones muted whilst within the room, unless while making their expositions, or should the Judges ask them to speak.

Judges **should** have their microphones muted, unless they are asking a question.

Any member of the adversary Team who opens their microphone during the other Team's allocated time **will** be subject to a penalty, which will be applied by the Judges. This rule also applies to members of the same Team.

7.2.1.12. QUESTIONS

Judges are **encouraged** to ask questions to the Oralists during their arguments.

Oralists are **required** to answer whichever questions the Judges ask them during their exposition, within their own allocated time limit. Do note that **no** extra time will be allocated for the purpose of answering questions.

7.2.1.13. FINAL PROCEEDINGS OF THE ORAL ROUND

The Round will end after the rebuttal or surrebuttal (if any). After that, both Teams **must** leave the room in order to allow the Judges to deliberate on the Round.

Upon the exit of both Teams, Judges of each respective bench will be called upon to deliberate regarding the results of the Round.

The deliberation will be documented through the use of official scoresheets, which will be provided to the Judges before the Oral Rounds take place.

After deliberation, all of the Teams will be called back to their respective rooms.

Judges will conduct a feedback session, with a maximum duration of 10 minutes overall, where they will comment on the Teams' performance on a specific Round. Do note that the results of the Round, even if unanimous, must **not** be disclosed in the feedback session, and comments are to be general and solely based on the Teams' performance.

7.2.1.14. REGARDING THE ANNOUNCEMENT OF THE WINNING TEAMS

The announcement of the winning Teams who will move on to the semi-finals will **not** happen at the end of each Round.

Official results for the semi-finals will **only** be announced after the final Preliminary Round is complete and all of the scoresheets are gathered by the Organization Committee for purposes of calculating scores.

A separate session will be announced by the Organization Committee in which the successful Teams going into the semi-finals will be announced. This will happen in the shift after the corresponding final Preliminary Round, at a time to be announced by the Organization Committee through the provided contact email addresses.

7.2.1.15. CASE OF ABSENCE OF ANY OF THE TEAMS

Should any of the Teams be eliminated due to a delay, or if they do not show at all for a Round, the adversary Team which is present in the Room **will** present their argument for their assigned side (Applicant or Respondent) to the Judges.

The punctuation will be given by the Judges normally solely for the Team that presented, for its presentation. This will be computed into the Team's general score.

7.2.1.16. CASE OF ABSENCE OF ANY OF THE JUDGES

Should any of the Judges be absent, the Round will proceed normally with the two remaining Judges, who will give out their punctuation normally.

The Round shall **not** proceed if there are less than two remaining Judges.

7.2.2. SEMIFINALS

If more than six Teams register in the III ITLOS Moot Court Competition, Semifinal Rounds will take place between the best four Teams ranked in the Preliminary Rounds.

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

The best ranked Team per Round may choose the side in which it will argue, as Applicant or Respondent.

In the Semifinals, no grades will be given by the judges. They will only point the winner of the Round or decide to tie. In case of a tie, the average punctuation given to memorial grades will decide the winner.

The winners of the Semifinal Round move on to the Final Round.

7.2.2 FINAL ROUND

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

The best ranked Team in the Final Round may choose the side in which it will argue, 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 is allowed in the Final Round. The Team with more indications as winner wins the Final Round.

7.2.3. MEMORIALS AS TIE-BREAKERS

In case there is a tie within the ranking of the Preliminary Rounds, memorial grades will be used as tie-breakers in order to determine which Teams will move to Semifinal or Final Rounds.

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 subject to the discretion of the IBDMAR/BILOS Board.

Each institution may enter **only** 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 to 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 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.

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 such 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 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 the 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.

It is not of the responsibility of BILOS to ascertain whether a Team and its members have the sufficient means in order to partake in an online Competition, such as access to a computer or the Internet. It is up to the host institution and the Team itself to determine whether the Team will have sufficient means to access and take part in the Competition.

11. ESPIONAGE

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

No recordings of the online rounds shall be made by any Team members or Judges, as this is reserved to the BILOS' and its representatives.

Such rules do not apply to the final round and semifinals (if they so occur), as they will be streamed live to the general public.

12. AWARDS

The Awards for best memorials, Oralists and Teams will be announced during the closing ceremony of the event. Only Preliminary Round 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.

In case of doubt regarding the rules or any omission, an independent commission will convene in order to decide on a rule's final content and application. There will be no recourse to this decision.

14. TEAM CONFIDENTIALITY

Upon registration in the Competition, each Team will receive a letter 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.

The identification of Team members in the chatroom shall be as follows “NAME + SURNAME + Letter of the Team”.

15. PENALTIES

Penalties will be imposed by the Administrator, which will analyze each case in its particularities, measuring possible violations. Penalties will, in principle, be imposed to the Teams, and not individually to their members. However, in serious cases of violation of fair play, an individual can be excluded from the Competition.

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: itlosmootcourt@ibdm.org, and contato@ibdm.org. Additional contacts must be made through the following address:

Instituto Brasileiro de Direito do Mar (IBDMAR)

Av. Tancredo Neves, n. 620, Caminho das Árvores Condomínio
Mundo Plaza, Torre Empresarial 19º andar, sala 1924,
CEP 41.820-020, Salvador - BA – Brasil

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