

INTERNATIONAL INSTITUTE OF SPACE LAW

MANFRED LACHS SPACE LAW MOOT COURT COMPETITION

OFFICIAL RULES

ARTICLE 1: AIMS

The aims of the Manfred Lachs Space Law Moot Court Competition are to promote the interest in, involvement in and knowledge of space law among students by providing a fair and competitive environment for the exchange of thoughts and the deepening of understanding of space law.

ARTICLE 2: ORGANISATION

(1) The organization of the Manfred Lachs Space Law Moot Court Competition (the “Competition”) takes place under the auspices of the International Institute of Space Law (“IISL”). For this purpose the IISL Board of Directors has constituted an Organizing Committee. The Organizing Committee may delegate the organization of Regional Rounds to other organizations or institutions (the “Regional Organizers”).

(2) Regional Rounds must comply with these Official Rules, unless decided otherwise by the Organizing Committee. If necessary, the Regional Organizers may adopt their own specific rules applicable to their Regional Round, but these rules must meet with the prior approval of the Organizing Committee.

(3) The appointment of a Regional Organizer by the Organizing Committee shall obtain the prior written approval of the Board of Directors of the IISL.

(4) The Regional Organizers shall ensure the good academic level of judges and juries for the oral arguments and memorials, and shall properly organize the logistics of the round, if necessary with the cooperation of the Organizing Committee.

(5) Each Regional Round shall have at least three registered competitors from at least two different countries within the region concerned, except for the North American Round, which shall have at least three registered competitors from at least two different states of the United States or two different countries.

(6) The Regional Organizers shall endeavour to ensure that the winner of that Regional Round obtains the necessary funds for travel and stay to participate in the Semi Final(s) and Finals, which are held at the location of the annual International Astronautical Congress.

(7) The Organizing Committee will publish a timetable with all relevant deadlines and dates for the competition on the designated website of the Competition. Each Regional Round must be completed at the latest by the end of June, so as to be able to comply with the deadline for submission of memorials for the Semi Final(s) and Final.

(8) Each participating team shall brief and argue the case for both the Applicant and the Respondent at least once each during its Regional Round.

(9) The language of the competition at all stages is English.

ARTICLE 3: PARTICIPATION

(1) The Competition is open to teams composed of students enrolled in Law Schools, Law Faculties or Law Departments. In addition, the Competition is open to teams composed of students enrolled in schools other than law where it can be demonstrated in writing to the Regional Organizer concerned, if requested, that space law or public international law forms a part of the teaching programme.

(2) The teams shall consist of two students who are registered students within six months prior to the date of their relevant Regional Round. The term “students” shall include LL.M. students, whether by research or coursework, but shall exclude doctoral students.

(3) Each team may have one additional student as an alternate member, but only two students will argue in any one particular match of the Competition and are allowed to sit at the bar table of that relevant match. All three members of the team are allowed to work on and contribute to the preparation of the memorials.

(4) No student who has previously been a member of any team in the Competition may participate again in the Competition except with written permission of the relevant Regional Organizer or the Organizing Committee.

(5) No school, faculty, department or institution shall enter the Competition with more than one team in any year.

(6) A team may be composed of students from different Universities within the region, as long as it formally represents only one University that is not already separately represented and that the prior written approval of the Regional Organizer has been obtained.

(7) Each team shall have a Faculty Advisor who may be a staff member of the participating institution or an external practitioner designated by the institution to be the Faculty Advisor to the team.

(8) If the Faculty Advisor is not a staff member of the participating institution, the team shall indicate to the Regional Organizer in writing as to a person who is a staff member of the participating institution that shall be responsible, in addition to the Faculty Advisor, for the team's participation in the Competition.

(9) The Faculty Advisor shall confine himself or herself to a supporting role, limited to a general discussion of issues and suggestions as to research sources, and shall guarantee that the briefs and oral pleadings in their final versions are solely the work of the students comprising the team. Faculty Advisors are encouraged to arrange for trial rounds and video training to prepare the teams for their oral arguments, and to attend the Regional Round, Semi Final and/or Final in which their team participates.

(10) Except in extraordinary circumstances and with the prior written approval of the Regional Organizer, no team may have the involvement of more than three (3) students and their Faculty Advisor.

(11) Without the prior approval of the Regional Organizer, no team may replace any one or more of its student members after the relevant deadline for registration of teams has passed.

ARTICLE 4: THE PROBLEM

(1) Each year, the Organizing Committee will invite one or more leading authorities in the field of space law from a particular region to draft the problem, and organize assistance in that regard if needed. The Organizing Committee or a special committee appointed by the Organizing Committee will review the draft problem and may suggest amendments. The final version of the Problem should be available in July of the year preceding the Competition.

(2) The author(s) of the Problem shall also prepare a Bench Memorandum, setting out the major issues in the case and the major arguments he or she expects the teams to make, in order to assist the judges of orals and memorials. Furthermore, the author(s) will prepare a one page summary of the Problem, to be distributed to the audience during the Final.

(3) The author(s) of the Problem shall not be involved with coaching or otherwise assisting a team in any way at any time.

(4) Each team may submit a maximum of five distinct, clear and specific written questions about the Problem to its Regional Organizer before the deadline specified by the Regional Organizer. Answers will be provided by the author(s) of the Problem and will be circulated to all participants of that round, as well as to all participants in the other rounds and be posted on the designated website of the Competition. Such answers are to be taken into account in the Regional Round, the Semi-Final(s) and the Final.

ARTICLE 5: THE MEMORIALS

(1) Each team is to submit memorials for both the Applicant and the Respondent, which shall be addressed to the International Court of Justice.

(2) Citation form should be in accordance with the Uniform System of Citation or, where a particular style guide is included in or provided for in the specific regional rules of a Regional Round, that style guide.

(3) Each memorial shall comprise the following sections:

(a) Cover Page with a blue cover for the Applicant Memorial and a red cover for the Respondent Memorial, specifying the team number and substantially complying with the sample in Annex 1 to these Official Rules;

(b) Title Page;

(c) Table of Contents;

(d) Table of Authorities;

(e) Questions Presented;

(f) Statement of Facts;

(g) Summary of Argument;

(h) Argument including footnotes; and

(i) Submissions to the Court complying in format to the sample in Annex 1 to these Official Rules;

(4) The Arguments as referred to in Subsection (3)(h) above shall be of typeface no smaller than a 12 point font (including footnotes) and the total word limit of the Arguments, including all footnotes, must not exceed 9,000 words.

(5) Typing for all sections of the memorials shall be double-spaced except within the footnotes, which shall be single-spaced.

(6) Memorials shall not in any way identify the team, its members, the Law School, Faculty, University or other participating institution except with the Team Number as assigned by the Regional Organizer.

(7) Only the two registered students on the team, and the alternate member if applicable, may participate in preparing the memorials, including both the research, drafting and editing of the memorials.

(8) The winner of a Regional Round may revise its memorials before submitting them for the Semi Final(s) or Final.

ARTICLE 6: JUDGING THE MEMORIALS

(1) Each team shall submit ten (10) copies of each of the Applicant and Respondent memorials. For Regional Rounds, the memorials shall be submitted to the address provided by the Regional Organizer at the time of confirmation of registration. For the Semi Final(s) and Final, memorials shall be sent to the address of the Organizing Committee mentioned in Article 11. In all cases, memorials must be postmarked on or before the respective deadlines and must be sent to the address indicated via international courier. If they are mailed from within the same country they may be sent via courier, registered post or equivalent. In the case of all memorial submissions, a copy of both the Applicant and Respondent memorials, in either Microsoft Word or Adobe Acrobat format, must be e-mailed to the Regional Organizer or the Organizing Committee, as appropriate, on or before the submission deadline.

(2) The Organizing Committee, or, in the case of a Regional Round, the Regional Organizers, shall invite at least three authorities in the field of space law to form part of the Board of Review and thereby participate in judging the memorials. Any one who may be of outside assistance to any one of the teams will be barred from the Board of Review.

(3) The score shall be kept on official scoring sheets.

(4) The maximum score for each set of memorials in the Regional Round is 100 points: 50 points for the memorial on behalf of the Applicant, 50 for the memorial on behalf on of the Respondent. In this respect, the members of the Board of Review will keep to the following general indication: less than 35 is poor, 35-40 is average, 40-45 is good, and 45-50 is excellent.

(5) The scoring factors to be considered, in no particular order of relevance or priority, will include:

- use of authorities and extent of research;
- knowledge of the facts and the legal principles applicable to the facts;
- proper and articulate analysis of the issues involved;
- logic and reasoning;
- evidence of original thought;

- clarity and organization;
- persuasiveness;
- thoroughness; and
- grammar and style.

ARTICLE 7: ORAL ARGUMENTS

(1) Oral arguments shall be addressed to the International Court of Justice.

(2) In the Semi Final(s) and Final, each side will argue for 45 minutes in total, including questions from the Bench. The total time for arguments can be divided as desired by each team between presentation and rebuttal or surrebuttal, and between the two oralists, except that each oralist must argue for at least fifteen (15) minutes, and at least five (5) minutes but no more than ten (10) minutes may be reserved for rebuttal or surrebuttal. Prior to the beginning of each match, each team shall indicate to the timekeeper how it wishes to allocate its time among (a) its first oralist, (b) its second oralist, and (c) rebuttal (for Applicant) or surrebuttal (for Respondent). Only one of the team members who argued during the round may engage in rebuttal or surrebuttal.

(3) Regional Organizers may decide that each side will argue 30 minutes in total, including questions from the bench, and that each agent must argue for at least 10 minutes, with two to six minutes reserved for rebuttal or surrebuttal, if that is preferable for practical purposes. In that case, they shall inform all registered teams, as well as the Organizing Committee, of that decision at least one month before the round unless such a provision is included in the specific rules of that Regional Round pursuant to Article 2(2) of these Official Rules.

(4) In the initial arguments, any issues or contentions relevant to the Problem may be raised, regardless of whether they appear in the memorials of either team. However, only issues raised during the initial arguments may be raised in rebuttal and only issues raised during rebuttal may be raised in surrebuttal.

(5) Timekeepers will keep track of the time used and will notify each agent of the time remaining at appropriate intervals and when time expires.

(6) When time has expired, the agent speaking shall immediately stop his argument, unless the Bench grants him one or two extra minutes in light of the time taken by questions.

ARTICLE 8: JUDGING THE ORAL ARGUMENTS

(1) The Organizing Committee, or, in the case of a Regional Round, the Regional Organizer, shall invite at least three authorities in the field of space law to form part of the Bench and thereby participate in judging the oral arguments. Any one who may be of assistance to any of the teams will be barred from the Bench.

(2) The score shall be kept on official scoring sheets.

(3) In each match, the members of the Bench will score each team out of a maximum score of 50 and keep to the following general indication: less than 35 is poor, 35-40 is average, 40-45 is good, and 45-50 is excellent. If both sides are argued more than once, the score will be averaged.

(4) The scoring factors to be considered, in no particular order of relevance or priority, will include:

- response to questions from the Bench;
- knowledge of the facts and the legal principles applicable to the facts;
- proper and articulate analysis of the issues involved;
- logic and reasoning;
- evidence of original thought;
- clarity and organization;
- persuasiveness;
- thoroughness; and
- grammar and style.

ARTICLE 9: SEMI-FINAL(S) AND FINAL

(1) The Semi Final(s) will be judged by distinguished authorities in the field of space law as selected by the Organizing Committee. The Final will in principle be judged by Members of the International Court of Justice. The organizing committee shall endeavour to videotape the Final and make the tape available for educational purposes through the Regional Organizers.

(2) If two Regional Rounds have been held, the Applicant and Respondent briefs of the winners of those two rounds shall be judged by a separate jury. Which side each team will argue in the Final shall be determined by the toss of a coin, and the team with the higher total score for both written briefs shall have the right to call the toss. The toss will be carried out at least one day but no more than four days prior to the Final.

(3) If three Regional Rounds have been held, the Applicant and Respondent briefs of the winners of those three rounds shall be judged by a separate jury. The team with the highest total score for both written briefs ("Finalist 1") shall advance directly to the Final. The two other teams shall meet in a Semi Final, to be held during the same week and at the same location as the Final. Which side each team will argue shall be determined by the toss of a coin, and the team with the

higher total score for both written briefs shall have the right to call the toss. The toss will be carried out at least one day and no more than four days prior to the Semi Final. The Semi Final will not be open for attendance by the public, including the members or any one connected with Finalist 1. The winner of the Semi Final will compete in the Final. Which side each team will argue shall be determined by the toss of a coin, and Finalist 1 shall have the right to call the toss. The toss will be carried out at least one day prior to the Final, preferably immediately after the Semi Final.

(4) If four Regional Rounds have been held, two rounds of Semi Finals will be held among the four winners of those rounds during the same week and at the same location as the Final. The two rounds will be open to the public, teams and coaches. The Applicant and Respondent memorials of the winners of those four rounds shall be judged by a separate jury. The team with the highest total score for both written memorials will compete with the team with the lowest total score for both written memorials. The teams with the second- and third-best total scores for both written memorials will compete in the other Semi Final. Which side each team will argue in the two Semi Finals shall be determined by the toss of a coin, and the team with the higher total score for both written memorials shall have the right to call the toss. The toss will be carried out at least one day and no more than four weeks prior to the Semi Final. The winner of each Semi Final will compete in the Final. Which side each team will argue shall be determined by the toss of a coin, and the team with the higher total score for both written memorials shall have the right to call the toss. The toss will be carried out at least one day prior to the Final, preferably immediately after the Semi Finals.

(5) In the Semi Final and Final, the Bench will consider both the written memorial and the oral argument, and will give each equal weight. They will not give precise marks or scores to either the written memorial or the oral argument, but will determine an overall winner based on the written and oral submissions.

(6) In case of a tie under the provisions of paragraph 5 above, the winner will be the team with best oralist involved in the tie under that provision.

(7) In case of a tie under the provisions of paragraph 6 above, the winner will be the team with the higher combined score for the memorials.

(8) In case of a tie under the provisions of paragraph 7 above, the winner will be the team with the lowest number of penalty points of the teams involved in the draw under that provision.

(9) In case of a tie under the provisions of paragraph 8 above, the two teams participating in the Final shall be declared joint winners.

(10) The Winner of the Competition will receive the “Manfred Lachs Trophy” (the “Trophy”). The team shall bring the Trophy back to its institution, and it shall add a plate with the year and the name of the university. The plate should be similar in design and size to the ones already present, and should be placed directly after the plate of the previous winner. The institution shall be responsible for the welfare and safekeeping of the Trophy and for sending the Trophy to the location of the next Final via international courier and appropriately packaged, at a date and to an address to be provided by the Organizing Committee.

(11) In the event that two teams participating in the Final are declared Joint Winners pursuant to paragraph 9 above, the teams shall share the Trophy for six months each. The team to bring the Trophy back to its institution first shall be decided by a coin toss, with the team representing the Applicant in the Final calling the toss. The team with first possession of the Trophy shall be responsible for sending the Trophy to the institution represented by the other team no later than six (6) months from the date of the Final. Alternatively, the teams may decide between themselves a different arrangement, provided that the obligations in paragraph 10 above are complied with and fulfilled.

(12) The Bench for the Final will decide who of the four team members participating in the Final receives the “Sterns and Tennen Award for Best Oralist”.

(13) The “Eilene M. Galloway Award for Best Memorials” shall be given to the team that had the highest combined score for its Applicant and Respondent memorial, as decided by an independent jury. The memorials of all semi finalists shall be considered for this award.

(14) All participants in the Semi Final(s) and Final will receive individual certificates signed by the Bench.

(15) If and when a fifth Regional Round is added to the Competition, this Article shall be amended by the Organizing Committee so as to reflect the new situation.

ARTICLE 10: PENALTIES

(1) Total points collected by a team shall be reduced by the penalty points awarded for violations of the Official Rules for each match in which the violation took place.

(2) Penalty points may be awarded for every specific violation of the Official Rules, to the discretion of the Organizing Committee, in accordance with the Annex on Penalties and under the condition that the total number of penalty points awarded against one team can never surpass 10 points except penalties awarded pursuant to Article 10(3) below. In Regional Rounds, the Regional Organizer shall have the discretion to impose penalty points.

(3) In accordance with these Official Rules and the Annex on Penalties, the Regional Organizer during the Regional Round or the Organizing Committee during the Semi-Final(s) and the Final may impose a penalty on a team that, in the considered opinion of the Regional Organizer or the Organizing Committee after giving the team in question the opportunity to be heard, has cheated or engaged in intimidating or other unfair behaviour.

(4) In accordance with these Official Rules and the Annex on Penalties, the Regional Organizer during the Regional Round or the Organizing Committee during the Semi-Final(s) and the Final may impose a penalty on a team that, in the considered opinion of the Regional Organizer or the Organizing Committee after giving the team in question the opportunity to be heard, has conducted itself in a manner that has the purpose or effect of bringing the Competition into serious disrepute.

(5) The Organizing Committee or Regional organizer can, in accordance with the Annex on Penalties, record a loss for a team in a particular match or bar a team from further participation in the Competition in that year if the violation is of a grave character.

(6) If a team is barred from further competition in any particular year, the team shall not be entitled to any refund of any fees or costs already paid.

ARTICLE 11: FINAL PROVISIONS

(1) Decisions of the Organizing Committee taken by majority are final and binding.

(2) Questions on the interpretation of these Official Rules arising during Regional Rounds shall be decided by the Regional Organizer and his or her decision shall be final and binding.

(3) The Organizing Committee has the discretion to interpret or amend the Official Rules, in accordance with the general aims of the Competition. Any questions about the Official Rules must be addressed in writing to the Regional Organizer.

(4) Should circumstances so require, the Organizing Committee may depart from these Official Rules. In that case, it shall inform all participants as soon as possible thereof with a statement of reasons.

ANNEX ON PENALTIES TO THE OFFICIAL RULES

ARTICLE A1: AIMS

(1) The present Annex on Penalties forms an integral part of the Official Rules of the Manfred Lachs Space Law Moot Court Competition (the “Official Rules”).

(2) The aim of this Annex on Penalties is to ensure a fair and sportive contest in the Manfred Lachs Space Law Moot Court Competition by providing means for ensuring compliance with the relevant provisions of the Official Rules.

ARTICLE A2: PENALTIES FOR SUBMISSION OF MEMORIALS

(1) Lateness in the submission of memorials in compliance with Article 6(1): 1 penalty point plus an additional 1 penalty point per day (including weekends and public holidays) after the relevant deadline provided for by the Regional Organizer or the Organizing Committee under the Official Rules.

(2) Failure to submit sufficient copies of memorials as provided for in Article 6(1) of the Official Rules: 1 penalty point.

(3) Failure to submit memorials by the method provided for in Article 6(1) of the Official Rules: 1 penalty point.

(4) Failure to submit memorials by e-mail in accordance with Article 6(1): 1 penalty point plus an additional 1 penalty point per day (including weekends and public holidays) after the relevant deadline provided for by the Regional Organizer or the Organizing Committee under the Official Rules.

ARTICLE A3: PENALTIES FOR MEMORIALS FORMAT AND CONTENTS

(1) Failure to address the memorials to the International Court of Justice in compliance with Article 5(1) of the Official Rules: 1 penalty point.

(2) Failure to comply with Article 5(2) of the Official Rules: 1 penalty point for each rule violated, up to a maximum of 2 penalty points.

(3) Failure to include any section mentioned in Article 5(3) of the Official Rules: 1 penalty points per section not included.

(4) Failure to comply with the provisions of Article 5(4) of the Official Rules: 2 penalty points per violation, except in the case of a memorial exceeding the word limit, in which case the penalty shall be 3 penalty points for every 1,000 words above the word limit or part thereof.

(5) Failure to comply with Article 5(5) of the Official Rules: 2 penalty points.

(6) Failure to comply with Article 5(6) of the Official Rules: 1 penalty point and the teams are required to resubmit the memorials in the same manner as required in the Official Rules postmarked within 3 days of receiving the notification from the Regional Organizer or the Organizing Committee.

(7) Failure to submit the Applicant or Respondent memorial in accordance with Article 5(1) of the Official Rules: automatic and immediate disqualification.

ARTICLE A4: PENALTY POINTS FOR ORAL ARGUMENTS

(1) Failure to comply with Article 7(1) of the Official Rules: 1 penalty point.

(2) Any form of communication between the bar table and any person other than those on the Bench: 5 penalty points.

(3) Submission of any written material other than the memorials to the Bench prior to, during or after oral arguments: 5 penalty points.

(4) Failure to comply with any of the provisions of Article 7(6) of the Official Rules without the consent of the Bench: 1 penalty point per minute that the time limits are overstepped.

(5) Failure to comply with the provisions of Article 7(4) of the Official Rules: 5 penalty point per violation, with a maximum of 10 penalty points.

(6) It is the discretion of the Regional Organizer to decide on any violations of the provisions of Article 7 of the Official Rules during the Regional Round, and whether those violations entail penalty points. If a team, a member of the Bench or the timekeeper wishes to claim a violation of Article 7, they must briefly state their claim to the Bench immediately after the close of the orals. The Bench will inform the Regional Organizer of the claim(s) made but will not consider them as part of their deliberations unless directed to do so by the Regional Organizer.

(7) It is the discretion of the Organizing Committee to decide on any violations of the provisions of Article 7 of the Official Rules during the Semi Final(s) and the Final, and whether those violations entail penalty points. If a team wishes to claim a violation of Article 7, they must briefly state their claim in no more than a minute to the Bench immediately after the close of the orals and before deliberations. The other team may take no more than a minute to orally defend those claims. The Bench will confer with the Organizing Committee of the claim(s) made and shall be advised by the Organizing Committee as to the appropriate penalty (if any) to be imposed on the team.

(8) Failure to deliver an oral argument at all: disqualification.

ARTICLE A5: CHEATING, INTIMIDATION AND OTHER UNFAIR BEHAVIOUR

(1) Pursuant to Article 10(3) of the Official Rules, the Regional Organizer or the Organizing Committee has the discretion, after giving the team in question the opportunity to be heard, to award penalty points or to disqualify a team for cheating, intimidation and other unfair behaviour, including any breach of Article 3(8), that has the effect or the intended effect of unfairly improving its performance or reducing the other team's performance during a match.

(2) Pursuant to Article 10(3) of the Official Rules, the Regional Organizer or the Organizing Committee has the discretion, after giving the team in question the opportunity to be heard, to award penalty points or to disqualify a team for having had external assistance in the substantive preparation of the memorials beyond that allowed under the Official Rules.

(3) Pursuant to Article 10(3) of the Official Rules, the Regional Organizer or the Organizing Committee has the discretion, after giving the team in question the opportunity to be heard, to award penalty points or to disqualify a team for conducting itself in a manner that has the purpose, effect or intended effect of bringing the Competition into disrepute.

(4) The discretion granted to the Regional Organizer or the Organizing Committee includes the authority to impose an unlimited number of penalty points for a particular match, to record a loss against the team in a particular match or to disqualify the team from further participation in the Competition in that year.

(5) In exercising its discretion under this Article, the Regional Organizer or the Organizing Committee may call on the Bench, the timekeeper and any witness to the conduct to provide an account of the event(s) in question, provided that doing so does not prejudice the fairness of the exercise of such discretion.

ARTICLE A6: FINAL PROVISIONS

(1) In the Semi Final(s) and Final, the Organizing Committee will be empowered to impose any penalties under this Annex on Penalties and it shall do so with due regard to the aim as stated in Article 1.

(2) In Regional Rounds, the powers of the Organizing Committee under the present Annex on Penalties will be automatically delegated to the Regional Organizer in accordance with the Official Rules. The Regional Organizer may designate one person for the imposition of penalties in accordance with this Annex on Penalties.

(3) Decisions on penalties taken by majority by the Organizing Committee or the Regional Organizer are final and binding.

ANNEX 1

MANFRED LACHS SPACE LAW MOOT COURT COMPETITION (year)

Team No.....

IN THE INTERNATIONAL COURT OF JUSTICE AT THE PEACE PALACE, THE HAGUE

Case concerning

.....(name)

v.

.....(name)

ON SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE MEMORIAL FOR THE APPLICANT (RESPONDENT)

..... (name)

II. SAMPLE SUBMISSIONS

For the foregoing reasons, the Government of, Applicant (Respondent) respectfully requests the Court to adjudge and declare that:

- 1.....
- 2.....
- 3.....
- 4.....
-