



## **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 (the “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: ORGANIZATION**

(1) The organization of 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 a Moot Court Committee. The Moot Court Committee may delegate the organization of Regional Rounds to other individuals, organizations or institutions (the “Regional Organizers”).

(2) Organization of and participation in the Regional Rounds must comply with these Official Rules, unless decided otherwise by the Moot Court 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 Moot Court Committee.

(3) The appointment of a Regional Organizer by the Moot Court Committee is subject to the approval of the Board of Directors of the IISL.

(4) The Regional Organizers shall ensure the maintenance of a high academic level of judges for the oral arguments and memorials, and shall properly organize the logistics of the round, if necessary with the cooperation of the Moot Court Committee.

(5) Each Regional Round in each year shall have at least three (3) registered competitors from at least two (2) different countries within the region concerned, except for the North American Rounds, which shall have at least three registered competitors from at least two different states of the United States or two different countries. If the teams registered are not sufficient to meet the requirements of this Article 2(5), the Regional Rounds may still be held but the winner will not be eligible to proceed to the World Finals. Regional organizers may grant a special invitation to teams of other regions, which have no regional organization, to participate in a regional competition, with approval of the Committee.

(6) The Regional Organizers shall endeavor to ensure that the winners of the Regional Competition obtain the necessary funds for travel and stay to participate in the World Finals, which are held at the location of the annual International Astronautical Congress (IAC).

(7) The Moot Court Committee will publish a timetable with all relevant deadlines and dates for the competition on the designated website of the Competition. Each Regional Rounds 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 World Finals.

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

(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 program.

(2) The teams shall consist of no less than two (2) and no more than three (3) students who are registered students within six (6) months prior to the date of their relevant Regional Rounds. Students eligible to compete include but are not limited to candidates for an LL.B, LL.M, J.D. or equivalent degree, but shall exclude Ph.D. students and students who received their first law degree, whether an LL.B, LL.M, J.D. or equivalent degree, five or more years prior to January 1 of the competition year.

(3) Only two (2) students will argue in any one particular match of the Competition and are allowed to sit at the agent's table of that relevant match. All three (3) members of the team are allowed to work on and contribute to the preparation of the memorials.

(4) Permission in writing from the applicable Regional Organizer is required if any student wishes to participate for a second or more times in the competition. No student may participate for a second time if such student was a member of a team that previously won a Regional competition or the student or the team was disqualified in a previous competition.

(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 is a staff member of the participating institution. The Faculty Advisor shall not be a student.

(8) A team may have one assistant to the Faculty Advisor (referred to herein as the "Assistant Faculty Advisor").

(9)(A) Faculty Advisors and Assistant Faculty Advisors supporting the team shall confine themselves to a supporting role, limited to a general discussion of issues and suggestions as to research sources, and shall guarantee that the memorials 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 Rounds and/or World Finals in which their team participates. Faculty Advisors and Assistant Faculty Advisors shall comply with any Faculty Advisor Code of Conduct or Supplemental Rules adopted by the Organizing Committee or appropriate Regional Organizer.

(9)(B) The role of the Faculty Advisor (and her/his assistant or coaches) must not extend past a supporting role, as Articles 3(9)(A) and 5(7) implicitly recognize. The Faculty Advisor may not conduct research but may generally guide research. The Faculty Advisor may not draft or edit the Memorials in either a draft or final format. The Faculty Advisor may read drafts of the Memorials and discuss them with the students in a general manner. The Faculty Advisor, however, should not provide specific written edits on the drafts. Otherwise, the drafting of the Memorials will not be "solely the work of the students." This is a fine line. By way of example, a Faculty Advisor could read a Memorial and comment that a certain section could use some changes and additional support; the Faculty Advisor may generally discuss the issues that should be revised or expanded and may suggest cases that the students should review. The Advisor should not, however, make specific editing suggestions, or provide analysis of cases. When in doubt about the limits of their role, the Faculty Advisor should contact the Regional Organizer.

(10) Except in extraordinary circumstances and only 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 or Assistant Faculty Advisor.

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

(12) Each team member shall grant to the IISL a non-revocable, non-exclusive, royalty-free license to use, publish, or otherwise make available, in any and all media, the memorials written for the Competition, and together with the Faculty Advisors, Designated Staff Members, and Assistant Faculty Members, shall grant the IISL permission to take, record and use photographs, audio and/or video of the Competition for any purpose whatsoever.

#### **ARTICLE 4: THE PROBLEM**

- (1) Each year, the Moot Court Committee will invite one or more leading authorities in the field of space law to draft the problem (the “Problem”), and organize assistance in that regard if needed. The Moot Court Committee or a special committee appointed by the Moot Court 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 she/he/they expect(s) 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. The author(s) shall comply with a schedule to be set by the Moot Court Committee.
- (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 one (1) distinct, clear and specific written request for clarification about the Problem to its Regional Organizer before December 15. The Regional Organizers will submit the first ten requests for clarification, including any duplication, to the Committee, which will forward the requests to the author(s) of the Problem. Responses to the requests for clarification may be provided by the author(s) and, when provided, will be circulated to all registered teams in all regions and be posted on the Lachs Moot website. Such responses become an integral part of the Problem and are to be taken into account in the Regional Rounds and the World Finals.

#### **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 particular style guide specified in the specific regional rules of the Regional Rounds or as stated by the Regional Organizer at the time of registration for the Regional Rounds. If no particular style guide is designated, the Uniform System of Citation (“Bluebook”) shall be used.
- (3) Each memorial shall be comprised of the following sections:
  - (a) When submitted in hard copy, a cover page with blue cover for Applicant Memorial and a red cover for the Respondent Memorial, specifying only the team number and substantially complying with the sample in Annex 1 to these Official Rules. The cover page of the hard copies is to contain the information of the Title Page and should not be repeated in a second page. Electronic versions are exempted from the blue or red cover requirement;
  - (b) Table of Contents;
  - (c) Table of Authorities;
  - (d) Questions Presented;

- (e) Statement of Facts, which may creatively and persuasively restate the facts of the Problem in a way that supports the positions argued in the memorial. The Statement of Facts should remain faithful to the official facts and present them in a reasonable way.
  - (f) Summary of Argument;
  - (g) ) Argument including footnotes; and
  - (h) Submissions to the Court, complying in format to the sample in Annex 2 to these Official Rules;
- (4) The Arguments as referred to in Subsection (3)(g) 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, in accordance with the word-counting algorithm in the version of Word to be designated by the Committee, must not exceed 9,000 words. Attachments to the Arguments are not permitted.
- (5) Table of Contents, Table of Authorities, Section Headings and Footnotes shall be typed single-spaced. The rest of the Memorial body sections shall be typed double-spaced. See ANNEX 3 for a sample page to illustrate the form.
- (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 Organizers or the Moot Court Committee. The electronic versions of memorials shall not have any electronic identification of the team, its members, the law school, faculty, university or other participating institution.
- (7) Only the registered students on the team may participate in preparing both memorials, including research, drafting and editing of the memorials.
- (8) The winner of a Regional Rounds may revise its memorials before submitting them for the World Finals.

## **ARTICLE 6: JUDGING THE MEMORIALS**

- (1)(A) For the World Finals, memorials shall be sent to the address of the Moot Court Committee to be provided. 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 must be emailed to the Regional Organizer or the Moot Court Committee, as appropriate, on or before the submission deadline, in either Microsoft Word or Adobe Acrobat format, or for the regional rounds, as otherwise specified in the regional rules. The Regional Organizer will give further instructions for the submission of hard copies.
- (1)(B) The number of copies to be submitted for the Regional Rounds is stated in the relevant specific rules or as specified by the Regional Organizer. In the case of the World Finals, each team shall submit the number of hard copies specified by the Moot Court Committee of each of the Applicant and Respondent memorials.

(2) The Moot Court Committee, or, in the case of a Regional Round, the Regional Organizers, shall invite at least three (3) authorities in the field of space law to judge the memorials. Anyone who may have been or will be assisting any one of the teams cannot participate in judging the memorials for that level of the competition (Regional or Final).

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

(4) The Moot Court Committee or in the case of a Regional Round, the Regional Organizer, shall determine the format of the scoring sheets prior to the relevant competition.

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

- use of authorities and extent of research (thoroughness);
- knowledge of the facts and the legal principles applicable to the facts;
- proper and articulate analysis (including logic, reasoning, originality and persuasiveness);
- clarity and organization; and
- grammar and style.

(6) Grammar and style should have a lesser weight in the score computing than the other factors.

(7) The scores with comments of judges in the Regional Rounds may be distributed to the students after the conclusion of the Regional Round.

## **ARTICLE 7: ORAL ARGUMENTS**

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

(2)(A) Only two students of each team may be seated at the agents' table during the oral pleadings.

(2)(B) In the World Finals, each side will argue for thirty-five (35) 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 fourteen (14) consecutive minutes, and at least two (2) minutes but no more than seven (7) 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).

(2)(C) Only one (1) of the two (2) team members who argue during any given match may engage in rebuttal or surrebuttal during that match.

(3) Regional Organizers may decide that each side will argue thirty (30) minutes in total, including questions from the Bench, and that each agent must argue for at least twelve (12) consecutive minutes, with two (2) to six (6) 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 Moot Court Committee, of that decision at least one (1) month before the round unless such a provision is included in the specific regional rules of those Regional Rounds 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 them extra time of no more than two (2) minutes in light of the time taken by questions.

(7) Team members participating in oral arguments must not communicate with anyone other than their team and Faculty advisor and Designated Staff Member or Assistant Faculty Advisor about the arguments raised by the opposite team and/or specific questions from the Bench until the competition is over. No member nor any other person associated with a team may observe an oral round in which that team is not arguing. Members and other persons associated with a team shall not discuss the oral argument performance of another team with any team or persons associated therewith.

## **ARTICLE 8: JUDGING THE ORAL ARGUMENTS**

(1) The Moot Court Committee, or, in the case of a Regional Round, the Regional Organizer, shall invite at least three (3) qualified authorities in judging the oral arguments in each match. When assigning judges to any particular round, potential conflicts of interest will be evaluated and avoided to the extent possible. Except in extraordinary circumstances, no person who may have assisted or will assist any of the teams may participate in judging oral arguments.

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

(3) The Moot Court Committee or in the case of a Regional Round, the Regional Organizer, shall determine the format of the scoring sheets prior to the relevant competition.

(4)(A) 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)(B) 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;
- grammar and style; and
- poise, demeanor and ability to manage time

#### **ARTICLE 9: WORLD SEMI-FINAL(S) AND FINAL**

(1) Sitting members of the International Court of Justice will be invited to judge the Final. The Semi Final(s) will be judged by distinguished authorities in the field of space law as invited by the Moot Court Committee.

(2) The Moot Court Committee will select no less than three (3) authorities in the field of space law to judge the memorials submitted for the World Finals to determine the pairings for the preliminary matches. For purposes of subsections (2) and (3) of this Article 9, the "Memorial Score" for any team means the combined score for both Applicant and Respondent memorials of that team.

(3) The structure of the World Finals is to be as follows:

- (a) if two (2) Regional Rounds are held, the winners of each of the Regional Rounds will proceed directly to the Final;
- (b) if three (3) Regional Rounds are held, the team with the highest Memorial Score will advance directly to the Final and the remaining teams will meet in a Semi-Final;
- (c) if four (4) Regional Rounds are held, the team with the highest Memorial Score will meet the team with the lowest Memorial Score in one Semi-Final and the remaining teams in the other Semi-Final, with the winners advancing to the Final;
- (d) if five (5) Regional Rounds are held, the team with the lowest and second lowest Memorial Scores will meet in a Preliminary Final, with the winner advancing with the remaining teams to the Semi-Finals in the same format as if four (4) Regional Rounds were held; and



- (e) before more than five (5) Regional Organizers are appointed by the Moot Court Committee, the latter is to determine the appropriate structure for the World Finals and amend these Official Rules accordingly.
- (4)(A) For the Semi-Finals, the side that each team will argue will be determined by a draw of straws process over email. The Moot Court Committee will communicate on the results of drawing straws and will send the respective memorials to the opponent team at least three (3) days but no more than six (6) days prior to the Semi-Final.
- (4)(B) The side that each team will argue in the Final will be determined by the toss of a coin, and the team with the higher Memorial Score will call the toss. The coin toss for the Final will be conducted at the conclusion of the last Semi-Final.
- (5)(A) In each match of the World Finals, the Bench will consider both the written memorial and the oral arguments, 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.
- (5)(B) The scores for the memorials, with comments of the judges, may, with the approval of the respective judge, be distributed to the students. Teams shall not receive the scores or comments for any preliminary oral round in the World Finals. The Judges of the Final round shall have the discretion to provide their scores and comments to the students after the Competition.
- (6) In case of a tie under the provisions of Article 9(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 Article 9(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.
- (8) In case of a tie under the provisions of Article 9(8) above, the two teams participating in the Final shall be declared joint winners. For a semi-final match, a majority of the judges shall determine the winner.
- (9) The original Manfred Lachs Trophy has been placed on permanent display at the International Court of Justice at the Peace Palace in The Hague, The Netherlands. A replica trophy shall be present during the World Finals and for Exhibition purposes in other events, and shall be kept and maintained by the Moot Court Committee. Teams, individuals and institutions participating in the Competition shall receive presentation awards as determined by the Moot Court Committee.
- (10) 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".
- (11) The "Eilene M. Galloway Award for Best Memorials" shall be given to the team that had the highest Memorial Score. The memorials of all teams participating in the World Finals will be considered for this award.
- (12) The "Lee Love Award" shall be given to the winning team of the World Finals.
- (13) All participants in the World Finals will receive individual certificates signed by the Bench of the Final.

(14) Except for the Final, the matches of the World Finals are not open to the public. With advance written approval of the Moot Court Committee Chairs(s), family members, close friends who have traveled with the team to the World Finals, and other individuals may be allowed to view preliminary rounds in which that team is participating, provided, however, that the team shall be responsible for ensuring that any such observers shall comply with Article 7(7). Approval for observers should be requested at least two weeks before the start of the IAC.

#### **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 Moot Court 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 ten (10) points per memorial pair (i.e., a one- time penalty per competition) and ten (10) points per round of oral arguments, 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 Moot Court Committee during the World Finals may impose a penalty on a team that, in the considered opinion of the Regional Organizer or the Moot Court 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 Moot Court Committee during the World Finals may impose a penalty on a team that, in the considered opinion of the Regional Organizer or the Moot Court 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 or causing serious disruption.

(5) The Moot Court Committee or Regional Organizers 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 or in no more than two (2) subsequent years if the violation is of a grave character.

(6) If a team is barred from further participation 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 Moot Court Committee on matters arising before the World Finals may be made by the Chair or Co-Chairs, or at the discretion of the Chair or Co-Chairs, presented to the full Committee for determination. Decisions of the Moot Court

Committee taken by the Chair or Co-Chairs are final and binding. The Chair or Co-Chair(s) of the Moot Court Committee shall resolve questions that may arise during the Finals. In the event the Chair or both Co-Chairs shall not be able to be present at the World Finals, she/he/they shall designate a member of the Committee to act in her/his/their place for purposes of this Article 11(1).

(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 Moot Court Committee has the discretion to interpret, amend, or provide variance to 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 Moot Court 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.
- (3) For the purposes of Articles A2 and A3, each “penalty point” is to be deducted from the score for the relevant Applicant memorial, Respondent memorial or both, given as a mark out of one hundred (100).
- (4) For the purposes of Article A4, each “penalty point” is to be deducted from the combined score for the oral submissions of the relevant team, given as a mark out of one hundred (100).

### **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 Moot Court 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 Moot Court 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 per memorial side (applicant/respondent).
- (3) Failure to include any section mentioned in Article 5(3) of the Official Rules: 1 penalty point 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 2 penalty points for every 1,000 words surpassed 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. The memorials should be sent per email and/or postmarked, if required, within 3 days of receiving the notification from the Regional Organizer or the Moot Court Committee.

(7) Failure to submit the Applicant or Respondent memorial as required by Article 5(1) of the Official Rules: automatic and immediate disqualification.

#### **ARTICLE A4: PENALTY POINTS FOR ORAL ARGUMENTS**

(1)(a) Failure to comply with Article 7(1) of the Official Rules: 1 penalty point; (b) Failure to comply with Article 7 (2)(A) of the Official Rules: 3 penalty points; (c) Failure to comply with Article 7 (2)(C) of the Official Rules: 3 penalty points.

(2) Any form of communication between the agent's 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 points 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 Moot Court Committee to decide on any violations of the provisions of Article 7 of the Official Rules during the World Finals, 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 Moot Court Committee of the claim(s) made and shall be advised by the Moot Court 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 Moot Court 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 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 Moot Court 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 Moot Court Committee has the discretion, after giving the team in question the opportunity to be heard, to award penalty points or to disqualify a team from further participation in the Competition in that year and for no more than two (2) subsequent years for conducting itself in a manner that has the purpose, effect or intended effect of bringing the Competition into disrepute or to cause the organization of the Competition to be disrupted or severely affected.

(4) Pursuant to Article 10(3) of the Official Rules, the Regional Organizer has the discretion, after giving the team in question an opportunity to be heard, to award penalty points or to disqualify a team from any award and/or further participation in the Competition for any plagiarism identified by or brought to the attention of the Regional Organizer contained in any memorial. The Regional Organizer, after obtaining agreement with at least one co-chair of the Moot Court Committee, will communicate this issue to the team's university authorities as soon as practicable under the circumstances. Plagiarism refers to (but may not be limited to) cases of using another person's words without attributing credit to that person, such as copying or paraphrasing text and/or using the same string of views laid down in the works of other person without proper attribution and citation to the author of the source. The Regional Organizer and at least one co-chair of the Moot Court Committee shall determine whether a memorial contains plagiarized material that meets this definition. A passage in a memorial may be deemed plagiarism regardless of intent of the author, whether it was just overlooked, whether someone forgot to check, or whether it was done with total innocence. All instances will be treated as 'cheating' under Article A5 of the Annex of Penalties of the Official Rules.

(5) The discretion granted to the Regional Organizer or the Moot Court 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. The Regional Organizer or the Moot Court Committee have the discretion to decide if the term "Team" shall include the students, Faculty Advisor, Designated Staff Member, and/or Assistant Faculty Advisor and the school in question for purposes of penalties.

(6) In exercising its discretion under this Article, the Regional Organizer or the Moot Court Committee may call on the Bench, the timekeeper and any witness to the conduct to provide an account of the event(s) in question.

#### **ARTICLE A6: FINAL PROVISIONS**

(1) In the World Finals, the Moot Court 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 Moot Court 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 the Moot Court Committee or the Regional Organizer are final and binding.

(ANNEX 1)

**(Year) MANFRED LACHS SPACE LAW MOOT COURT COMPETITION**

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)



## (ANNEX 2)

(II. SAMPLE SUBMISSIONS to be placed as a new section immediately after the Arguments' section)

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

1.....

2.....

3.....

4.....

## (ANNEX 3)

**ARGUMENT****I. MHENI IS LIABLE UNDER INTERNATIONAL LAW FOR THE X-12A HARMFUL INTERFERENCE PREVENTING AKERA'S ACCESS TO THE SEANAV PNT SIGNALS.**

Mheni is absolutely liable to Akera because the damage Mheni caused by preventing Akera's access to the SEANAV signal occurred on the surface of the Earth. If this Court finds that absolute liability is inapplicable here, however, Mheni is still liable to Akera because the damage from the inaccessibility of the SEANAV signal was caused by Mheni's breach of its obligations as a party to the International Telecommunications Union ("ITU") and the Outer Space Treaty ("OST").<sup>63</sup> Finally, even if Mheni is not found to have breached its treaty obligations, Mheni is still liable to Akera under the customary international law prohibition on transboundary harm.

**A. Mheni Is Absolutely Liable to Akera for the X-12A Harmful Interference Preventing Access to the SEANAV Signal Because the Damage Caused Was on the Surface of the Earth.**

Mheni is absolutely liable to Akera for the X-12A EMI's disruption of the SEANAV signal under Article II of the Liability Convention. Pursuant to Article II of the Liability Convention, a launching state is absolutely liable for all damage caused by its space object to another state party on the surface of the Earth or to an aircraft in flight.<sup>64</sup> In addition to causing the damage from Akera's UAV crash,<sup>65</sup>

<sup>63</sup> See *Factory at Chorzów (Ger. v. Pol.)* 1928 P.C.I.J. (ser. A) No. 17 at 37 (Sept. 13); see also *Corfu Channel (U.K. v. Alb.)*, 1949 I.C.J. at 4 (Apr. 9); *Trail Smelter Arbitration (U.S. v. Can.)*, 3 R.I.A.A. 1911 (U.S.-Can. Arb. Trib. 1941); Rep. of the Int'l Law Comm'n, 53rd Sess., April 23-June 1, July 2-Aug. 10, 2001, Draft Articles on Responsibility of States for Internationally Wrongful Acts, U.N. Doc. A/56/10; GAOR, 56th Sess., Supp. No. 10, 31, arts. 1, 2 (2010) [hereinafter Draft Articles].

<sup>64</sup> LC art. II.

<sup>65</sup> Discussed *infra* part III.