

**RULES OF PROCEDURE FOR
THE INTERNATIONAL AIR LAW MOOT COURT COMPETITION
(October 2009)**

Chapter I. General Provisions

Article 1 Function

- a. The present Rules govern the procedure of the International Air Law Moot Court Competition (hereinafter "The Competition").
- b. The Competition shall include, if necessary, National Pre-Selection Rounds, to be held in the participating states in accordance with the National Pre-Selection Rounds Rules of Procedure of the International Air Law Moot Court Competition, and an International Round (Semi-Finals and Final).

Article 2 Organisation

- a. The Competition is a joint initiative of the Sarin Memorial Legal Aid Foundation, Chandigarh, India, and the International Institute of Air and Space Law (IIASL), Leiden Law School, Leiden University in The Netherlands. Other parties may join the organisation of the Competition. There shall be a Permanent Bureau responsible for the organisation of the Competition (hereinafter the International Air Law Moot Court Bureau or 'the BUREAU') and established under the auspices of the International Institute of Air and Space Law (IIASL). Until such time as the Bureau is fully established, the organisation of the Competition shall be the joint responsibility of the Sarin Memorial Legal Aid Foundation and of the International Institute of Air and Space Law (IIASL), Leiden Law School, Leiden University.
- b. The BUREAU shall be responsible for all administrative matters

concerning the Competition and shall supply and distribute to the participating universities all the necessary information

- c. The BUREAU may set up a Committee for the distribution of prizes. This committee shall designate qualified teams and persons for prizes. The committee shall consist of at least three persons who are independent from participating teams and persons.

Article 3 Participation - Eligibility

- a. Any fully accredited Law School, Law Faculties or Law Departments may participate in the Competition. In addition, the Competition is open to teams composed of students enrolled in programmes other than law in a fully accredited University.
- b. The language of the Competition, including the National Pre-Selection Round if applicable, at all stages is English.
- c. Each University shall be represented by one (1) team. The selection of the team members is an internal matter for each University; it must satisfy the selection criteria stipulated in the present Rules.
- d. A State shall be represented by no more than six (6) participating universities in the International Round.
- e. Students are not allowed to participate more than once in the International Round. Non-compliance with this paragraph shall be penalised by the BUREAU in accordance with the Annex of Penalties of the present Rules.
- f. The BUREAU will assign each participating team a registration number.
- g. There shall be no registration or participation fee.
- h. Each team shall bear its own costs.

Article 4 National Pre-selection Rounds

- a. In the event that more than four (4) universities from one (1) country

register to participate in the Competition, a National Pre-Selection Round will be held to determine which universities will represent that country in the International Round of the Competition.

- b. After the deadline for registration for participation as indicated on the BUREAU's Time Schedule has expired, the BUREAU will notify the relevant universities of the necessity to appoint a National Committee. The organisation of a National Pre-Selection Round will be delegated, in each country, to a National Committee, in conformity with the Rules of Procedure for National Pre-Selection Rounds of the Competition. The BUREAU shall be informed by the relevant universities of the constitution of the National Committee no later than the deadline indicated on the BUREAU's Time Schedule.
- c. The BUREAU will supply the Committee with all the necessary information and forms.
- d. National Pre-Selection Rounds will be held in accordance with the Rules of Procedure for National Pre-Selection Rounds. The present rules apply to such Rounds when questions or issues arise which have not been explicitly provided for in the rules of procedure of those Rounds.

Article 5 Composition and Registration of Teams

- a. The teams shall be composed of students who are enrolled in a programme of undergraduate (LL.B.) or post-graduate (LL.M.) law studies at the participating universities. Such students can be holders of degrees other than in law.
- b. Doctoral Candidates (Ph.D. Candidates) shall not be eligible for participation.
- c. A team may consist of students enrolled in different national universities.
- d. Each team shall have one (1) Faculty Adviser. The Faculty Advisor may be a staff member or an external adviser designated by the participating

institution as Faculty Adviser to the team.

- e. Each team shall be composed of no less than two (2) and not more than three (3) students. The additional student may serve as alternate member. Only two team members will be arguing before the panels of judges.
- f. The names of the students composing a team are to be submitted to the BUREAU by the date for registration indicated on the Time Schedule. Substitution of team members is not allowed after this date, unless a team member has to withdraw due to serious and unexpected circumstances such as serious illness. A team contemplating withdrawal of a team-member shall communicate the circumstances of the requested withdrawal to the BUREAU. The BUREAU, in its sole discretion, will determine whether the withdrawal of the team member is appropriate under the circumstances. Only in the most exceptional cases may a team communicate withdrawal of a team-member within 24 hours of the date at which the National Pre-Selection Round or the International Round takes place. The BUREAU may determine that such withdrawal is in violation of the rules requiring that two registered team members give oral arguments as stipulated in Article 12. The BUREAU may, at the request of the team, decide that another student meeting the conditions of Article 5 be registered in place of the team member withdrawn. In case of denial of this request, the team may continue participating with the remaining two members.
- g. Non-compliance with this Article shall be penalised by the BUREAU in accordance with the Annex of Penalties of the present Rules.

Article 6 The Case

- a. The BUREAU shall invite a duly qualified person to draft the Case. The author of the Case will remain anonymous until after the day of the

Final round. The author of the Case is not involved with the substantive preparation of the Competition and with any of the participating teams.

- b. The BUREAU shall include the Case with the invitation for participation to the Competition not later than three months before the date indicated on the Time Schedule for the submission of the Memorials.
- c. Teams may submit written requests for clarification with a maximum of five questions that are pertinent to understanding the Case. These requests must be sent to the BUREAU and received at the date indicated on the Time Schedule. Requests for clarifications may be deleted selectively by the author of the Case.

Article 7 Outside Assistance

- a. Outside assistance which would interfere with the final product being the exclusive work of the team members is strictly prohibited.
- b. Outside assistance to a team in preparation of the Competition, including that of faculty members, will be limited to a general discussion of the issues, suggestions as to research sources and training in presentation in public.
- c. Under no circumstances shall anyone who has in any way and at any stage participated in the drafting of the Case give outside assistance to any of the participating teams.
- d. Non-compliance with this Article shall be penalised by the BUREAU in accordance with the Annex of Penalties of the present Rules.

Chapter II The Semi-Finals

Article 8 The Memorials

- a. The Memorials shall be written in English.
- b. Each Memorial shall contain the following sections in the following order:

- (a) Table of Contents;
- (b) List of Abbreviations;
- (c) List of Sources (treaties, jurisprudence, literature, etc.);
- (d) Statement of Relevant Facts;
- (e) Issues;
- (f) Summary of Arguments;
- (g) Jurisdiction of the Court (or other body vested with adjudicatory power);
- (h) Argument;
- (i) Submissions.

The Memorial may also include Annexes up to a maximum of five (5) pages.

Participating teams are obliged to follow the order as mentioned in this paragraph.

Each section shall include only information relevant to that section. Citation form should be in accordance with the Oxford Standard for the Citation of Legal Authorities available on the website of the Sarin Memorial Legal Aid Foundation using the address <http://sarins.org>

Team using any other guide shall ask prior admission to the BUREAU.

c. The Argument (section (h)) and the Submissions (section (i)) together, including footnotes, shall not exceed twenty-five (25) pages. Any argument with respect to jurisdiction or admissibility shall be included in the Argument (section (h)).

d. The Memorial shall be typed

- on A4 paper (21 cm x 29 3/4 cm),
- on one side,
- in font Times New Roman size 12, or Arial size 11,
- with a margin of 2.5 cm on both sides, and

- with a margin of 2.5 cm at the top and at the bottom, and
- with sections (d) - (i) and Annexes with interline 2 (double-spaced).

e. The maximum of twenty-five (25) pages of the sections Argument (h) and Submissions (i) together shall be numbered consecutively in Arabic numbers (1 - 25).

All the other sections of the Memorial shall be numbered consecutively in small Roman numbers (i - ii - ... -iv ... xi ...).

Each page shall be numbered in the middle at the top.

Footnotes shall be placed at the bottom of the page and must be numbered consecutively throughout the memorial in Arabic numbers.

f. Footnotes and quotations shall not be reduced in size.

Footnotes and quotations of more than one line in length may be typed single-spaced. The standard double spacing between separate footnotes must be kept.

g. The listing of the sources in the List of Sources (section (c)) and in the footnotes shall be complete and uniform throughout the document. Listings are complete when all cited texts are included in the List of Sources; no other texts shall be listed. Listings are uniform when the rendition of sources in footnotes is the same as the rendition of these sources in the List of Sources.

h. Each Memorial shall be bound by a cover: The Memorials for the Applicant by a green cover, the Memorials for the Respondent by a red cover. The Cover should correspond to the one indicated in the Annex to the present Rules.

i. The participating teams may not be identified by name or in any other way in the Memorial, except by their designated registration number.

j. The registration number of the team must appear clearly in the middle at the bottom on the cover of the Memorials, as indicated in the 'Cover' annexed to the present Rules.

- k. Non-compliance with this provision shall be penalised in accordance with the Annex of Penalties of the present Rules.

Article 9 Submission of Memorials

- a. Each team participating in the Competition shall prepare an Applicant's Memorial (A) and a Respondent's Memorial (B). Only the students registered with the BUREAU as team members shall research and write the team's Memorials.

No team may revise, substitute, add, delete, or in any other manner alter their original Memorials after they have been submitted.

- b. The BUREAU shall receive by Registered Mail twenty (20) copies as well as an electronic copy via e-mail of both the Applicant's Memorial and the Respondent's Memorials of each participating team. The deadline for mailing of the Memorials is indicated on the BUREAU Time Schedule. Identical electronic copies shall be submitted by the same deadline by way of email attachment in pdf-format.
- c. A clearly legible copy of the (Registered) Mail receipt shall be forwarded (preferably a scanned version) forthwith under separate cover to the BUREAU.
- d. The BUREAU shall distribute the appropriate Memorials to the opposing teams, to the members of the Semi-Finals' Moot Courts, to the members of the Bench of the Final Round, and to the members of the International Board of Review.
- e. All Memorials in the Competition become the property of the BUREAU and may be copyrighted as such.
- f. The Team must ensure to timely and properly submit the Memorials. Failure to comply with this provision may be penalised in accordance with the Annex of Penalties of the present Rules.

Article 10 Judging the Memorials – The International Board of Review

- a. The Memorials for the International Round shall be judged by the International Board of Review (hereinafter 'the IBOR').
- b. The BUREAU, having consulted the organising parties, shall nominate the members of the IBOR. The IBOR shall consist of up to nine (9) persons who meet qualification of expertise and impartiality. The members of the IBOR shall represent areas in which participating teams are located.
- c. Each Memorial shall be judged individually by three members of the International Board of Review, acting independently of one another. No Board member shall judge Memorials of a team of the same country as the team by whom the Board member is appointed.

Article 11 Score of Memorials

- a. The score shall be kept on official scoring sheets supplied by the BUREAU.
- b. A grade between thirty (30) and fifty (50) points per Memorial shall be awarded by each member of the Board, excellent being 45-50, good being 40-44, average being 35-39, and poor being 30-34.
- c. The scoring factors to be considered, without regard to their order of importance, shall include, but not be limited to:
 - knowledge of the facts and the legal principles directly applicable to the facts;
 - proper and articulate analysis of the issues involved;
 - use of authorities and extent of research;
 - logic and reasoning;
 - evidence of original thought;
 - clarity and organisation;
 - persuasiveness;

- thoroughness;
- grammar and style.

- d. The final score for a Memorial shall be the sum of the points awarded by the members of the International Board of Review minus any penalty points. The maximum number of points that a team can score for the Memorials is three hundred (300): hundred-and-fifty (150) points for the Memorial on behalf of the Applicant and hundred-and-fifty (150) points for the Memorial on behalf of the Respondent.
- e. At the end of the Competition, the team having prepared the Best Applicant's Memorial and the team having prepared the Best Respondent's Memorial will be announced. The Best Memorials are those which received the highest final scores.

Article 12 The Oral Arguments

a. Time, Place and Order of Presentation

- (i) The BUREAU shall determine the place of the presentation of the oral arguments of the Semi-Finals and of the Final Round. The BUREAU shall determine the pleading schedule, i.e. the time and order of the presentation of the oral arguments, of the Semi-Finals by secret ballot, while the pleading order of the Final Round shall be determined in accordance with Article 15 of the present Rules.
- (ii) The pleadings shall be held before a Moot Court constituted according to Article. The name of the Best Oralist will be announced by the President of the Final Bench.

b. Form and Content of the Oral Argument

- (i) Each team shall prepare an oral argument for the Applicant and an oral argument for the Respondent. The oral arguments shall be presented in English. Each team shall present an oral argument in at least two (2) of the sessions of the Semi-Finals: once as Applicant and once as

Respondent.

- (ii) Per session of the Semi-Finals, the two team members shall present the team's oral argument for the Applicant and for the Respondent. Each member of the team shall act as an oralist in the presentation of the team's oral argument in at least two (2) sessions of the Semi-Finals.
- (iii) Only the students registered with the BUREAU as team members shall act as oralists. The third registered student shall act as alternate oralist if circumstances so allow and with consent of the BUREAU.
- (iv) During the Semi-Finals' oral arguments, all three team members shall be present in the sessions in which their team is pleading. Teams shall be seated behind their table at the time indicated for the start of the session. None of the team members, coaches of the team, or persons officially affiliated with the team shall be allowed to attend any other sessions.
- (v) The scope of an oralist's pleadings is not limited to the scope of his/her submitted Memorial.
- (vi) Each team shall have a right of reply, referred to as the 'Rebuttal' for the Applicant and 'Surrebuttal' for the Respondent.
- (vii) The scope of the Applicant's rebuttal is limited to the scope of the Respondent's pleadings proper and the scope of the Respondent's surrebuttal is limited to the scope of the Applicant's rebuttal. Failure to keep within these limitations shall be taken into account by the members of the Moot Court.
- (viii) Per session each team (Applicant and Respondent) shall be allowed a total of forty (40) minutes to present its oral argument, including the time needed to answer any questions which may be put to it by the Judges and including the time for the rebuttal or surrebuttal. No more than ten (10) minutes of this time shall be reserved for rebuttal or surrebuttal.
- (ix) Per session no team member shall speak for more than twenty-five (25) minutes.

- (x) Extension of team time beyond forty (40) minutes, which in no case shall exceed five (5) minutes beyond the total time allocated for presentation, shall be within the discretion of the members of the Moot Court.
- (xi) No oral or written communication may take place between the team table or the oralist and their accompanying staff members or any member of the public during the session in which that team presents its oral argument, rebuttal or surrebuttal.
- (xii) No oral or written communication may take place between the team table and an oralist while the oralist is presenting his/her argument. This does not preclude an oralist from taking a treaty or similar document from the team table when the oralist has been questioned about such a document.
- (xiii) The use of exhibits is not permitted without prior authorisation of the BUREAU.
- (xiv) During the semi-finals, team members are not permitted to wear garments which could indicate their country of origin.
- (xv) The BUREAU will ensure that during the Semi-Finals no team shall meet any other team more than once.
- (xvi) Non-compliance of the teams with their responsibilities under this Rule shall be penalised by the BUREAU in accordance with the Annex of Penalties of the present Rules. Non-compliance with Article 12 (b) (vii) specifically will be taken into account by the Moot Court in the scoring.

Article 13 Judging the Oral Arguments

a. The Moot Court

- (i) The oral arguments shall be judged by a Moot Court consisting of three judges.
- (ii) The BUREAU shall invite duly qualified persons to act as members of the Moot Court for the Semi-Finals.

(iii) Each oral argument shall be judged individually by the three judges, acting independently of one another. During the Semi-Finals, no member of the Moot Court shall judge a team of his/her own nationality.

b. Scoring by the Members of the Moot Court

(i) The score shall be kept on official scoring sheets, supplied by the BUREAU.

(ii) A grade between thirty (30) and fifty (50) points per oral argument shall be awarded by each judge, excellent being 45-50, good being 40-44, average being 35-39, and poor being 30-34. The score per session for the oral argument of a team shall be the total of the points awarded.

(iii) The Moot Court shall especially, but not exclusively, take into consideration competence, inclusion of all relevant factors, structure and logic of the argument, knowledge of points of international law directly applicable to the facts, soundness of the argument presented, evidence of original thought, and response to questions.

(iv) The final score for an oral argument shall be the sum of the points awarded by the judges for the two sessions of the Semi-Finals minus the sum of the penalty points, divided by two. The maximum number of points that a team can score for the oral arguments in the Semi-Finals is three hundred (300): hundred-and-fifty (150) points for the Applicant's side and hundred-and-fifty (150) points for the Respondent's side.

c. The Best Oral Argument

(i) At the end of the Competition, the team presenting the Best Oral Argument for the Applicant and the team presenting the Best Oral Argument for the Respondent will be announced.

(ii) The Best Oral Arguments are those which received the highest final scores.

Article 14 Best Oralist Award

- a. In awarding the Best Oralist Award, the Final Bench will take into consideration the clarity and style of the presentation, fluency, debating skill and powers of persuasion. The legal contents of the argumentation shall not be taken into consideration.
- b. The final decision with regard to the selection of the Best Oralist of the Competition will be taken at the discretion of the Final Bench.
- c. At the end of the Competition, the individual participant having been judged to be the Best Oralist of the Competition for the Respondent will be announced.

Chapter III The Final Rounds

Article 15 Ranking for the Final Round

- a. The Final Round shall be held between the best Applicant-team (A) and the best Respondent-team (B). The best Applicant-team (A) and the best Respondent-team (B) are the teams with the highest total score on the Applicant-side and on the Respondent-side respectively, the highest total score being the sum of the final score for the Memorial and the final score for the oral argument on the Applicant-side and on the Respondent-side respectively.
- b. If there are two or more teams on the Applicant's side with the same highest total score as defined above, the team with the highest final score for the Semi-Finals' oral argument shall be ranked highest. In case the final scores for the Semi-Finals' oral arguments are also identical, the finalist will be determined by ballot.

The same determination applies for the Respondent's side.
- c. In case the highest total score on the Applicant's side and the highest total score team on the Respondent's side belong to the same national team, the side with the highest score of the two (Applicant or

Respondent) shall represent the team in the Final Round. When the total scores for both sides are identical, the side with the highest final score for the Semi-Finals' oral argument will go to the Final Round. In case these scores also are identical, the finalist side will be determined by ballot.

The opponent shall be the team representing the Applicant or Respondent, as required, with the second highest total score as defined above. In case of a shared second place, the above procedure will be followed to determine the opponent finalists.

- d. This Article applies regardless of whether or not the highest-ranking Applicant and Respondent teams have met each other during the Semi-Finals.

Article 16 Judging of the Memorials and of the Oral Arguments

- a. The Memorials and the oral arguments shall be judged by a Moot Court consisting of three Judges.
- b. The BUREAU shall invite highly qualified persons to act as members of the Moot Court for the Final Round.
- c. Each Memorial and oral argument shall be judged individually by the three Judges.
- d. The earlier scores for the Memorials and for the Semi-Finals' oral arguments shall not be communicated to or taken into account by the Final Round Moot Court.
- e. There will be no specific scores given by the Final Round Moot Court for the Memorials and the oral presentations.

Article 17 The Winner

- a. The winner of the Final Round will be the team so decided by the members of the Final Round Moot Court.
- b. The winner of the Final Round shall be considered to be the Winner of the

Competition. This team shall receive the Competition's Trophy to hold in trust until the following year's Competition.

- c. An overall ranking of the teams shall be provided based on the overall team scores. The overall team score is the sum of the final scores for the Memorials and the final scores for the oral arguments of both the Applicant and the Respondent side of one and the same national team. At the end of the Competition, the team with the highest overall team score will be announced.

Chapter IV Penalties

Article 18 Penalties

- a. During the Competition, penalties may lead to the disqualification of a team, or to penalty points being deducted from the sum of the points awarded by the International Board of Review for a team's Memorials or from the sum of the points awarded by the Judges for a team's oral arguments presented during the Semi-Finals.
- b. Penalties shall be exacted in accordance with the Annex of Penalties attached to the present Rules.

Chapter V Final Provisions

Article 19 Powers of the International Air Law Moot Court Bureau

- a. The BUREAU, in interpreting the present Rules and the Rules of Procedure for the National Pre-Selection Rounds of the Competition, may take such other discretionary measures as it may deem advisable for the sake of fairness and the orderly conduct of the Competition.
- b. The BUREAU may depart from the present Rules should circumstances so require. In such an event, it shall inform all concerned participants as soon as possible, providing a statement of reasons for the departure.
- c. Any decision or ruling handed down by the BUREAU on matters

concerning the present Rules of Procedure, the Rules of Procedure for the National Pre-Selection Rounds, or any other matters regarding the state of affairs of the Competition is final. No appeal from these decisions or rulings is admissible.

ANNEX I

COVER INDICATION

[Colour]

[Green for the Applicant]

[Red for the Respondent]

INTERNATIONAL AIR LAW MOOT COURT COMPETITION [year]

**CASE OF [NAME]
STATE A v. STATE B**

MEMORIAL SUBMITTED ON BEHALF OF STATE [A or B]

TEAM NUMBER [Number-A] or [Number-B]

ANNEX II

Penalties

Article 1 Aims

- a. The present Annex on Penalties forms an integral part of the Official Rules of the International Air Law Moot Court Competition (the "Official Rules").
- b. The aim of this Annex on Penalties is to ensure a fair and sportive contest in the International Air Law Moot Court Competition by providing means for ensuring compliance with the relevant provisions of the Official Rules.

Article 2 Penalties for Membership – Registration – Participation

Violation of the following provisions shall entail the corresponding penalties;

Art. 3(d): Disqualification of the team

Art. 4(b): 4 points per day of delay up to a maximum of 28 points

Art. 5: Disqualification of the team

Art. 7: Disqualification of the team

Article 3 Penalties for Memorials

Violation of the following provisions shall entail the corresponding penalties;

Art. 8 (a): disqualification of the team;

Art. 8 (b): 2 points per missing section or per violation;

Art. 8 (c): 5 points per page over 25 pages;

Art. 8 (d): 1 point per violation per single requirement mentioned, with a maximum of 4 points for 4 or more violations per single requirement

mentioned;

Art. 8 (e): 1 point per violation per single requirement mentioned, with a maximum of 2 points for 2 or more violations per single requirement mentioned;

Art. 8 (f): 1 point per violation per single requirement mentioned, with a maximum of 4 points for 4 or more violations per single requirement mentioned;

Art. 8 (g): 2 points for 1-5 violations per single requirement mentioned; 4 points for 6-10 violations per single requirement mentioned; 6 points for more than 10 violations per single requirement mentioned;

Art. 8 (h): 1 point per violation;

Art. 8 (i): 6 points per violation;

Art. 8 (j): 2 points per violation;

Art. 9 (a): disqualification of the team;

Art. 9 (b): 2 points per copy not received; 6 points per day for delay in mailing of the Memorials with a maximum of 48 points and disqualification of the team in case of a delay of 8 days or more;

Article 4 Penalties for Oral Pleadings

Art. 12 (b)(i): Disqualification of the team;

Art. 12 (b)(ii): 10 points per violation per single requirement mentioned;

Art. 12 (b) (iii): Disqualification of the team;

Art. 12 (b) (iv): Disqualification of the team; late arrival 5 points per minute;

Art. 12 (b) (viii): 5 points per extra minute;

Art. 12 (b) (ix): 5 points per minute more, unless Art. 12(b)(x) applies;

Art. 12 (b) (xi): Disqualification of the team;

Art. 12 (b) (xii): Disqualification of the team;

Art. 12 (b) (xiii): 10 points per violation;

Art. 12 (b) (xiv): Disqualification of the team.

Article 5 Cheating, Intimidation and other Unfair Behaviour

- a. Pursuant to Article 19 of the present Rules of Procedure, the BUREAU shall have 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. The decision of the BUREAU shall be final.
- b. Pursuant to Article 19 of the present Rules of Procedure, the BUREAU shall have 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.
- c. The BUREAU shall be competent to impose any penalties under this Annex in all Rounds of the Competition and both in the Semi-Finals and Finals, with due regard to the aim stated in Article 1.

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