

22ND INTERNATIONAL MARITIME LAW ARBITRATION MOOT JULY 2023

THE COMPETITION IS ORGANISED
BY
SCHOOL OF LAW
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IN 2023, THE COMPETITION WILL BE HOSTED BY
THE HILLARY RODHAM CLINTON SCHOOL OF LAW, SWANSEA UNIVERSITY

The oral hearings will be held in person

THE RULES

1. Registration

1.1 Expressions of Interest and Registration

For 2023, we have a provisional cap of 40 (forty) teams. Teams who narrowly miss out on a place may be offered a place on a waitlist.

Teams must apply to register by submitting the Google Form at https://docs.google.com/forms/d/e/1FAIpQLSc57zFmt5cxB5yClbf-celXDSiJ3247RK-mIZmDvvbQgQCbhg/viewform?usp=sf_link. The deadline for submission of entries is 24th January 2023 at 17.00 (GMT)

Submission of the form does not guarantee acceptance of a team- this is confirmed by receipt of the fee. If we receive more than 40 submissions, applications will be processed a) in order of receipt. The Moot Director's decision in this regard is final and there is no right of appeal.

Teams who have been allocated a place will be informed by 31st January 2023.

A team will not be registered until it has:

- Successfully completed the form by the due date
- been informed by the Moot Coordinator that the form has been accepted,
- filled out the registration form and been allocated a team number, and
- paid the registration fee.

Teams need not nominate the team members in the registration form, although it is useful to do so if the team has already been decided.

1.2 Registration Fee

The registration fee of **£500 (pound sterling)** must be paid by **24 January 2023**. Payment must be made by bank transfer in pound sterling. Upon registering, you will be asked to provide details to enable an invoice to be raised. If the registration fee is not paid by that date then the team will forfeit its place.

1.3 Functions included in registration

Registration includes attendance at an opening reception for all team members, coaches and accompanying persons, which will be preceded by a briefing for all teams on the procedure to be followed in the oral rounds. It also includes attendance for up to four team members and accompanying team coach to the awards function following the final round. Additional team members and accompanying persons are also welcome to attend but will be required to pay for the function.

1.4 Team Contact Person

Teams must nominate a Team Contact Person on the registration form. The Team Contact Person can be the Team Coach or a member of the team itself. The Team Contact Person will be sent:

- the team's individual Team Number;
- information relating to accommodation and transport in the place of competition;
- any other relevant organisational material; and
- results of the moot.

The Team Contact Person is expected to:

- have email and Internet access;
- frequently check the moot website, IMLAM social media accounts and email, particularly as the oral rounds approach and during the competition itself; and
- be responsible for efficiently distributing all mooting material to the team members. Communication between the team and the organisers through anyone other than the Team Contact Person is at the risk of the team.

1.5 Withdrawal of Registration

The registration of a team may be withdrawn at any time prior to Friday **10 March 2022**. The Registration Fee will not be refunded after that date.

2. The Problem

2.1 Subject Matter

The Problem in the moot involves a dispute relating to maritime law.

2.2 Dispute Settlement

The Problem has been referred to an Arbitral Tribunal pursuant to the LMAA Rules, unless a different set of rules is stipulated in the Problem. Unless the Problem states otherwise, the

parties have agreed that the seat of Arbitration will be the fictitious country of Englandia. All States involved are parties to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

2.3 The Competition

By the time the moot begins, the claimant has filed its request for arbitration and preliminary submissions, the respondent has filed its preliminary submissions and the Arbitral Tribunal, consisting of three arbitrators, has been appointed. The Problem will consist of the preliminary submissions with their exhibits plus any orders of the Arbitral Tribunal issued prior to the date on which the problem is distributed. The moot involves writing a Memorandum for BOTH the claimant **AND** the respondent and presenting oral arguments in support of both positions in different moots over the course of the competition.

2.4 Distribution

The Moot Director will distribute the Problem between **10 December – 20 December 2022** by posting it on the IMLAM Website: <http://www.murdoch.edu.au/School-of-Law/International-Maritime-Law-Arbitration-Moot/> and/or www.swansea.ac.uk/law/implam. If the release of the Problem is delayed for any reason, a notice will be placed on the website and on twitter. (As the Problems are prepared by busy practitioners, delays do sometimes happen. This is beyond the control of the organisers.)

2.5 Facts

The Problem sets out the facts in the dispute that is the subject matter of the moot.

Teams are not to introduce additional facts or evidence into the moot unless they are a logical and necessary extension of the given facts.

2.6 Clarifications

Requests for clarification of the Problem may be sent to the moot organisers prior to midday **GMT, 2 February 2023**. Requests for clarification shall be sent by e-mail to the moot coordinator at m.j.parry@swansea.ac.uk.

Requests for clarification shall:

- state the university name and team number;
- cite the page number of the problem to which their request relates;
- be limited to matters that would appear to have legal significance in the context of the problem (not simple typographical errors, for example).
- include a short explanation of the expected significance of the clarification.

Clarifications issued will be distributed to all teams by posting on the IMLAM Website by **17 February 2022**. Clarifications issued become part of the Problem. An updated version of the Problem may be issued if necessary.

3. Teams

3.1 Composition

3.1.1 Each participating law school may enter one team. A team is composed of two or more students. **There is a maximum limit of six students per team and only those students are to be involved in the preparation of the memoranda.** Those students must be registered at the same school for the study of law leading to the award of a law degree from that institution.

To be eligible to participate in the moot, as at 31 December 2022, students:

- must be enrolled either:
 - for a first degree in law or
 - for an advanced degree in law;
- must not have completed their studies (by way of completion of the required units necessary for the award of their degree) as at the eligibility date;
- must not be admitted or licensed to practise law in any jurisdiction; and
- need not be from the country in which the law school is located.

Therefore any enrolled student who has not yet completed all the units needed to complete their law degree and is not yet admitted to practise law as at 31 December 2022 is able to join the team for their university.

3.1.2. In the Moot Director's discretion, teams from an educational institution that is not a law school may be permitted to register if their educational institution confirms that it offers tertiary level courses in maritime law and the team members are all current registered students at that institution. Such students must not be admitted or licensed to practice law in any jurisdiction.

3.1.3 The coach and/or institution, by nominating students as part of the team, confirms that they have established that team members are eligible to compete.

3.2 Participation

All members of the team (but no-one outside the team) may participate in the preparation of the Memoranda.

In each of the oral hearings two members of the team must present the argument. **Other members of the team shall not aid them in any way.** Different members of the team may participate in different hearings. Therefore, between two and six members of one team could participate in the oral hearings. **However, to be eligible for the prize for best speaker in the general rounds, a participant must have argued at least once for the claimant and once for the respondent.**

Participation certificates will be issued to those team members who are present at the oral hearings of the competition.

4. Written Memoranda

4.1 Memoranda

- Each team must submit a Memorandum in support of the legal position of **both** the claimant **and** the respondent. (The arbitrators in the oral hearings will NOT have considered these memoranda.)
- Each team is to submit an electronic version of both their Memoranda by email to the Moot email account at m.j.parry@swansea.ac.uk on or before **1600hrs British Summer Time Thursday, 20 April 2022**.
- All teams will receive the memoranda of the teams they are scheduled to meet in the oral rounds no less than one week prior to the competition, either by email or by posting the memoranda on the moot website.
Only memoranda electronically received by the deadline (BST) will be considered for the memoranda prize. Teams who submit their memoranda up to 72 hours late will still be permitted to compete in the oral competitions.

4.2 Form, length and style

- Memoranda must be no longer than 25 **double spaced** A4 typed pages, including any statement of facts, argument or discussion and footnotes. Cover pages, tables of contents, indices, lists of authorities or other material that does not consist of facts, argument or discussion may be in addition to the 25 page limit.
- No type style smaller than New Times Roman 12 point is to be used except for footnotes.
- Citations must be in the body of the text or in footnotes (**not** endnotes). Citations should be in a form that is intelligible to all who will read the document.

Requirements for electronic version of the Memoranda

- Each team is to submit each electronic memorandum **as one PDF document** in electronic form with a cover page that identifies the name of the participating institution, the students' names, the individual Moot Number of the team and whether the Memorandum is for the claimant or the respondent.
- All components of the memorandum, including cover page and contents pages, are to be part of the one PDF document. **Teams who send several attachments (eg separate title page, separate index, separate argument, separate bibliography) will be asked to resubmit them as a single document.** The PDF document should be allocated a filename that identifies the team number, name of the participating institution, and the side argued without requiring the document to be opened. Eg 'Team 1 MurdochU Claimant'.
- Only when the memorandum is received in the correct, single document PDF format with an appropriate filename will it be considered to have been validly submitted.

4.3 Document Revision

No memoranda may be revised or corrected once it has been submitted by email.

4.4 Scoring of the Memoranda

A panel selected by the Moot Director will score the memoranda on the basis of the quality of the analysis, the persuasiveness of the legal argument, thoroughness of the research and the clarity of the writing. The panel will take an unfavourable view of arguments which are based on facts not found in the problem or the clarifications and which are not logical or necessary extensions of the given facts. The panel will be supplied with copies of the Memoranda, which

have on the cover sheet only the teams' individual moot numbers. If the hard copy of any Memorandum identifies the team, it will be ranked last.

The prize for overall best written memoranda will be awarded to the team with the highest combined ranking for their two memoranda scores. The overall runner up prize will go to the team with the second highest combined ranking.

4.5 Summary of Deadlines and Place for Submission

Teams should refer to the 2023 Competition Schedule (available on the IMLAM website) for a complete summary of the relevant dates. These dates are subject to change, and teams must check the website and/or twitter feed regularly for updates.

5. Oral Hearings

5.1 Venue

In 2023 the oral hearings will be held at the Hillary Rodham Clinton School of Law, Swansea University.

The registration, welcome and briefings are tentatively scheduled for the afternoon of Sunday 1 July 2022.

Teams (including all team members) are expected to watch the welcome ceremony and briefings prior to the commencement of the oral rounds. The Moot Director will outline the important rules and deal with the housekeeping of the moot.

5.2 General Rounds

The general rounds will be held on Monday 4 July through to Wednesday 4 July 2022.

Each team will argue four times in the general rounds; twice as claimant and twice as respondent. Teams should be prepared to be scheduled to argue twice on the same day at least once during the general rounds.

The Moot Director will publish on the moot website the timetable for the general rounds by **Tuesday 13 June 2022**. Each team will receive the memorandum of teams it is to meet in the general rounds by **Thursday 24 June 2022 either by email or by posting of all memoranda on the IMLAM moot webpage**.

Last minute changes to the oral rounds timetable may be necessary in circumstances beyond the control of the Moot Director, such as the last minute withdrawal of a team. In that instance, all teams will be advised by email to their team contact person.

A moot will only proceed if both speakers for both teams are present. If both speakers for one team are not present 15 minutes after the published start time of the moot, when the other team is all present, then that team shall be awarded **the average of their round points in their other three moots and a 'win'** and the absent team will score no round points. The present team may

elect to allow the delay of the start of the moot until the other team arrives, or for those present to proceed with oral presentations to obtain individual scores. If they so elect, the speakers present from either team may obtain raw scores by proceeding with their argument before the arbitrators.

Teams should consider training an ‘understudy’ orallist for each speaker’s part in case one team member becomes unwell or unavailable.

5.3. Provision of materials to the tribunal

The Moot Director will provide the tribunal with the rules of the competition, the moot problem and any clarifications.

When the competition is held face to face, teams are to provide the opposing team and each member of the tribunal with a hard copy outline of their submissions (maximum 3 pages). A team that is unable to supply both the tribunal and the opposing team with a copy of their outline of submissions will not be permitted to rely upon the outline and will be penalised by the deduction of one round point from its moot score for that round. **Teams intending to rely on a bundle of authorities must supply both the tribunal and the opposing team with that bundle.** A team who provides a bundle of documents for the tribunal but not their opponent team will not be permitted to rely upon that bundle and will be penalised by the deduction of one round point from its moot score for that round. If the failure occurs at any other fixture, then two round points will be deducted from that fixture. Nothing in this rule requires teams to provide bundles; rather, it is to guarantee that if a bundle is produced for the tribunal then it must be provided to the opponents as well.

5.4 Duration of Presentation

The oral presentation of each team is for thirty minutes duration. Each team must allocate the time equitably so that each team member speaks for equal time (+/- 2 minutes). Teams are to provide their proposed division of time to the tribunal. It is for the tribunal to decide the order in which they wish to hear the speakers.

Each orallist must use their allotted time in one single tranche. The only exceptions are:

- if the panel requests that the Respondent address them first, on jurisdiction; and
- rebuttal.

The Claimant team may reserve a portion of their 30 minutes for rebuttal so long as this is advised and agreed with the panel at the outset. Rebuttal is to be responsive to the Respondent team’s submissions. There is to be no sur-rebuttal.

If the Respondent team has addressed the panel first on jurisdiction, then they may reserve one minute for rebuttal to the Claimant team’s submissions on jurisdiction so long as this is advised and agreed with the panel at the outset.

The tribunal may allow teams to exceed the overall time limit so long as neither team is allowed more than forty-five minutes to present its arguments, including the time required to answer questions posed by the tribunal.

5.5 No additional facts or evidence to be introduced

A participating team is not bound by its written memorandum in conducting its case at any oral hearing. However they may not introduce additional facts or evidence into the moot unless they are a logical and necessary extension of the given facts or are publicly available.

5.6 Arbitrators

Generally the tribunals will consist of three arbitrators but a hearing may also proceed with two. In the general rounds, no member of an Arbitral Tribunal may judge the same team on the same side of the case more than once. Arbitrators are requested to act during the oral hearings as they would in a real arbitration.

5.7 Order of Presentation

It shall be left to the discretion of the Arbitral Tribunal in each moot to determine the order in which the teams (and speakers) will present the case. Usually the Claimant will present first, unless the Respondent has a procedural challenge.

5.8 Scoring

The arbitrators will not take into account whether English is the first or second language of the competitors, and will assess the speakers on their merits.

Teams will be ranked after the completion of the general rounds in the following manner:

- Each of the three arbitrators judging an oral hearing in the general rounds will be asked to score each team and choose a winner. Each arbitrator awards round points of between 1-5 to each team. Therefore each team will score between 3 and 15 for each round.
- If there are only two arbitrators judging an oral hearing, then the average of their scores will be used to calculate a 'third' score for each speaker.
- In four rounds, a maximum score of 60 round points is possible.
- In the event that two teams have the same number of round points, the rank will be determined by their win/loss record. In the event that their win/loss record is the same, then will be decided on raw scores given by the arbitrators.
- In the event that two teams have the same round point score and the same raw scores, the rank will be determined by the teams' scores for the memoranda.

5.10 Quarter-final Round

- **If fewer than 12 teams participate** in the general rounds, there will be no quarter-final round.
- **If more than 12 participate** in the general rounds, the eight highest ranked teams at the conclusion of the general rounds will compete in the quarter-final round provisionally scheduled for **5 July 2022**. For the purposes of the quarter final round, the highest ranked team in the general rounds will be paired with the lowest ranked team, the second with the second lowest, as follows:

QF One: 1 v 8
QF Two: 2 v 7
QF Three: 3 v 6
QF Four: 4 v 5

- **If a preliminary final round has been held**, then the winning 8 teams will meet in the quarter final rounds.
 - QF One: The winner of 1v16 will meet the winner of 8 v 9.
 - QF Two: The winner of 2v15 will meet the winner of 7 v 10.
 - QF Three: The winner of 3v14 will meet the winner of 6 v11.
 - QF Four: The winner of 4v13 will meet the winner of 5 v12.

- **Determining sides in the quarter final round**
 - When one of the 2 teams drawn to meet in any quarter-final round was claimant and the other respondent in the preliminary-final rounds they will argue for the opposite party in the quarter-final round.
 - If two teams drawn to meet in a quarter-final round both argued the same side in any preliminary final, but have met previously in the general rounds, they will argue for the opposite party in the quarter-final.
 - If teams drawn to meet one another in a quarter-final round both argued the same side in the preliminary final but have not previously met in the general rounds, then the decision as to which team will be claimant and which will be respondent will be determined by the flip of a coin (the team that was ranked highest in the general rounds will call the toss). The winner of the toss will have 10 minutes to decide the party for which it wishes to argue in the quarter-final round.

5.11 Semi-Final Round

- The four winning teams at the end of the quarter-final round will meet in the semi-final round scheduled for 5 July 2022. The winner of QF One will meet the winner of QF Four. The winner of QF Two will meet the winner of QF Three.

Determining sides in the semi-final round

- When one of the 2 teams drawn to meet in any semi-final round was claimant and the other respondent in the quarter-final rounds they will argue for the opposite party in the semi-final round.
- If two teams drawn to meet in a semi-final round both argued the same side in the quarter final, but have met previously, they will argue for the opposite party in the semi-final.
- If both teams drawn to meet in any semi-final round argued for the claimant or both argued for the respondent in the quarter-final rounds and the teams have not previously met, the decision as to which team will be claimant and which will be respondent for that semi-final round will be determined by the flip of a coin (the team that was ranked highest in the general rounds will call the toss). The winner of the toss will have 10 minutes to decide the party for which it wishes to argue in the semi-final round.

5.12 Final Round

The two winning teams in the semi-final round will meet in the final round **on 6 July 2022**.

- There will be a flip of a coin to determine which team argues for which party (the team that was ranked highest in the general rounds will call the toss).
- The winner of the toss will have 10 minutes to decide the party for which it wishes to argue in the final round.
- Teams in the final round shall exchange their written submissions (no longer than 4 pages), by email, copied to the Moot Director. The exact deadline for the exchange will be confirmed by the Moot Director.
- At the final round, teams shall provide a paper copy of their submissions to each member of the grand final panel and to the opponent team.

5.13 Winning Team

The winning team of the oral hearings of the moot is the team that wins the final round. The winning team will be announced at the awards function. The other grand final team is the runner up of the oral hearings.

6. Assistance

6.1 Written Memoranda

The Memoranda must be the team's work. Law school academic staff and coaches should restrict their advice to general matters and should not take over the production and writing of the Memoranda. Teams from jurisdictions where English is not their first language may have a language coach and/or translation assistance.

6.2 Oral Hearings

- There is no restriction on the amount of coaching a team may receive in preparation for the oral hearings.
- No team members, friends or relatives of a team are permitted to attend/watch oral hearings between two other teams. Violation of this rule will disqualify a team from participating beyond the general rounds.
- Once the hearing has commenced, no assistance is to be given to the orallists by the other members of their team or any other person. The two orallists from one team may assist one another.
- Teams are not permitted to video any moot except for the grand final and then only if the venue permits it (some will not).

7. Awards

All team members are expected to attend the awards function. It is the main social event of the competition and celebrates the involvement of every team and team member. Sponsors and arbitrators also attend.

The following awards will be presented (whilst the awards will be made, any accompanying trophies/prizes are subject to sponsorship):

Winner, Oral Hearings and Chris Douglas Championship Trophy

Runner-up, Oral Hearings

Best Written Memoranda

Runners up, Best Written Memoranda

Best Speaker & Runner up Best Speaker, General Rounds (must have argued at least once for claimant and respondent to be eligible),

Best Speaker in the Finals (Ron Salter Award). (If a speaker wins the best speaker in the finals s/he will be rendered ineligible to also win the best speaker in the general rounds.)

Highest ranked team in the general rounds (David Martin-Clark Trophy)

Encouragement award: (Sarah Derrington Achievement Award)

Spirit of the Moot Award (AMTAC Award)

Newcomer team awards

Other suitable awards, in the discretion of the Moot Director.

8. Interpretation of the Rules

Requests for interpretation of the rules may be addressed to the Moot Director. All interpretation as well as any waivers, consents or other decisions concerning the moot competition are in the sole discretion of the Moot Director. There is no right of appeal from the decisions of the Moot Director.

9. Copyright, data and broadcasting rights

9.1 Once Memoranda have been submitted for consideration in the competition, copyright in those memoranda will vest in the Hillary Rodham Clinton School of Law, Swansea University.

9.2 Teams registering for the moot competition will be deemed to have consented to photographs, digital images and/or recording of moots in which they participate (or observe as audience members), and their publication or broadcasting for training or publicity purposes without compensation. The images and recordings are copyright of the School of Law, Murdoch University.

9.3 Teams registering for the moot competition will be deemed to have consented to the use of de-identified scoring data to support any research projects such as the academic study of:

- arbitration practice, or
- student mooting competitions.
