

THE NETWORK FOR INTERNATIONAL LAW STUDENTS



**NILS BUSINESS
& HUMAN
RIGHTS
MOOT COURT
COMPETITION
2019**

OFFICIAL RULES

2018-19

ORGANISED BY

nils

THE NETWORK FOR INTERNATIONAL LAW STUDENTS

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TIMELINE FOR THE MOOT

<i>Date</i>	<i>Event</i>
<i>7th September, 2018</i>	Release of Moot problems
<i>22nd December, 2018</i>	Last date for Registration of Teams for the Moot
<i>14th January, 2019</i>	Last date for Clarifications of the Moot Problem
<i>31st January, 2019</i>	Release of clarification of the moot problem
<i>17th February, 2019</i>	Last date for Memos
<i>March-April, 2019</i>	Regional Rounds
<i>12th-14th July, 2019</i>	International Rounds

OFFICIAL RULES

1. Definitions

- a) “Advanced Rounds” means quarter-finals, semi-finals and finals of the World Rounds.
- b) “Case Study” means the official hypothetical problem which has been drafted by the Drafting Committee appointed by NILS and has been published for use in the Competition.
- c) “Competition” means the current NILS Business and Human Rights Moot Court Competition
- d) “Drafting Committee” means a team of experts on Business and Human Rights appointed by NILS for the purpose of drafting the Case Study of the Competition.
- e) “Oral Pleading” means a team member’s individual presentation in an Oral Round.
- f) “Oral Round” means a team’s pleadings, comprising both speakers, submitted orally in front of the arbitrators on behalf of one of the parties against another team representing the opposing party.
- g) “Organisers” shall refer to the Network for International Law Students (NILS) or the team appointed by NILS for the purpose of overseeing the management of the Competition.
- h) “Preliminary Rounds” refers to the oral round matches which take place before the Advanced Rounds of the Competition and for the purpose of determining which teams qualify to compete at the Advanced Rounds.
- i) “Regional Rounds” means such competition organised in a regional level to determine or select the best teams from each region or sub-region to compete at the World Rounds. The number of teams qualifying from each regional shall be proportionate to the total number of registrations received from that region.
- j) “Rules” means these official rules of the Competition.
- k) “Team Number” means the number assigned to each registered team by the PA in accordance with Rule 3.2.
- l) “World Rounds” means final stage of the competition held at the Middlesex University, London after the completion of the regional rounds.

m) “Written Pleadings” means the written arguments submitted, on behalf of both the Applicants and Respondents, according to the official Competition Rules by each Team.

2. Organisational Rules

a) The Competition is organised by the Network for International Law Students (NILS). There shall be a permanent managerial body for the Competition, called the Organising Committee (OC).

b) The OC shall be composed of such members as may be determined by NILS – the details of whom shall be provided before in the website.

c) The members of the OC shall be responsible for the overall management and functioning of the Competition, before, during and after the Competition.

d) The official email address for any correspondence with the OC is bhrmoot@nilsinternational.org.

e) The OC shall have the exclusive authority to interpret these Rules in the interests of fairness and equality. This includes deviation from these Rules when necessary in order to uphold fairness and equality. In the event of such deviation the OC will inform all participants concerned as soon as possible.

f) Any circumstance not covered by these rules will be adjudged by the OC. Decisions made by the OC in this regard will be adjudicated in the interests of fairness and equality. All such decisions of the OC shall be final and binding.

3. Participation and Qualification

a) The Competition is open to all students enrolled in a law school or university, provided they have not been admitted to practice law in any jurisdiction or currently pursuing a research degree in law.

b) Students who are not enrolled in a Law degree but who are pursuing some other course of study in Law may be eligible to participate at the discretion of the OC. In case of doubt, please contact the OC before registering for the Competition.

c) An institution cannot register more than one (1) team and all team members must be from the same institution, unless a specific exemption from this requirement has been granted by the OC.

d) Students interested in participating in the Competition must first contact the concerned authorities in their respective institutions and receive the requisite authorization to represent the institution in the Competition.

- e) In educational systems where a university has constituent colleges, each college can register a team or the university as such can be represented by a team comprising students from different constituent colleges.
- f) Teams located in countries where there are applicable Regional Rounds of the Competition may only register for the World Rounds of the Competition if they have successfully qualified for the World Rounds in accordance with the rules of qualification in the Regional Rounds in question.
- g) Should a team have to withdraw, or be disqualified, the team with the next highest score from a relevant regional round will be invited to attend the final rounds.
- h) For teams from politically unstable countries, or such countries, which disables them from visiting the country where regional rounds are being held, the OC may grant them direct entry into the World Rounds, after judging their written pleadings. Similarly, OC may grant direct entry to teams from developing-nations, if the teams are not in a financial position to go for the regional rounds. The OC may also organise a sub-regional round for the benefit of such teams.
- i) Teams are expected to comprise no less than two (2) members and must have no more than three (3) members. Two of the three members shall be allowed to make pleadings during the oral hearings.
- j) Should a team member have to withdraw from the moot, the team is to provide a legitimate reason for the withdrawal and propose a substitute team member. It is at the organiser's discretion to decide whether to allow the change, or disqualify the team.
- k) Each team may register only one (1) team-coach or advisor in addition to the team members mentioned in clause (h). The team-coach/advisor shall not be allowed to intervene or participate in the oral pleadings. Any such interference by the team-coach/advisor may result in penalization or disqualification, at the discretion of the OC.
- l) Teams are fully responsible for their own travel arrangements, and, by registering, oblige themselves to take care of them at their own discretion. The organisers will be providing the participating teams with an invitation letter required for obtaining the requisite visa to enter the Netherlands for participating in the moot court competition. For assistance on visa letter for the qualifying regional rounds, contact the concerned host of the regional round.

- m) A registration form prescribed by the OC including the participants' names, their current academic programme(s), the name of the coach or advisor, university, and other contact information for all team members must be submitted to the OC.
- n) At the time of registration, teams shall select an official point of contact from the participating team who will be responsible for all official correspondence between the team and the OC.
- o) In a case of any change of registered information, the team is obliged immediately to communicate changes with the OC.
- p) After registration, participating teams will be provided with a Team Number, which will serve as their unique identifier both for Written Pleadings and at the Oral Rounds. Teams qualifying for World Rounds from Regional Rounds will have the same Team Numbers as assigned for Regional Rounds.

4. Case Study

- a) The Case Study shall be drafted by the Drafting Committee which shall comprise of leading experts in the field of Business and Human Rights. Any teams trying to contact the member of the Drafting Committee for any purpose relating to the Competition shall result in penalization or disqualification from the Competition, at the discretion of the OC.
- b) Clarification, if any, required may be brought to the notice of the OC, who shall, in consultation with the Drafting Committee shall respond to such clarification query by either private communication or by publishing the same on the website. The answers to any clarification shall be at given or published at the discretion of the OC.
- c) The deadline for requesting clarifications will be part of the timeline on the Competition's website. No requests for clarification received after the deadline will be accepted.
- d) A final compilation of the clarifications shall be made and the same shall be annexed to the Case Study before the commencement of the Oral Rounds.

5. Written Pleadings

- a) The Written Pleadings shall be written in English.

- b) OC reserves the right to publish and disseminate the Written Pleadings submitted for the Competition and will attribute the Written Pleadings to the relevant institution and participants during such publication and dissemination.
- c) Submission of Written Pleadings in this Competition shall constitute consent for such publication and dissemination.
- d) The OC also reserves the right to use the Written Pleadings submitted for any other purpose it may deem fit while ensuring appropriate attribution.
- e) Each participating team must prepare written pleadings for both – the Applicant and Respondent.
- f) Written pleadings must be sent bhrmoot@nilsinternational.org, which is the official email address of the OC by the deadline mentioned in the timeline available on the Competition’s website. The subject line of the email must contain the following information – *“Team Code – Written Pleadings – II NILS BHR Moot”*.
- g) It shall be the responsibility of the teams to ensure that there are no technical problems with the attached files. Amongst other reasons, delays connected to technology, infrastructure, equipment and conflicting schedules will not be condoned.
- h) Each Written Pleading should be contained in a single file with the allocated team number followed by the first letter of the party whose arguments are presented in that Written Pleading, an R for Respondent and A for Applicant. For example: Team number 13, Respondent Written Pleading file shall be named “13R”.
- i) Any Written Pleading which is not contained in a single file will have to be resubmitted with the consequence of any applicable resubmission penalties.
- j) The submission of the Respondent and Applicant Written Pleadings must be in one (1) email with the following information in the subject line: “Written Pleadings Submission: Team “Team Number””, *e.g.* “Written Pleadings Submission: Team 41”.
- k) No other information may be contained in the email.
- l) All versions submitted to the OC, and to any other person under these Rules must be identical.
- m) No changes of any kind may be made after submission of Written Pleadings to the OC.
- n) Each Written Pleading should be electronically submitted in both Microsoft Word and PDF formats.

o) Every team will be required to submit ten (10) printed copies of each of the team's Written Pleadings to the OC immediately upon arrival at the venue of the Competition. For the removal of any doubt, this means ten (10) copies of the team's Applicant Written Pleadings and ten (10) copies of the team's Respondent Written Pleadings.

p) The deadline for submitting the printed copies will be sent to the official team contact via email. Teams are advised to time their arrival at the venue of the Competition accordingly. If a team does not submit the printed copies in time for exchange of written pleadings according to the Competition schedule it will be sanctioned by the OC.

q) The written submissions for the Applicants must have a "blue" cover page and the written submission for the Respondents must have a "red" cover page. The format of the front page is provided in the Annexure to the Rules document and shall be available to be downloaded from the Competition website.

r) The word count for each submission is 6500 words (which includes Statement of Facts, Statement of Jurisdiction, Summary of Arguments, Arguments, Prayer/Relief sought). The word count is inclusive of all footnotes and headings. The word count shall be conducted using the standard "Word Count" feature in Microsoft Word. Deductions may be taken if the submission is over the word count.

s) The required formatting is as follows:

- i. Font: Times New Roman;
- ii. Size: 12 (Footnote size: 10);
- iii. Line Spacing: 1.5 (Footnote line spacing 12 pt);
- iv. Paragraph spacing: 10 pt

t) Each Written Pleadings shall contain the following sections in the following order:

- i. Front Page
- ii. Table of Contents
- iii. List of Abbreviations
- iv. List of Sources/Authorities
- v. Statement of Relevant Facts
- vi. Statement of Jurisdiction
- vii. Questions Presented
- viii. Summary of Arguments
- ix. Arguments
- x. Prayer/ Relief Sought

u) The names of the team members, coach, institution or country shall not be on any portion of the Written Pleading. Each team will be given a team number which shall substitute the team's institutional affiliation until the disclosure of the oral phase of the Competition.

v) Non-compliance with the formatting requirements will be penalised with a deduction of penalty points from the Written Pleadings.

w) Each source or authority must be supported by bibliographical information using the Oxford Standard for Citation of Legal Authorities (OSCOLA, 4th edition)

x) It is not permitted to provide any information in the footnotes that is not related to the identification of an authority or source. Footnotes may not include additional legal arguments. Endnotes are not permitted.

6. Oral Pleadings

a) The Oral Pleadings count for 50% of the total raw score per team.

b) Oral Pleadings shall be in English only.

c) Each team shall prepare two (2) Oral Pleadings (one for each speaker) on behalf of the Applicant and two (2) Oral Pleadings on behalf of the Respondent.

d) Each team shall have forty (40) minutes to present their arguments, including time for answering questions from adjudicators and rebuttals or sur-rebuttals.

e) The order of the pleadings in each Oral Round at all levels of the Competition will be: Applicant 1, Applicant 2, Respondent 1, and Respondent 2 followed by the Applicant's (any one oralist) rebuttal and then the Respondent's (any one oralist) sur-rebuttal.

f) Only two (2) team members shall present the arguments during an Oral Round on a team's behalf.

g) The first team member presenting must inform the bailiff of the manner in which the team wishes to divide its forty (40) minutes between its (i) first Oralist, (ii) second Oralist, and (iii) the rebuttal (for Applicant) or Sur-rebuttal (for Respondent). The time allocation informed to the court officer may under no circumstances be rearranged.

h) Each team's Oral Pleadings cannot exceed forty (40) minutes, including the rebuttal or sur-rebuttal.

i) Each team may divide its forty-five (45) minutes as it deems best provided that:

- i. No oralist is allocated less than fifteen (15) minutes or more than twenty five (25) minutes for presentation of main arguments
- ii. No more than five (5) minutes are reserved for its rebuttal or sur-rebuttal.

j) The Respondent team may use the time set aside for sur-rebuttal only if the Applicant team exercises its right to rebuttal.

k) If a team fails to reserve time for a rebuttal or sur-rebuttal at the start of an Oral round it may not then request that such time be added during the course of the round.

l) It is prohibited to use any kind of electronic device during the Oral rounds.

m) The OC has the legal rights to all recordings and dissemination of such recordings whether audio, video, or other forms of recording which take place during the Competition.

7. Prizes

The OC has constituted the following prizes. The details of the prizes shall be published in the Competition Website:

- a) Winning Team
- b) Runner-up Team
- c) Best Written Pleadings
- d) Best Advocate
- e) Spirit of NILS

The OC may in its discretion add any other prizes.

ANNEXURE TO THE RULES –

Sample Cover Page

TEAM CODE:

NILS BUSINESS AND HUMAN RIGHTS MOOT COURT COMPETITION 2019

IN THE INTERNATIONAL ARBITRATION COURT OF GREAT BRITAIN

NAME OF CLAIMANT/S

VERSUS

NAME OF RESPONDENT/S*

WRITTEN PLEADINGS ON BEHALF OF THE CLAIMANTS / RESPONDENTS