



II INTERNATIONAL LAW MOOT COURT COMPETITION

28th February and 1st March 2015



KARNATAKA STATE LAW UNIVERSITY

Navanagar, Hubballi - 580 025. Phone : 0836 - 2222267, Fax : 2223392
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The Karnataka State Law University was established in 2009 with the avowed object of providing quality legal education in the State of Karnataka. It is only one of its kind and unparalleled in India. It is making all out efforts for the growth of legal education in Karnataka by including appropriate components to professionally orient the students. The University has catered to the needs and requirements of legal education bringing uniformity in methods of imparting education and conducting examinations across the State, providing appropriate optional courses for horizontal mobility. It is the single largest affiliating Law University in the country affiliating more than 93 law colleges spread over the entire State of Karnataka and operating its own Law School at the main campus in Hubballi.

Our vision is “To transform Karnataka State into a legally conscious society, by providing quality legal education that is professionally competent and socially relevant so as to realize the constitutional primordial goal of social, economic and political justice and secure human rights to every common man. Strive to promote the culture of law and justice in the institutions of state, non-state organisations and every individual by providing informal legal education, training and legal service. Above all, inculcate in every one a spirit of high moral and human values.” In this endeavor, the University is making all out efforts through academic and extension activities to realise the vision. The activities of the University are reinforced by its mission to *inter alia* to strive for excellence in professional legal education and research and establish responsible institutions and produce altruistic individuals.

To provide a suitable environment wherein the law students can hone and chisel their professional skills, the KSLU has initiated an International Law Moot Court Competition. The emphasis on international law is in keeping with the process of globalization wherein the world is perceived as a global village. Providing an appropriate platform for young law students across the globe to come in contact, interact and understand each other is another incidental objective involved. Participation of international and

national teams deliberating on different aspects of mootng is necessary for the success of this event.

The University is located in the most sublime plains on the edges of Western Ghats almost at equidistance between the twin cities of Hubballi and Dharwad in Northern Karnataka. The place known for literary and cultural activities is also a renowned centre of learning. It can be reached by road, rail or air. By air one can reach Hubballi through Mumbai (Bombai) or Bengaluru (Bangalore). Alternatively one may reach Hubballi by road after landing at Belgaum or Bogmalo (Goa) airports. The climate during March will be slightly warm and we are confident that the visitors will cherish their visit to this place.

The teams are requested to inform us their travel plans so that our volunteers can receive them at the airport or the railway station. For any information or clarification mail to us at **ksluintl moot@gmail.com** or call any of the following faculty members:

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II International Law Moot Court Competition

Karnataka State Law University

Navanagar, Hubballi - 580 025

Karnataka, India

II INTERNATIONAL LAW
MOOT COURT COMPETITION OF
KARNATAKA STATE LAW UNIVERSITY
HUBBALLI*

INTERNATIONAL COURT OF JUSTICE
SPECIAL AGREEMENT
BETWEEN
REPUBLIC OF SEQUETUS
(APPLICANT)
AND
DEMOCRATIC REPUBLIC OF ANTURA
PROVINCE
(RESPONDENT)
JOINTLY NOTIFIED TO THE COURT
ON
Case Concerning the Tourist Space Shuttle
‘HUSH’

*Problem drafted exclusively for the II International Law Moot Court Competition, KSLU, Hubballi by Ms. Kshama Nargund Banavathy, Advocate, Bangalore.

CASE CONCERNING THE TOURIST SPACE SHUTTLE 'HUSH'

STATEMENT OF AGREED FACTS:

1. The Democratic Republic of Antura Province and Republic of Sequetus are both neighboring states sharing their border with Mighty Ocean towards South. Both the nations are developed nations and have invested hugely in space industry. They are considered competitors in every commercial and defence field including space globally.
2. The Democratic Republic of Antura Province, henceforth referred to as DRAP, has a fertile terrain and produces variety of fruits and vegetables which are exported all over the world. DRAP, apart from agriculture is also majorly industrial and mainly manufactures agro based products. Space has been another important field that contributes to the economy of DRAP. DRAP has established a Democratic Republic of Antura Province Space Agency (DRAPSA), a government agency, which carried out all the space related activities until recently.
3. In the elections that were held in 2010, Antura Populist Forward Association (APSA) party formed a new government which possessed nearly 3/4th majority. This new government believed in opening all the market for private and foreign investors. Despite opposition from 1/4th legislators who belonged to Traditional Anturan's Party (Tr. AP), the party running the Government previously, all the laws were amended accordingly. This allowed for private parties to invest and set up all kinds of manufacturing industries including Space industry.
4. Hugello Inc. was incorporated under the new law regime to research and set up a unit for Space tourism. Hugello was granted 500 acres of land towards the South of DRAP for setting up a Space Port and a research centre to work on Space Shuttles exclusively for Space tourism to provide its customers with orbital and sub-orbital flight experience.
5. The Republic of Sequetus, henceforth referred to as RoS, is also a developed state. The economy is mainly driven by sea food processing industries. RoS is also known for its advancement in Space Technology and is considered leader in the field of Space. This apart, Mighty Ocean on the side of RoS is home to variety of aquatic fauna most of which are present solely in that part of Mighty Ocean only. RoS has been a vociferous advocate of open and free market since its inception.
6. A tribe named Sonis lived in a province called 'Sonivil', on the shores of Mighty Ocean in RoS and is dependent of this aquatic fauna for their living. They consider a particular fish variety locally called by them as "Devas", as their almighty and is used by them only for medicinal purposes. Many industries are set up in this region which catch aquatic

fauna and process it and export processed sea food all over the world. However, a group of environmentalists have always been raising concerns about this unregulated fishing activities for their internal statistical survey has shown them a constant depletion in the number of aquatic variety specially present in that area.

7. RoS, has set up a Government Research Agency for Space Activities (GRASA) to research on confidential matters regarding Space Security and is also empowered to regulate commercial Space Activities that are carried out by private entities within the territorial boundaries of RoS. All the activities that are carried out within the territories of RoS have to be expressly permitted by GRASA.

8. Spaciatris is an incorporated Company under RoS that has launched and operating a fleet of weather satellites. It is known for its launching technology and its returning launch vehicle (RLV) named SPIC which is envied by its competitors for its immaculate design. SPIC has successfully returned to earth 15 times after putting the satellities in their designated orbits. Spaciatris carries out launching of satellites for other foreign, private and governmental bodies on contract basis.

9. In January 2012 Hugello Inc. had approached Spaciatris for a technology transfer with respect to SPIC so that it would help Hugello Inc. to come up with a Space Shuttle for Space Tourism. In the meanwhile, Spaciatris had been working on an improved and more advanced version of RLV called SPIC-2 and was successful. Hence when Hugello Inc. approached them for technology transfer of SPIC, they readily agreed and SPIC was transferred to Hugello Inc.

10. Hugello Inc. happy with the developments published ads in news papers world over in July 2012 inviting applications for space tourists for the year 2014 which was scheduled to be the first flight for Space Shuttle meant for tourism. SPIC was reworked upon and improvised by the research team in Hugello and was renamed as HUSH.

11. Though primary technology was retained as provided by Spaciatris, interiors were modified to accommodate two tourists and two crew members. Major change was made with respect to fuel that ignited various stages of flight. SPIC used liquid based fuel; however, HUSH was modified accordingly for solid based fuel as it was inferred by the research team at Hugello that solid based fuel would not only improve the shuttles performance but also allow for longer duration of zero gravity experience for the tourists.

12. Hugello Inc. received many applications from wealthy across the world and two business men from DRAP were selected to be the first space tourists. Hugello Inc. formulated a group of expert observers in order to check the working of the Space Shuttle. In 2013, the Space Port

that provided for launching of HUSH was complete and a test flight of HUSH was carried out in the month of November 2013. It was noticed that HUSH successfully sustained the sub-orbital flight and returned to the earth's atmosphere and landed in the space port though not precisely.

13. Experts from all over the world who were observing this test flight expressed their doubts about the continued success of the mission as they were of the opinion that the solid based fuel may increase the temperature in the Shuttle thereby disintegrating the Shuttle on its entry into the atmosphere. However, some internal observers within Hugello were of the opinion that the coolant would control the temperature within prescribed limits and help the safe return of HUSH. It was also opined that the 'feathering system' that aided in cutting the speed of Shuttle that was a part of SPIC was retained in HUSH without any modifications.

14. It was also observed by the internal observers that the return of HUSH was not precise according to the designated path owing to a design glitch in the space port. They suggested that the glitch be solved first before carrying out the first space flight with tourists aboard. The re-modification in the design of space port would postpone the first space flight by atleast an year and could happen only in 2015. However, Hugello Inc. was very particular to carry out the first space flight by June 2014. Therefore, as per the instructions of the internal expert committee, Hugello contracted with Spaciatis to provide its facility for the first space flight of HUSH.

15. Accordingly, HUSH was launched for its maiden space flight from the Spaciatis space port located in RoS with two Tourists and two crewmen, who were all nationals of DRAP, on 10th June 2014. The launch was successful and as planned. HUSH successfully provided the zero gravity experience to its tourists. However on its way back to earth, HUSH disintegrated mid-air killing all on board. The debris fell in various parts of the Mighty ocean and one huge piece of debris fell on Sonival resulting in the loss of lives of many Sonis.

16. The fuel tank fell near that part of the Ocean which was a home to variety of aquatic fauna. The release of toxin from the debris killed many sea animals. After a thorough survey, it was expressed by the environmentalists that many sea animal species were reduced drastically in numbers and Devas had to be declared endangered species.

17. Investigations on the cause for the flight mishap revealed that the feathering system that was designed by Spaciatis had malfunctioned. It had activated seconds before HUSH had reached the right speed. When the feathering system is deployed, the space plane's twin tail booms rotate forwards and upwards, dramatically increasing

aerodynamic drag and making the craft fall like a shuttlecock. Experts in the field around the world are opining that the Flight was bound to fail due to certain designs which are incongruent to the changed fuel type.

18. The processed sea food industry in RoS which contributed to 70% of RoS's economy was majorly hit due to the death of fish owing to HUSH's accident. The damage caused was so severe that it resulted in the closure of nearly 60% of the sea food processing industries. Many Sonis lost their lives and property due to the accident and their livelihood was deeply affected owing to the death of sea animals.

19. RoS took up this matter through diplomatic channels to DRAP. However, DRAP refused to take any responsibility or liability about the same stating that it was an act of a private entity. Ensuing diplomatic discussions failed to resolve the dispute. Both states agreed to bring their dispute before the International Court of Justice by way of this Compromise.

20. The government of the Republic of Sequetus requests the Court to adjudge and declare that:

- (i) DRAP is liable for damages under international law to RoS for the loss of lives, livelihood and property of Sonis as a result of disintegration of HUSH.
- (ii) DRAP is liable under international law for the loss of aquatic fauna in Mighty Ocean caused by the debris of HUSH.
- (iii) DRAP is liable for the damages under international law for the loss incurred by the sea food processing industries and to dismiss all claims to the contrary.

21. The government of the Democratic Republic of Antura Province requests the Court to adjudge and declare that:

- (i) DRAP is not liable under international law for damages to RoS as it is an act carried out by a private entity.
- (ii) DRAP is not liable under international law for any loss of or damage to Sonis or the aquatic fauna.
- (iii) DRAP is not liable for the damages under international law for the loss incurred by the sea food processing industries and to dismiss all claims to the contrary.

22. Both DRAP and RoS are parties to the Outer Space Treaty, the Rescue Agreement, the Liability Convention, the Registration Convention, the UN Charter and the Moon Agreement. There is no issue regarding the jurisdiction of the Court. The law at the time the case is heard is substantially the same as on 31st December 2014.

Rules Governing the Moot Court Competition

General

1. Teams which are adjudged either winners or runners up in any national moot court competition in India in the past two years are eligible to participate in the Competition. The participation by foreign teams will be by invitation. Only 30 teams will be registered. In case there is provision after registering teams from this category, teams from other Law Colleges recognised by the Bar Council of India will be considered on first come first served basis. However, their registration will be subject to confirmation by the hosts.
2. Each participating team has to pay a **registration fee of Rs. 3,000/-** (Rupees Three Thousand Only) through a demand draft drawn on any nationalized bank, in favour of the Finance Officer, Karnataka State Law University, Hubballi.
3. Each College may send a team consisting of Two Mooters and One Researcher.
4. Immediately after the inauguration lots will be drawn and fixtures for the Preliminary Round will be announced. Fixtures for subsequent Rounds will be announced fifteen minutes before the commencement of the Competition.
5. The Organisers will not defray the travelling expenses of the participating teams. However, the participants will be provided boarding and lodging on the days of the competition.
6. Law Colleges / Institutions willing to compete, shall confirm participation by the **25th of January 2015** with proof of being winners or runners up by E-mail. However, this is not applicable to foreign teams and other teams.
7. The Moot Problem, being the property of Karnataka State Law University, shall not be used by any Organisation, College or Institution without the express written permission from Karnataka State Law University.
8. The enclosed Registration Form should be duly completed and returned on or before the **30th of January 2015** by e-mail. Scanned copy of the registration form has to be e-mailed and hard copy can be sent through post.
9. **The team of the Karnataka State Law University, if qualifies shall participate only up to quarter finals in the moot court competition.**
10. **The Mooters shall be identified by their respective names and institutions.**

Some Salient Features of the Moot Court Competition

1. The teams should take the facts of the case provided by the organisers as final and no clarifications shall be sought.
2. Each team shall submit written Memorials on behalf of both the parties to the case latest by **16th February 2015**.
3. Each team shall be given 30 Minutes to advance its arguments or make submissions. Hence, each counsel shall have fifteen minutes only at his/ her disposal.
4. Each team will be assessed for 100 marks in oral rounds. Memorials will be assessed for 50 marks separately. **Memorial marks will not be added to oral rounds to decide the qualifying team for the next round and finally, even to decide the winners and runners up.**
5. The Four stages in the Competition shall be: **First Round; Quarter Finals; Semi-Finals and Finals.**
 - (a) **First Round:** Every participating Team shall take part in the Preliminary Round as per the fixtures drawn and announced.
 - (b) **Quarter Finals:** Fifty percent of the teams appearing on behalf of the Applicant and fifty percent of the teams appearing on behalf of the Respondent shall, on the basis of the marks secured in the Preliminary Round, enter the Quarter Finals.
 - (c) **Semi-Finals:** Four out of the Teams participating in the Quarter Finals shall, on the basis of the marks secured therein, move on to the **Semi-Finals**.
 - (d) **Finals:** Two out of the Teams in the Semi - Finals shall, on the basis of the marks secured therein, enter the **Finals**.

Rules Regarding Submission of Memorials

1. Each team has to submit two sets of memorials for both sides.
2. The Memorials should be typed in double space on one side of the papers.
3. The arguments should not exceed 15 pages. However, these 15 pages will not include the Cover page, Page of Content, Table of Authorities, Table of Cases, List of Abbreviations, Statement of Facts, Issues / Questions presented, Summary of the Arguments and Appendices.
4. The Memorials should be neatly bound and submitted.
5. The Memorials submitted will not be returned.

Dress Code: Participants shall be dressed in suit.

Prizes: Prizes will be awarded to: **1. Winners, 2. Runners-up, 3. Best Memorials, 4. Best Gentleman Advocate and 5. Best Lady Advocate.**

Apart from these prizes, additional prizes shall be awarded to the Best Gentleman Advocate and Best Lady Advocate selected from among three top mooters in the finals by the students of Karnataka State Law University.

REGISTRATION FORM

II International Law Moot Court Competition 28th February and 1st March 2015

**Name and address of the University / Institution including
e-mail and phone numbers:**

1. Name of the Mooter : _____

Class : _____

Address : _____

Phone : _____

E-mail : _____

Photo

2. Name of the Mooter : _____

Class : _____

Address : _____

Phone : _____

E-mail : _____

Photo

3. Name of the Researcher : _____

Class : _____

Address : _____

Phone : _____

E-mail : _____

Photo

Signature and Seal of the Head of the Institution

*** Photographs should be attested by the Principal / Head of the concerned Institution.**



KARNATAKA STATE LAW UNIVERSITY, HUBBALLI.