

## Moot Court International Law (B001678)

**Course size** *(nominal values; actual values may depend on programme)*

**Credits** 12.0                      **Study time** 360 h

**Course offerings and teaching methods in academic year 2023-2024**

A (Year)	English	Gent	seminar
			group work
			peer teaching

**Lecturers in academic year 2023-2024**

Schoukens, Hendrik	RE22	lecturer-in-charge
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**Offered in the following programmes in 2023-2024**

	<b>crdts</b>	<b>offering</b>
Master of Laws in Laws	12	A
Master of Laws in International and European Law(main subject European Union Law)	12	A
Master of Laws in International and European Law(main subject International Business Law)	12	A
Master of Laws in International and European Law(main subject International and Human Rights Law)	12	A
Master of Laws in International and European Law(main subject International and National Legal Orders)	12	A
Master of Laws in European Union Law	12	A
Master of Laws in International and European Law	12	A
Master of Laws in International Business Law	12	A
Exchange Programme in Law	12	A

**Teaching languages**

English

**Keywords**

Simulation of a conflict between states before the International Court of Justice, making use of all sources of public international law,, solving complex international legal questions, develop written and verbal skills

**Position of the course**

This course can be taken by students that wish to capacitate in more in depth in public international law in a case study approach and its complexity through an in depth analysis of all relevant sources of this branch of law. It is the aim to make students familiar with the broad range of applicable legal sources, their various interpretations and potential argumentations. The course intends:

- 1 to contribute to an impart understanding in the interest and functioning of public international law;
- 2 to learn to recognize and analyze contemporary and debated topics in the field of public international law;
- 3 to learn to reason within the theoretical framework and terminology proper to public international law;
- 4 to learn to elaborate, to write down and to make a presentation on a contemporary and debated topic in the field of public international law and to defend the point of view taken in the particular case at stake.

**Contents**

Within the framework of the Jessup International Law Moot Court, students will:

- have to deduct, analyse and study one or more problems of public international law from the assignment of the moot court, taking into account the relevant primary sources, case law and legal doctrine;
- compile the different written arguments to support the view of either the claimant or respondent in a fictive conflict, in the form of Memorials
- incorporate the detailed written reasoning into a plea, taking into consideration the possible arguments of the opposite party
- attend intensive coaching and pleading sessions - plead the case in a simulated procedure before the International Court of Justice

During the academic year there is a shift of focus within the list of the above mentioned side aspects. This shift is related to the different phases within the moot court:

- 1st phase (first semester) – preparation of the Memorials and first pleading sessions;
- 2nd phase (first half of the second semester) – fully dedicated to in house preparation of the oral pleadings towards the national rounds as a qualification tournament;
- 3rd phase (directly after the 2nd phase) – participation, on condition of qualification, in the international pleading round.

#### **Initial competences**

- Solid basic knowledge of public international law
- Good communication and writing skills
- Good knowledge of English, written as well as spoken
- Willing to collaborate with fellow students

#### **Final competences**

- 1 Acquire knowledge and understanding of the importance and functioning of public international law.
- 2 Acquire knowledge of the main elements in the doctrine (and theory) of public international law and being able to apply this.
- 3 Acquire a detailed knowledge of the international regulations on one or more contemporary and debated topics in public international law and being able to apply this
- 4 Acquire insight in the procedures before the International Court of Justice.
- 5 Being able to organize and conduct personal research, as well as in a team.
- 6 Being able to analyze a complex interstate conflict and deduct the problems of public international law, as well as apply the acquired knowledge to it.
- 7 Being able to analyze legal texts, other relevant texts and study materials, as well as distinguish main issues from side-issues
- 8 Bein able to apply knowledge and insights in a critical and original manner.
- 9 Being able to defend a point of view and to argue in an international context.
- 10 Being able to write out a relevant and coherent legal argumentation.
- 11 Being able to cooperate with fellow students in order to reach a common position and final product (Memorials).
- 12 To develop oral skills and pleading techniques.
- 13 To develop an active interest in scientific research in public international law.

#### **Conditions for credit contract**

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

#### **Conditions for exam contract**

This course unit cannot be taken via an exam contract

#### **Teaching methods**

Group work, Seminar, Peer teaching

#### **Extra information on the teaching methods**

Project: Participation in a moot court requires students to explore a fictitious conflict by study and analyse, develop and defend, both in writing and orally, the point of view of the States concerned based on legally founded arguments. It is expected more specifically that students within a country team each deal with one of the sub-aspects, completed with the necessary independent work in order to reach two end products (a memorandum for claimant and one for respondent): 1. The Memorials (written conclusions). Each of the participants carries an individual responsibility for solving one or more legal questions, either as claimant or respondent. The different students from the same country team carry in addition a common responsibility for consistency, coherence and logical structure of the Memorials, as well as its form. 2. The Pleadings are developed by the students of the same country team and are

brought orally by pairs, each responsible for half of the pleading, during the qualifying tournament and/or the international rounds. To manage this complex learning situation (independent work, group work,...) and to optimize the learning process (to learn and practice skills and to know, master and apply a combination of contents), an intensive coaching is foreseen. This coaching is built around an intensive range of coaching and pleading sessions that steer the gradual learning process by logical series of interim and preparatory tasks. This coaching takes place in small groups and is complemented with an individual approach, if necessary. Besides the responsible teacher and the assistants of the department, also other staff members, external experts and other experienced individuals can be involved in the coaching.

### **Learning materials and price**

All documents distributed by the organizers of the moot court. This happens directly by the organization by means of its Internet site or by the department that makes the documents available on UFORA. Furthermore: all relevant sources (books, treaty texts, doctrine, case law, reports, articles, ...) that physically or electronically can be consulted in the faculty or central library.

Additional costs: participation in the national Jessup competition in Brussels: train ticket Ghent-Brussels-Ghent: € 30

If the students win the national round, they can participate in the international Jessup competition in Washington DC. Costs: +/- € 850 - € 900 for airplane ticket, transport to and from the airports, and transport costs in Washington. Through sponsoring we will strive to reimburse the costs made by the students.

### **References**

- J. CRAWFORD, *Brownlie's Principles of Public International Law*, Oxford, Oxford University Press, 2012, 888 p.
- R. WOLFRUM, *The Max Planck Encyclopedia of Public International Law*, 10 volumes, Oxford University Press, 2012, 11.741 p.
- B. SIMMA et al (ed.), *The Charter of the United Nations. A Commentary*, Oxford University Press, 2012, 2.606 p.
- M DIXON, *Textbook on International Law*, 2013, 432.
- M.N. SHAW, *International Law*, Cambridge, Cambridge University Press, 2008, 1708 p.

### **Course content-related study coaching**

By this form of problem directed education, the competent study coaching exists in essence in a unity of coaching situations and independent learning situations, where the coaches provide for interim coaching and adjustment of both the end product (Memorials and Pleadings) and the process (approach, group processes,...). The guidance and the coaching is organized in the form of an intensive sequence of coaching and pleading sessions, which steer the gradual learning process by a logical series of interim and preparatory tasks. These exercises are complemented by personal coaching of the students, which varies from the possibility to present questions by e-mail to personalized coaching sessions, if the coaches see a need to this end in the interest of the individual and/or the group. For each coaching situation use will be made of the available educational supporting technology (Minerva,...) and special infrastructure (pleading room,...). Where it becomes useful for the coaching, other members of staff, external experts and experienced individuals will be contacted to coach, beside the lecturer and the staff members of the department

### **Assessment moments**

continuous assessment

### **Examination methods in case of periodic assessment during the first examination period**

### **Examination methods in case of periodic assessment during the second examination period**

### **Examination methods in case of permanent assessment**

Participation, Assignment

### **Possibilities of retake in case of permanent assessment**

examination during the second examination period is possible

### **Extra information on the examination methods**

(100%) Non-periodic evaluation, taking into account that 40% of the evaluation is based on the Memorials, 30% on the Pleadings and 30% on the evaluation of the interim preparatory tasks linked with the participation and the individual contributions during the coaching and pleading

sessions.

Retake: an individual plea for an internal jury.

**Calculation of the examination mark**

Non- periodic evaluation (100%) – THE STUDENTS ARE REQUIRED TO PARTICIPATE IN ALL EVALUATION COMPONENTS. IF THEY DO NOT, THEY WILL FAIL FOR THIS COURSE. In concrete terms, this means that if the final score is nevertheless a figure of ten or more out of twenty, the final score will be reduced to a figure of 7/20.

**Facilities for Working Students**

no