

**INTERNATIONAL COURT OF JUSTICE****YEAR 2014****3 February 2014****WHALING IN THE ANTARCTIC  
(AUSTRALIA v. JAPAN)****ORDER**

*President Akiho Shibata of The International Court of Justice,*

Delivers the following suggestions and decisions:

1. Read and analyze the final submissions of the Applicant and the Respond carefully, as Parties' oral pleadings should cover only those submissions, but all the material elements in those submissions.
2. It is strongly urged that the Agents and Counsels prepare written manuscripts not only for the first round of pleadings BUT ALSO for the second and interactive pleadings and for the final concluding remarks, before 8 February. The first round pleadings should focus on the main logic of the Parties' arguments and essential evidence to support such arguments. The second round of pleadings should highlight the controversial points (which both Parties can foresee) and provide additional arguments and evidence to support them. In this sense, the Parties should prepare the written manuscripts as if the Parties have 45 + 45 + 10 = 100 minutes in total.
3. During the lunch time, the Parties will have in substance only 30 minutes or so to prepare for the second and interactive round in the afternoon. The Parties must answer the questions posed by the judges, and their answers must be inserted (if not already prepared in the manuscripts) into the manuscript. In addition, the Parties may want to adjust their second round of pleadings in response to others' first round of pleadings. This will be much easier if you already have a full manuscript and such adjustments be done by simply amplifying some points and deleting some other points, rather than constructing the responses anew.
4. The oral pleadings (and the written manuscripts) should be thorough, in the sense that even the basics must be stated explicitly. For example, the provisions of the relevant articles in ICRW must be stated in full; the Agents and Counsels should not take for granted that the judges know the details of those provisions. The Agents and Counsels must clearly state the content of IWC resolutions if they are to refer to them in the pleadings, for example. The basic facts, like the scope and nature of JARPA II, must also be explicitly stated.
5. The Agents and Counsels must speak clearly and slowly. The Agents and Counsels want the judges to understand the complex legal and factual arguments, and this will only be possible if you speak slowly. Do not take for granted that the judges (Professors) know the issues involved. They may never heard of a species called Fin Whales, for example. Please do not take for granted that the judges read the Memorials.
6. For the second and interactive round, the Agents and Counsels should also consider the fact that there will be spontaneous questions posed by judges, and you are required to answer them. This will consume a lot of time. You should leave enough time for such a question-and-answer time within your pleading plans.
7. This means 100 minutes of total pleading time is actually VERY SHORT. The Parties must organize their arguments logically, select the best evidences to support them, and clearly state in full the relevant provisions of treaties, contents of resolutions, and the facts of the case.

8. Should any Party wish to use the power-point-presentation to facilitate their oral arguments, their intention to use such means must be communicated to the Registrar by 16:00 on 4 February. In consultation with the Parties, the Court will decide whether to allow the use of power-point-presentation. If the use of power-point-presentation is allowed, the Parties must submit all slides that they intend to use during the pleadings to the Registrar by 17:00 on 7 February. Those slides will then be communicated to the other Party.
9. As to the use of power-point-presentation, the Registrar only set up the facilities. It is the responsibility of the Parties to prepare the slides, set them in the computer, and use it during the oral pleadings. Such preparation must be completed before the oral pleadings commence, utilizing the breaks in between the pleadings.
10. No other documents will be distributed by the Parties in the Court room. The Parties should be aware of the fact that the judges may not even have a copy of ICRW in front of them, for example.
11. This moot court is for the educational purpose, and NOT for win-loose competition. The teams and their members are evaluated on their academic performance, including the extent of their preparation before the oral pleadings. On the substance, the students (Agents and Counsels) will be evaluated based on (a) their understanding of relevant international law; (b) their quality of legal arguments with substantiating evidence; and (c) their performance during the pleadings.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this third day of February, two thousand and fourteen, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of Australia and the Government of Japan, respectively.

(Signed) Akiho Shibata  
President

(Signed) Masakuni Ueta  
Registrar