

2013 Multilateral Treaty Negotiation (MTN) Schedule #2

2013.12.02

Instruction on the team presentation on Australian Memorial and Japanese Counter-memorial (9 December to 27 January):

- * Team A: Mizuho Mori, Yuki Morinaka, Jeffrey Carrasiti, 【Thitirat】 , (Masakuni Ueta)
Team B: Junko Miyasako, Giovanni Lamberti, Bae Eun Ji, (Osamu Inagaki)

【】 Team member who is exempted from presentation on memorials but will take part in moot court.

() Team advisor. These doctoral students are available to help the respective teams to guide the voluminous reading. Please make wise use of the advisors. The advisors may or may not take part in the memorial presentations, depending on the decision of the advisors. The role of advisors in the moot court session will be later determined by the professor.

- * For memorial presentations, each team should prepare one integrated resume (maximum of three pages). Please prepare and bring at least ten (10) copies to the class, and make them available for all participants. Each team may decide who and how to present in the class, but the time limit must be strictly observed.

- * THE PURPOSE of reading memorials is to prepare for the moot court to follow. Thus, the participants would be looking for (1) possible legal arguments to substantiate the final submissions, and (2) legal and factual evidence to substantiate your case. Since each team does not yet know which country it will be representing, this preparation exercise will be conducted in an objective manner. It is strongly encouraged that each team reads both the Australian memorial and Japanese counter-memorial.

Schedule on Memorial Presentations

Dates	Substance and Reading material	Reporters
12/9	Reading the Memorial and Counter-memorial of the Parties: Part I: Overview ⑦ Australian Memorial, pp. 1-9. ⑧ Japanese Counter-memorial, pp.1-22.	⑦ Team A _____ ⑧ Team B _____ (20 minutes each)
12/16	Part II: International Regulation of Whaling ⑨ Australian Memorial, pp.10-62. ⑩ Japanese Counter-memorial, pp.55-138.	⑨ Team B _____ ⑩ Team A _____ (30 minutes each)
2014 1/10	Announcement of the team representation (by e-mail)	
1/20	Part III: JARPA ⑪ Australian Memorial, pp.63-139. ⑫ Japanese Counter-memorial, pp.139-296.	⑪ Team A _____ ⑫ Team B _____ (30 minutes each)
1/24 (Fri)	Special seminar by Peter Lawrence, Senior Lecturer, University of Tasmania, Australia: "Justice for Future Generations: Climate Change and International Law"	15:10~16:40 All are welcome !
1/27	Part IV: International Law and its Application ⑬ Australian Memorial, pp.140-279. ⑭ Japanese Counter-memorial, pp.297-434.	⑬ Team B _____ ⑭ Team A _____ (40 minutes each)

Instruction on the Moot Court preparation and exercise (2, 3, 8 February 2014):

1/10 (Fri)	Announcement of team representation * Teams should get together early to consider: (1) litigation strategy (2) main legal arguments (3) division of labor * Please utilize the advisors wisely.	*1 Submission of the Parties
1/20 (Mon)	Teams should meet after the class to finalize: (1) main legal arguments (2) division of labor, with specific tasks allocated to the members of the team (drafting of oral pleadings; research for evidence; etc)	
	Team members should consult often to check the progress.	
2/3 (Mon)	Moot Court preparation #1 The professor is available to answer: (1) general questions in front of all participants (15 minutes): (2) specific and confidential question from each teams (30 minutes each) The rest of the time is available for each team's preparation.	
2/4 (Tue)	Moot Court preparation #2 The professor is available for general / specific questions. The teams may use the time for preparation/consultation among the members.	
2/7 (Fri) by 17:00	Both teams should submit to the Court: (1) The outline of oral pleadings (maximum two pages) (2) The order (names) and topics to be pleaded by Agents/Counsels (one page) in the first round of pleadings.	*2 outline
2/8 (Sat)	<u>Moot Court:</u> 9:45 The Agents and Counsels seated in the Court (SI). 10:00 Opening of the Court: President Shibata, Judge Tamada (other judges TBA) 10:15-11:00 First round of pleadings by the Applicant (Australia) 11:15-12:00 First round of pleadings by the Respondent (Japan) 12:15 Questions posed by the judges 13:30-14:15 Second round of interactive pleadings by the Applicant 14:30-15:15 Second round of interactive pleadings by the Respondent 15:45-15:55 Concluding statement by the Applicant 16:00-16:10 Concluding statement by the Respondent 16:15 The Court retires for deliberation. 16:30- Delivery of the Judgment + Evaluation	*3 Agents and counsels *4 First round *5 second, interactive round *6 concluding statement *7 evaluation
2/8 (Sat) 17:30~	Reception hosted by both Australian and Japanese governments	

* 1 Final submissions of the Applicant are those that appear in CR2013/20, paras.2, 3, and 4 only on p. 47. Final submission of the Respondent is one that appears in CR 2013/23, para.17 (2) only on p.33.

* 2 The outline submitted by one Party will be shared with other Party through the Court.

* 3 Both teams must designate one Agent, and other team members become Counsels. The opening statement in the first round of pleadings and the concluding statement shall be made by the Agent.

* 4 First round should be pleaded by all members of the team. Each member must plead at least 10 minutes in total. The order and the number of appearances during the first round are determined by the teams. There will be no questions posed by the judges during this round.

* 5 Second, interactive round will consist of: (1) answering the questions posed by judges, and (2) the rebuttals. During this interactive round, the judges may at anytime pose questions to the Agent/Counsels and Agent/Counsels are required to respond on the spot. All member of the team must appear at least once during this second round.

* 6 Concluding statements shall be delivered by the Agents.

* 7 The evaluation (both as a Team and as individuals) will be based on (1) the understanding of relevant international law; (2) the quality of legal argument with substantiating evidence; and (3) the performance.

END