

INTERNATIONAL INSTITUTE OF SPACE LAW
OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

INSTITUT INTERNATIONAL DE DROIT SPATIAL
DE LA FEDERATION INTERNATIONALE D'ASTRONAUTIQUE



**13th MANFRED LACHS SPACE LAW
MOOT COURT COMPETITION
WORLD FINALS 2004**

Thursday, 7 October 2004
Vancouver, BC, Canada

<http://www.spacemoot.org>

THE INTERNATIONAL INSTITUTE OF SPACE LAW

The International Institute of Space Law (IISL) was founded by the International Astronautical Federation (IAF) in 1960. The IISL replaced the Permanent Committee on Space Law, which the IAF had created in 1958 under the chairmanship of Andrew G. Haley. The current President is Dr. N. Jasentuliyana, Former Director of the United Nations Office for Outer Space Affairs. Since 1958, the IISL has held over 40 annual colloquia on space law in many nations. The IISL presently has elected individual and institutional members from more than 40 countries, who are distinguished by their contributions to or proven interest in the field of space law or other social science aspects related to space activities. While a component of the IAF, the IISL is authorized to function autonomously in accordance with its Statutes.

The purposes and objectives of the Institute include the cooperation with appropriate international organizations and national institutions in the field of space law, the holding of meetings, colloquia and competitions on juridical and social science aspects of space activities, the preparation or commissioning of studies and reports and the publication of books and proceedings.

The IISL holds annual Colloquia on the Law of Outer Space at the same time and place as the annual IAF Congresses, generally convened in October. Each Colloquium usually consists of four sessions whose topics are decided by the IISL Board well in advance of the conference dates. The Proceedings of these Colloquia are published annually by the American Institute of Aeronautics and Astronautics (AIAA) and can be ordered at <http://www.aiaa.org/store/> or via the links provided at the IISL website. The IISL also organizes annually the Manfred Lachs Space Law Moot Court Competition.

As the IAF is an officially recognized observer at sessions of the United Nations Committee on the Peaceful Uses of Outer Space and its Scientific & Technical and Legal Subcommittees, members of the IISL are entitled to be designated IAF observers to those sessions.

The IISL has organized and presented many space law programs for the delegates and staff attending the annual session of the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) Legal Subcommittee. The programs deal with topical space law issues. The papers there presented are published in the IISL Proceedings (see above).

The governing body of the Institute is the *Board of Directors*, which consists of the President, Presidents Emeriti, two Vice-Presidents, Secretary, Treasurer and 14 other Members. The *General Assembly of Members* convenes once a year during the Colloquium. The *Secretariat* of the Institute is located at the IAF Headquarters in Paris. To discharge responsibilities set out in the IISL Statutes, various permanent and *ad hoc* Committees are established, such as the Standing Committee on the Status of International Agreements Relating to Activities in Outer Space.

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THE MANFRED LACHS SPACE LAW MOOT COURT COMPETITION

The Manfred Lachs Space Law Moot Court Competition is organized annually by the International Institute of Space Law (IISL) of the International Astronautical Federation (IAF).

The Lachs Moot Competition is intended to provide law students with an experience in preparing written memorials and oral arguments of a case involving space activities and brought, by consent, to the International Court of Justice. The Competition has the unique distinction of having the world final judged by three sitting judges of the International Court of Justice each year.

The first Competition was organized for law students from northern America by the Association of US Members of the IISL (AUSMIISL) during the first World Space Congress (WSC) held in Washington, D.C., U.S.A. in 1992. In 1993, the Competition was renamed after the late Judge Manfred Lachs, the previous President of the IISL, of the International Court of Justice and of the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS). In the same year, the Competition was also extended to include European students and in 2000, the Asia-Pacific Round was added. This year will be the 13th Competition, which will be held in Vancouver, BC, Canada on **Thursday 7 October 2004**.

The Manfred Lachs Trophy



Regional competitions are organized each year around April in Europe, North America and in the Asia-Pacific. The winning teams of the three regional rounds meet in the international final rounds, which are held in conjunction with the annual IISL Colloquium on the Law of Outer Space. Participating teams are required to submit a formal written argument called a Brief for both the Applicant State and the Respondent State on the legal issues in the hypothetical case. The teams compete in Preliminary Rounds at which they present Oral Arguments in the case before panels of three judges. At the end of the Preliminary Rounds, the three winners move on to the Final Rounds. The team with the highest average score for its Applicant and Respondent Briefs moves on to the Final, while the two other Teams first meet in a Semi-Final.

The competition is in the form of a hypothetical dispute before the International Court of Justice. The Problem is always written by a Member of IISL. Official Rules of the Competition have been formulated by the IISL Board of Directors, and Regional Rounds have to comply with these, although deviations may be agreed for practical purposes. The costs of the airfares and accommodation for the teams are traditionally sponsored by the Association of US Members of the IISL (AUSMIISL), the European Centre for Space Law (ECSL) and the Institute of Space and Astronautical Science (ISAS) Japan, respectively. The expenses for business class travel from The Hague to/from the place of the Finals (this year, Vancouver)

and accommodation for the three judges of the International Court of Justice is funded by local sponsors. The Semi-Final will take place on Tuesday 5 October, closed session, 1 pm Room Gazebo I at the Pan Pacific. The Final of the 13th Manfred Lachs Space Law Moot Court Competition (a public event) will be held on Thursday 7 October, Faculty of Law (Moot Court Room), in University of British Columbia.

SUMMARY OF THE PROBLEM

CASE CONCERNING THE COMMERCIALISATION OF A SPACE STATION

(Palladia v Zirconia)

Orbital Outpost, Inc. is a private company incorporated in the Republic of Palladia that is 70% owned by a governmental authority. In 2001, Orbital Outpost completed construction of a large space station, Outpost One, intended to be an orbital base for scientific research, communications and space tourism. SpaceCommuter Corp. is a private launch operator owned and operated in Palladia engaged to ferry crew members between Palladia and Outpost One.

Lorena Basinska is a 22-year-old model and comedienne from the Kingdom of Zirconia who became popular as a result of her participation in a reality television program. In 2002, she was selected to become one of the first tourists to stay for 10 days onboard Outpost One.

When Basinska was onboard Outpost One, she complained to its commander that one of the crew members, 46-year-old Jacques Toussaint, had subjected her to sexual harassment. When the commander appeared to take no action on the complaint, she took matters into her own hands and physically assaulted Toussaint, causing substantial injuries. Toussaint had to return to Earth early, causing a significant number of contracted commercial research experiments on Outpost One to be postponed or cancelled. Basinska also conducted an experiment onboard Outpost One without sufficient care and resulted in the failure of the commercial experiment as well as the need to rebuild the research module at substantial cost.

On the return flight, a cutting tool overlooked by the crew fell from the ceiling to the floor during re-entry, slashing and permanently disfiguring Basinska's face. Independent investigation had shown that, although Toussaint was responsible for pre-flight inspections, he could not have deliberately omitted the cutting tool as doing so would have endangered himself. Basinska's modelling and television contracts were subsequently cancelled and she had failed to secure new ones. After these events, Orbital Outpost banned all tourists from Zirconia, but allowed tourists of other nationalities to stay onboard Outpost One.

Palladia and Zirconia have both claimed damages for the loss suffered by their nationals.

PROGRAM

(Thursday, 7th October 2004)

2:00 and 2:15 PM	Bus transportation from the Congress Center to Faculty of Law, University of British Columbia
2:55 PM	All guests to be seated
3:00 PM	Start of the Finals
5:30 PM	Announcement of the winning team and remittance of awards
6:00 PM	End of competition
7:00 PM	Dinner at the Cecil Green Park House, University of British Columbia for IISL members / participants and special guests*. (*for invited guests only)
10:30 PM	End of dinner (exact time may change) Bus transportation to major hotels for IISL members / participants and special guests

PARTICIPANTS IN THE THREE REGIONAL ROUNDS

In the USA:

Georgetown University
Golden Gate University
Loyola University - New Orleans
St. Thomas University
University of Baltimore
University of Cincinnati
University of North Carolina
University of Virginia

In Europe:

BBP School of Law, London, UK
Institute of international Relations, Warsaw University, Warsaw, Poland
Institute of Air and Space Law, University of Leiden, The Netherlands
International Space University, Strasbourg, France
Moscow Institute of International Relations, MGIMO University, Moscow, Russia
University of Bremen, Germany
Università degli Studi del Sannio Facoltà di Scienze Economiche e Aziendali, Benevento, Italy
Universidad de Jaen, Facultad de Ciencias Sociales y Juridicas, Jaen, Spain

In the Asia Pacific:

Amity Law School, New Delhi, India
Bangalore University, Bangalore, India
Chulalongkorn University, Bangkok, Thailand
Dr Ambedkar Government Law College, Chennai, India
Dr Ambedkar Law College, Nagpur, India
Government Law College, Mumbai, India
National Law School of India University, Bangalore, India
National Law University, Jodhpur, India
National University of Juridical Sciences, Kolkata, India
National University of Singapore, Singapore
Parahyangan Catholic University, Bandung, Indonesia
Shree Dharmasthala Manjunatheshwara Law College, Mangalore, India
Tsinghua University, Beijing, China
University Law College, Bhubaneshwar, India
University of Malaya, Kuala Lumpur, Malaysia
University of New South Wales, Sydney, Australia
University of Queensland, Brisbane, Australia
University of Sydney, Australia
University of Technology, Sydney, Australia
University of Tokyo, Japan
University of Western Sydney, Australia

ORGANIZERS AND CONTACT DETAILS OF THE REGIONAL ROUNDS

In the USA: Milton (Skip) Smith, SSMITH@sah.com

In Europe: Alberto Marchini, Alberto.Marchini@esa.int

In the Asia Pacific: Ricky J. Lee, asiapacific@spacemoot.org

THE THREE WINNERS OF THE REGIONAL ROUNDS COMPETING IN THE FINAL ROUNDS

From the USA: Georgetown University Law Center, Washington DC, USA, (Ms. Melissa Beiting and Mr. Matthew Getz; Coach: Prof. Paul Larsen)

From Europe: University of Leiden, The Netherlands (Ms. Ioana Cristoiu, Mr. Nathanael Horsley, Mr. Taras Ploshchansky; Coach: Ms Axelle Cartier)

From the Asia Pacific: National Law School of India University, Bangalore, India (Mr. Aditya Sudarshan, Mr. Shadan Farasat, Ms. Surabhi Ranganathan), Coach: Mr Mrinal Satish, Lecturer)

JUDGES FOR WRITTEN BRIEFS

Mr Ian Awford, Ebsworth & Ebsworth, Sydney, Australia
Prof. Joanne Irene Gabrynowicz, University of MS School of Law, USA
Prof. Francis Lyall, University of Aberdeen, United Kingdom
Prof. V.S. Mani, Director, Gujarat National Law University, India
Dr. Martha Mejía-Kaiser, Independent researcher, Mexico/Germany
Prof. José Filho Monserrat, Brazilian Society of Space Law; Brazil

JUDGES FOR SEMI FINALS

Prof. Steven Freeland, University of Western Sydney, Australia
Prof. Stephan Hobe, University of Cologne, Germany (President)
Ms. Marcia Smith, Congressional Research Service, USA

JUDGES FOR FINALS

H.E. Judge Abdul Koroma, International Court of Justice
H.E. Judge Vladlen Vereshchetin, International Court of Justice
H.E. Judge Francisco Rezek, International Court of Justice

AWARDS IN THE FINAL ROUNDS

Winning team:

- ★ Manfred Lachs Trophy on display at winning school until next competition
- ★ Permanent Commemorative Plaque
- ★ Certificates to team members

Runner-up:

- ★ Permanent Commemorative Plaque
- ★ Certificates to team members

2nd Runner-up:

- ★ Permanent Commemorative Plaque
- ★ Certificates to team members

Best Oralist:

- ★ Sterns and Tennen Award for Best Oralist: \$250
- ★ Trophy Plate and Certificate

Best Written Brief:

- ★ Eilene M. Galloway Award for Best Written Brief: \$400
- ★ Permanent Trophy Plate to School
- ★ Certificates to team members

All participants in the Finals:

- ★ Invitation to attend the IISL Dinner on 7 October Cecil Green Park House
- ★ Invitation to attend the IAF Gala Banquet

SPONSORS
THE 13th MANFRED LACHS
SPACE LAW MOOT COURT COMPETITION
WORLD FINALS 2004



Agency



DETTV



University of British Columbia. Faculty of Law

Ramírez de Arellano y Abogados, S.C., México

Peter Nesgos, Milbank, Tweed, Hadley & McCloy, New York, NY, USA

**Organizations that supported the regional rounds and sponsored travel
and accommodation of the winning teams**

Association of US Members of the IISL, AUSMIISL

National Aeronautics and Space Administration, NASA, Headquarters
<http://www.nasa.gov/>

European Centre for Space Law, ECSL <http://edms.esrin.esa.it/ecsl>

Japan Aerospace Exploration Agency, JAXA, http://www.jaxa.jp/index_e.html

IMPORTANT INFORMATION

Vancouver Convention & Exhibition Centre:

999 Canada Place, Vancouver, BC, V6C 3C1

Tel: (604) 689-8232

Fax: (604) 647-7232

Email: vcecsales@bcpavco.com

<http://www.vanconex.com/home.html>

UBC Faculty of Law (Moot Court Room):

1822 East Mall, Vancouver, BC V6T 1Z1

Tel: (604)822-3151; Fax: (604) 822-8108

<http://www.law.ubc.ca/>

Cecil Green Park House:

University of British Columbia,

6251 Cecil Green Park Road, Vancouver, BC V6T 1Z1

Tel: (604) 822-6289; Fax: (604) 822-8928;

E-mail info@cecilgreenpark.ubc.ca

<http://www.cecilgreenpark.ubc.ca/>

Transportation:

Departing at 2 PM and 2.15 PM: special IAC buses will pick up guests at Congress Center and Major Hotels to transport them to UBC Faculty of Law

Departing at 6 PM: it's only a very short walk from Faculty of Law to Cecil Green Park House dinner which starts at 7 PM (for invited guests only)

Departing at about 10.30 PM: special IAC buses will pick up guests at Cecil Green Park House to transport them to specific hotels.

FOR FURTHER READING ...

- ★ International Astronautical Congress: <http://www.iac2004.org>
- ★ International Institute of Space Law: <http://iafastro-iisl.com/>
- ★ IISL Moot Court: <http://www.spacemoot.org>
- ★ International Astronautical Federation: <http://www.iafastro.com>
- ★ UN Office for Outer Space Affairs: <http://www.oosa.unvienna.org>
- ★ International Court of Justice: <http://www.icj-cij.org>

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