

INTERNATIONAL INSTITUTE OF SPACE LAW
OF THE INTERNATIONAL ASTRONAUTICAL FEDERATION

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



**15th MANFRED LACHS
SPACE LAW
MOOT COURT COMPETITION
WORLD FINALS 2006**

Thursday, 5 October 2006
3 - 6 p.m.

Tribunal Superior de Justicia de Valencia
Valencia, Spain

<http://www.spacemoot.org>

CONTENTS

The International Institute of Space Law	2
The Competition	5
Program	7
Summary of the Problem	8
Participants in the three regional rounds	10
Organizers and contact details of the regional rounds	12
The winners of the regional rounds	12
Judges for written briefs	13
Judges for semi finals	13
Judges for finals	13
Awards in the final round	14
Sponsors of the World Finals 2006	15
Addresses	16
Transportation	16
Map	17
For further reading	18

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.

Since 1958, the IISL has held almost 50 Colloquia on space law in many nations, the Proceedings of which are published by the American Institute of Aeronautics and Astronautics. The Institute also publishes a bi-annual Newsletter.

The IISL 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.

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.

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.

In cooperation with the European Centre for Space Law (ECSL), the IISL organizes an annual space law symposium for the delegates and staff attending the annual session of the UN COPUOS Legal Subcommittee in Vienna, Austria. The programs deal with topical space law issues, and the papers presented are published in the IISL Proceedings.

Since 2001, the IISL holds regional conferences in addition to the annual Colloquia. The first of these was held in Singapore in 2001, the second in April 2004 in Beijing, China, the third in June 2005 in Bangalore, India, and the fourth in Bangkok, Thailand, in August 2005.

Board of Directors 2005-2006:

President:

Dr. N. Jasentuliyana, Sri Lanka

President Emeritus:

Prof. Dr. I.H. Ph. Diederiks-Verschoor, The Netherlands

Vice-Presidents:

Prof. Dr. V. Kopal, Czech Republic

Ms. Marcia Smith, USA

Secretary:

Ms. T.L. Masson-Zwaan, The Netherlands/Switzerland

Treasurer:

Dr. F.G von der Dunk, The Netherlands

Directors:

Prof. E. Back Impallomeni, Italy

Dr. G. Catalano Sgrosso, Italy

Prof. J. Galloway, USA

Prof. S. Hobe, Germany

Prof. R. Jakhu, Canada

Prof. T. Kosuge, Japan

Prof. F. Lyall, UK

Dr. J. Monserrat, Filho, Brazil

Mr. K.R. Sridhara Murthi, India

Dr. S. Ospina, Colombia

Prof. R.M. Ramirez de Arellano y Haro, Mexico

Dr. K.-U. Schrogl, Germany
Ms. P.M. Sterns, USA
Dr. A. Terekhov, UN/Russia

Honorary Directors (non-voting):

Prof. Dr. K.-H. Böckstiegel, Germany
Dr. M. Bourély, France
Prof. Dr. A.A. Cocca, Argentina
Dr. S. Doyle, USA
Dr. E. Fasan, Austria
Dr. G. Gál, Hungary
Dr. E. Galloway, USA
Dr. He Qizhi, China
Dr. P. Jankowitsch, Austria
Dr. G. Lafferranderie, ESA/France
Dr. N.M. Matte
Prof. Dr. Priyatna Abdurrasyid, Indonesia
Prof. Dr. V.S. Vereshchetin, ICJ/Russia
Dr. E. Wyzner, Poland
Prof. Dr. G.P. Zhukov, Russia

THE 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 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 15th Competition.



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. The Final Round is traditionally judged by three Members of the International Court of Justice. This unique feature makes the

Lachs Moot one of the most prestigious moot court competitions in the world.

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, upon invitation by the Organizing Committee for the moot court competition, alternating between the 3 regions (North America, Europe, Asia-Pacific). 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. 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. During these rounds, each team of two speakers present their arguments. Briefs and Oral Arguments each carry a weight of 50% towards the total score of a team. At the end of the Preliminary Rounds, the three winners move on to the Final Rounds.

The costs of the airfares and accommodation for the teams are traditionally sponsored by the Association of US Members of the IISL (AUSMIISL) and NASA, the European Centre for Space Law (ECSL) and the Institute of Space and Astronautical Science (ISAS) Japan, respectively. Teams are allowed to revise their Briefs before they have to resubmit them for 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 15th Manfred Lachs Space Law Moot Court Competition will be held this year in Valencia, Spain. The Semi-Final is a **closed** session on 3 October at the Ciudad de la Justicia. The Final is a public event on **Thursday 5 October**, at the **Tribunal Superior de Justicia de Valencia** (Valencian Supreme Court), located at the Palacio de Justicia

PROGRAM

2:15 PM		Bus transportation from the Museum of Sciences "Principe Felipe MCPF (IAC main site) to the Supreme Court (15 min)
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, buses return to MCPF and hotels Barceló, NH Las Artes and Las Arenas
7.45	PM	Bus transportation from Barceló hotel and NH Las Artes Hotel to <i>Masía del Siglo XIX</i> (Bétera) (30 min)
8:30	PM	Drinks and Dinner at <i>Masía del Siglo XIX</i> , (Bétera)* (*for invited guests only)
11:00	PM	End of dinner (exact time may change) Bus transportation to major Congress hotels for dinner guests

SUMMARY OF THE PROBLEM

Case concerning the Sale and Operation of Certain Commercial Remote Sensing Satellites

Galatea v Thalassa: Proteus Intervening

SpaceSense Corp. is a company incorporated in Galatea with majority government ownership. SpaceSense operates a fleet of remote sensing satellites operating over the Nereid Ocean. Two of the satellites, SRS-1 and SRS-3, were both launched by Galatea in 1993. Neolmage is a company incorporated in Thalassa and is entirely owned by private interests with a new image processing technology that provided images of remarkable detail.

In 2000, Neolmage agreed to buy both SRS-1 and SRS-3 from SpaceSense for an undisclosed amount. It was agreed verbally between the presidents of the two companies that the ownership and operation of both satellites were to be transferred at midnight on 1 April 2001. No written arrangements were in place prior to 1 April 2001 and none have been concluded since then, between SpaceSense and Neolmage and between Galatea and Thalassa concerning the sale of the satellites.

The Democratic Peoples Republic of Proteus and the neighbouring Commonwealth of Larissa gained independence from Galatea in 1971. In May 2002, Larissa ordered high resolution processed images of various military sites in Proteus from Neolmage, which were obtained from SRS-1 and SRS-3. In September 2002, the Fourth North Nereid War broke out between Proteus and Larissa and Larissa destroyed all the military sites over which images were obtained

from Neolmage. It was later determined by Proteus that Larissa had obtained remote sensing images from Neolmage. In March 2003, civilian agencies in Proteus sought high resolution images of coastal and rural areas of Proteus for agricultural and conservation purposes. Neolmage refused to supply the images sought.

On 1 January 2004, SpaceSense inadvertently resumed control of both SRS-1 and SRS-3 and failed to notice or correct a malfunction in the altitude control of both satellites that had independently and coincidentally occurred. SRS-1 was destroyed during its descent through the atmosphere, while SRS-3 crashed into a munitions factory in Proteus, resulting in heavy casualties and serious property damage. After the destruction of the two satellites, Neolmage lost most of the customers and became bankrupt.

PARTICIPANTS IN THE THREE REGIONAL ROUNDS

In North America:

- William and Mary School of Law (WMS)
- Golden Gate University School of Law (GGU)
- George Washington University School of Law (GWU)
- University of North Dakota - Department of Space Studies(UND)
- Georgetown University Law Center (GU)
- University of North Carolina School of Law (UNC)
- Santa Clara University School of Law (SCU)
- American University, Washington College of Law (AU)
- Institute of Air and Space Law, McGill University (IASL)
- Western New England College School of Law (WNE)

In Europe:

- Warsaw University Department, Institute of International Relations, Poland
- Katholieke Universiteit, Leuven, Belgium
- Leiden University, International Institute of Air and Space Law, Leiden, Netherlands
- Universidad de Jaén, Derecho y Administración y Dirección de Empresas, Jaén, Spain
- Université libre de Bruxelles, Belgium
- University of Bremen, Germany

In the Asia Pacific:

- University of Queensland, Brisbane
- Flinders University of South Australia, Adelaide
- University of Sydney, Sydney
- University of Technology, Sydney
- University of New South Wales, Sydney
- University of Melbourne, Melbourne
- China University of Political Science and Law, Beijing

- National Law School of India University, Bangalore
- University Law College, Bangalore
- M S Ramaiah College of Law, Bangalore
- University of Lucknow, Lucknow
- Gujarat National Law University, Gandhinagar
- Tamil Nadu Dr Ambedkar Law University, Chennai
- Hidayatullah National Law University, Raipur
- Mahatma Gandhi University, Ernakulam
- National Academy of Legal Studies and Research, Hyderabad
- Amity Law School, New Delhi
- West Bengal National University of Juridical Sciences, Kolkata
- Balaji Law College, Pune
- Indian Law Society Law College, Pune
- University College of Law, Dharwad
- Bangalore Institute of Legal Studies, Bangalore
- University of Delhi, Delhi
- National Law University, Jodhpur
- Guru Nanak Dev University, Jalandhar
- University of Mysore, Mysore
- Karnatak Lingayat Education Society Law College, Bangalore
- University of Mumbai, Mumbai
- Kerala Law Academy Law College, Thiruvananthapuram
- Dr Ambedkar Government Law College, Chennai
- Padjadjaran University, Bandung
- Parahyangan Catholic University, Bandung
- Aoyama Gakuin University, Tokyo
- Sophia University, Tokyo
- University of Kyoto, Kyoto
- University of Tokyo, Tokyo
- Waseda University, Tokyo
- University of Auckland, Auckland
- National University of Singapore, Singapore
- Chulalongkorn University, Bangkok

ORGANIZERS AND CONTACT DETAILS OF THE REGIONAL ROUNDS

- In North America:*** 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 WINNERS OF THE REGIONAL ROUNDS

From North America:

- **Institute of Air and Space Law, McGill University (IASL), Montreal, Canada**
Michael Taylor, Susan Trepczynski and Andrew Williams
Coach: Prof. Ram Jakhu

From Europe:

- **Catholic University, Leuven, Belgium**
Emmanuel De Groof, Gareth Price and Batist Paklons
Coach: Dr. Walter Thiebaut

From the Asia Pacific:

- **University of Auckland, Auckland**
James Townshend and Jonathan Orpin
Coach: Mr. Isaac Hikaka

JUDGES FOR WRITTEN BRIEFS

- **Dr. Peter van Fenema**, Adj. Professor, McGill Institute of Air and Space Law, Montreal / Consultant, The Netherlands
- **Prof. Joanne Gabrynowicz**, Director, National Remote Sensing and Space Law Center, University of Mississippi School of Law USA
- **Prof. VS Mani**, Director, Gujarat National Law University, India
- **Dr. Martha Mejia-Kaiser**, Independent researcher, Mexico
- **Prof. Masami Onoda**, Kyoto Univ. Graduate School of Global Environmental Studies. Japan
- **Dr. Leslie Tennen**, Law Offices of Sterns and Tennen, Phoenix, AZ, USA

JUDGES FOR SEMI FINALS

- **Ms. Marcia Smith**, Director, Space Studies Board, The National Academies, USA
- **Dr. Olivier Ribbelink**, Head, Research Department Public International Law, TMC Asser Institute, The Netherlands
- **Prof. Steven Freeland**, School of Law, University of Western Sydney, Australia

JUDGES FOR FINALS

- **H.E. Judge Abdul Koroma**, International Court of Justice
- **H.E. Judge Hisashi Owada**, International Court of Justice
- **H.E. Judge Bernardo Sepúlveda**, 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 Thursday 5 October
- * Invitation to attend the IAF Gala Banquet on Friday 6 October

SPONSORS OF THE WORLD FINALS 2006

Generalitat Valenciana - Conselleria de Justicia, Interior y
Administraciones Públicas
[http:// www.gva.es](http://www.gva.es)

Facultad de Derecho
Universitat de València
<http://www.uv.es/derecho>

Universidad Nacional de Educación a Distancia (UNED) in
Valencia .
<http://www.uned-valencia.net>

University CEU-Cardenal Herrera
<http://www.uch.ceu.es>

Colegio Notarial de Valencia
<http://www.cnotarial-valencia.com>

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
<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

ADDRESSES

Congress Center (MCPF)

Avenida del Saler, s/n
46013 Valencia
(Tel. +34 96 197 45 00)

Supreme Court of the Comunidades Valenciana (VSC)

Tribunal Superior de Justicia
C/ Palacio de Justicia, 2
46001 Valencia
(+34 96 387 69 00)

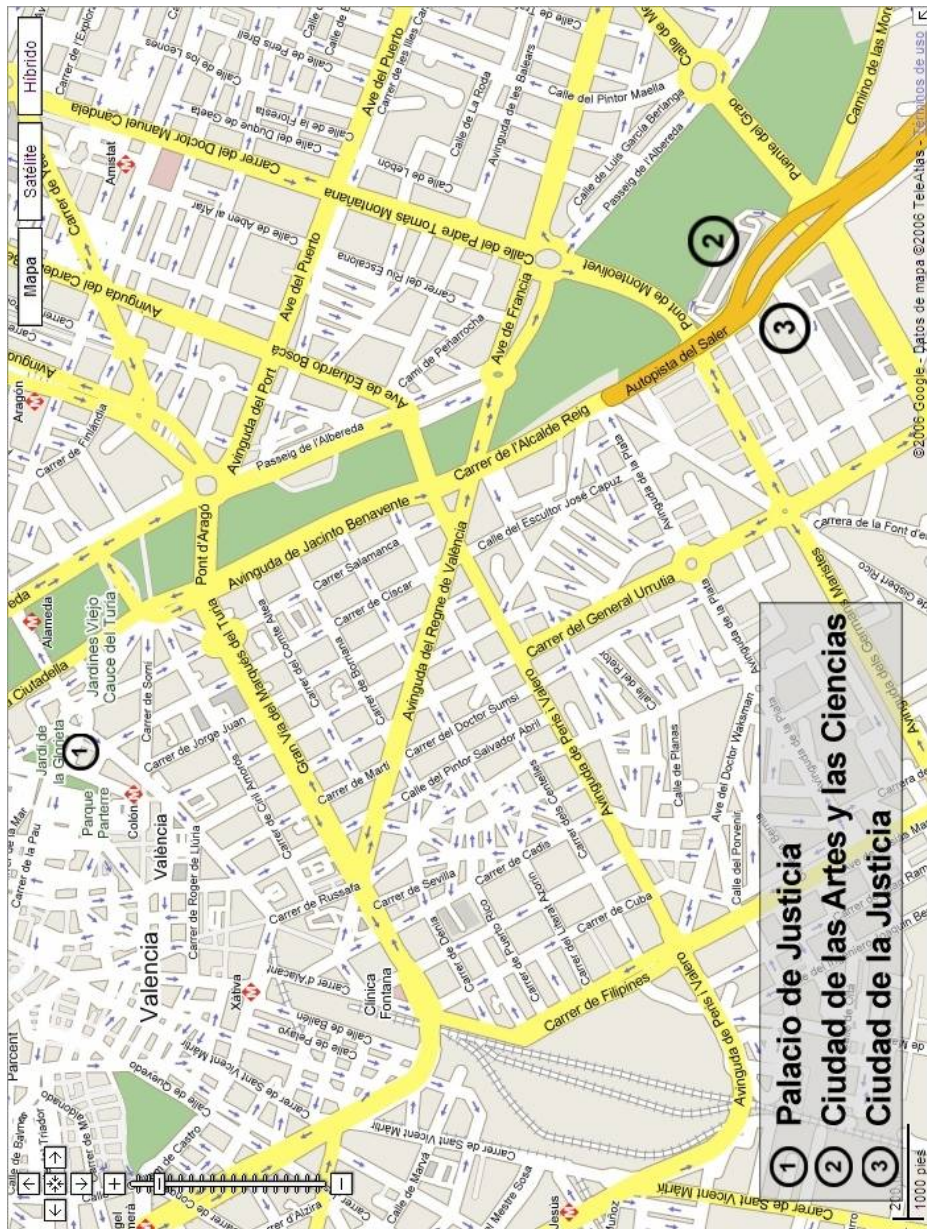
Masia del Siglo (MS)

Ctra. Valencia, 1
46117 Bétera
(+34 96 169 11 32)

TRANSPORTATION

- Departing at 2.15 PM: special IISL buses will pick up guests at MCPF to transport them to VSC.
- Departing at 6 PM: buses return from SC to Hotel NH Las Artes, Hotel Barceló, Hotel Las Arenas
- Departing at 7.45 PM: buses from Hotel Barceló, Hotel NH Las Artes to MS
- Departing at about 11.00 PM: buses will pick up guests at MS to transport them back to Hotel NH Las Artes, Hotel Barceló, Hotel Las Arenas.

MAP VALENCIA SPAIN



FOR FURTHER READING...

- ❖ International Astronautical Congress: www.iac2006.org
- ❖ International Institute of Space Law: www.iafastro-iisl.com
- ❖ IISL Moot Court: www.spacemoot.org
- ❖ International Astronautical Federation: www.iafastro.com
- ❖ UN Office for Outer Space Affairs;
www.oosa.unvienna.org
- ❖ International Court of Justice: www.icj-cij.org
- ❖ Generalitat Valenciana - Conselleria de Justicia, Interior y Administraciones Públicas: www.gva.es
- ❖ Colegio Notarial de Valencia: www.cnotarial-valencia.com
- ❖ Facultad de Derecho. Universitat de València`;
www.uv.es/derecho
- ❖ University CEU-Cardenal Herrera: www.uch.ceu.es
- ❖ Universidad Nacional de Educación a Distancia (UNED) in
Valencia: www.uned-valencia.net

8-10, RUE MARIO NIKIS
75015 PARIS – FRANCE
Tel. 33-1-45.67.42.60
Fax 33-1-42.73.21.20
Email: secretary@iafastro-iisl.com
Website: <http://www.iafastro-iisl.com>