



INTERNATIONAL INSTITUTE OF SPACE LAW



19th Manfred Lachs Space Law Moot Court Competition 2010 WORLD FINALS

Thursday, 30 September, 2010, 3–6 p.m.

Regional Court (of West Bohemia) in **Pilsen, Czech Republic**

www.iislweb.org/lachsmoot



2009 Winners: National Law School of India University, Bangalore, India

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THE INTERNATIONAL INSTITUTE OF SPACE LAW

Founded in 1960, the International Institute of Space Law (IISL) is an independent non-governmental organization dedicated to fostering the development of space law in partnership with various international and domestic institutions. The membership of the IISL is composed of individuals and institutions from more than forty countries who have been elected on the basis of their contributions to the field of space law or other social sciences related to space activities.

The IISL holds its annual Colloquium on current issues in space law at the International Astronautical Congress (IAC) and the Colloquium Proceedings are published each year by the American Institute of Aeronautics and Astronautics (AIAA). During the IAC the IISL also co-organizes annual Scientific-Legal Roundtables with the International Academy of Astronautics (IAA).

The IISL is an officially recognized observer at sessions of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) and organizes an annual symposium for the delegates of the COPUOS Legal Subcommittee with the European Centre for Space Law. Since 2001, the IISL has been organizing dedicated space law conferences in several countries, including Singapore, China, India, Thailand and the USA. It has also been organizing the annual *Eilene M. Galloway Symposium on Critical Issues in Space Law* in Washington, DC since 2006 with the National Center for Remote Sensing, Air and Space Law of the University of Mississippi. The IISL issues Statements to scientifically contribute to the debates about pressing issues in the area of space law. During the annual Colloquia, the IISL strives to address topics that are of interest to all space actors and welcomes all IAC attendees to attend and participate in its sessions.

Since 1992, the IISL has organized the Manfred Lachs Space Law Moot Court Competition. The competition is based on a hypothetical space law case written by IISL members. Student teams from Europe, North America and the Asia Pacific region participate in preliminary competitions. Thereafter the regional champions compete at the World Finals, which take place at the IAC and are judged each year by judges of the International Court of Justice.



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 Mr. Martin Faix (Czech Republic)



JUDGE MANFRED LACHS

Manfred Lachs was born in 1914, in Poland. He earned a doctorate in Laws at the Cracow Jagiellonian University and held several academic positions in Austria and the UK, and later entered the world of diplomacy representing Poland.

After the shock of the Second World War, Manfred Lachs acted on behalf of his country at the Paris Peace Conference in 1946, took part in the Nuremberg tribunal and served as representative of Poland at the United Nations. Manfred Lachs is the only person in the UN history to have been elected three times as the Chairman of Committee VI (Legal) of the General Assembly.

Manfred Lachs chaired the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space and was deeply involved in the debates and drafting of the first multilateral space treaty, the Outer Space Treaty of 1967.

In 1967, at the age of 53, Manfred Lachs became the youngest elected judge of the International Court of Justice in The Hague, and was re-elected twice for an unprecedented three terms on the Court. He also presided on the Court from 1973 to 1976.

Judge Lachs was President of the IISL from 1990 until his death in 1993. He authored many articles and books, among them 'The Law of Outer Space: An Experience in Contemporary Law Making' (1972), which the IISL has re-published this year to celebrate its 50th anniversary.

He may never have imagined that after his death his name would be used for the space law moot court competition of the IISL, and thus be remembered by so many space law students and other persons involved in the competition.

Participating in the Manfred Lachs Moot Court Competition is an experience of a lifetime!

THE COMPETITION

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

The first competition was organized for law students from North America by the Association of US Members of the IISL (AUSMIISL) during the first World Space Congress held in Washington, D.C., USA in 1992. One year later, the Competition was extended to include European Students and, in 2000, the Asia Pacific Round was added.

Preliminary competitions are held each spring in North America, Europe and in the Asia Pacific regions. The winning teams of the 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 judges of the International Court of Justice. This unique feature makes the Manfred Lachs Moot Court one of the most prestigious moot court competitions in the world.

The competition is based on a hypothetical space law dispute before the International Court of Justice. The Problem is written by a Member of IISL upon invitation by the Organizing Committee of the Competition, alternating between the three regions (Asia Pacific, Europe and North America). The 2010 hypothetical Problem is entitled the "Case concerning Suborbital Tourism, Definition of Outer Space and Liability" (*Aspirantia v Republica*).

Regional Rounds must comply with the Official Rules for the Competition adopted by the IISL Board of Directors, although deviations may be agreed for practical purposes. Participating teams are required to submit a 'Memorial' as formal written argument for both the Applicant State and the Respondent State on the legal issues of the hypothetical case.

In the Preliminary Rounds each team with two speakers present Oral Arguments before panels of three judges. Memorials and Oral Arguments each carry a weight of 50% of the total score of a team. The three winning teams of the regional Preliminary Rounds move on to the Final Rounds.

The costs of the airfares and accommodation for the teams taking part in the Final Rounds are borne by the Japan Aerospace Exploration Agency (JAXA), the European Centre for Space Law (ECSL) and the Secure World Foundation, respectively. Teams are allowed to revise their Memorials before they resubmit them for the Final Rounds. A panel of six judges review and grade the Memorials. The team with the highest average score for its Applicant and Respondent Memorials directly qualifies for the Finals. To qualify as second participant in the Finals, the other two teams compete in a Semi-final session with oral arguments before a panel of three judges.

The 19th Manfred Lachs Space Law Moot Court Competition will be held in the Czech Republic. The Semi-finals will be held on Tuesday, 28 September, in a closed session. The Finals are a public event and will take place on Thursday 30 September, at the Regional Court (of West Bohemia) in Pilsen and will be judged by three judges of the International Court of Justice in The Hague.

PROGRAM

- 1:30 p.m.** Bus transportation from the Prague Congress Centre (PCC) to the Regional Court (of West Bohemia) in Pilsen, including a stop at the Pilsen cemetery visiting the grave of Professor Mandl.
- 3:30 p.m.** All guests to be seated.
- 3:35 p.m.** Start of the Finals.
- 5:30 p.m.** Deliberations/tea break.
- 6.00 p.m.** Announcement of the winning team and delivery of awards.
- 6.30 p.m.** Departure to IISL Dinner in the City of Pilsen (for invited guests only).
- 7.00 p.m.** Drinks and Dinner at the Restaurant 'Na Spilce', City of Pilsen.
- 10:30 p.m.** End of dinner.
- 10:40 p.m.** Buses leave to Prague back to the hotels.



*World Finals 2008,
Glasgow*

SUMMARY OF THE PROBLEM

CASE CONCERNING SUBORBITAL TOURISM, DEFINITION OF OUTER SPACE AND LIABILITY *ASPIRANTIA V REPUBLICA*

Aspirantia and Republica are neighbouring countries that are both advanced economies, though only Republica has significant technological capabilities in space activities.

Startours, Inc. is a company incorporated in Aspirantia which developed an experimental passenger spacecraft *Starflight-1* that takes off from a carrier-aircraft flying above the high seas, which is owned by private citizens of a third country. Startours offers suborbital flights to an altitude of 112km for three passengers per flight at 100,000 Aspirantian pesetas. On its maiden flight on 12 January 2009, *Starflight-1* reached an altitude of 93 km and on its descent back to the surface of the Earth was struck by a piece of metal that resulted in a gaping hole in the fuselage, loss of cabin pressure and death of two passengers and the co-pilot because they removed their helmets during the flight. The captain and the remaining passenger survived and landed by parachute.

It turns out that the piece of metal came from a launch of the Stationferry vehicle from *Stationride* Corporation of Republica. Stationride conducts flights to a Republican space station and recently started carrying wealthy private individuals who are required to indemnify Stationride for loss, damage or liability due to their acts or omissions in space. The day *Starflight-1* was launched, Timothy Ash was onboard as one such individual and, after paying Captain Linke of *Stationferry* a large amount of money, was allowed to secret a capsule containing his father-in-law's ashes onboard in his spacesuit, which he released during his scheduled extra-vehicular spacewalk. This capsule was the piece of metal that collided with *Starflight-1* during its maiden voyage.

While proceedings were brought by Startours in a domestic court of Republica, a return flight of *Stationferry* suffered from a malfunction and was forced to declare an emergency, dumped fuel in a lake that Captain Linke mistook for an ocean and landed on an air force base in Aspirantia. The cleanup costs in the lake caused serious environmental damage and significant costs were incurred in the medical care and repatriation of those onboard. The Aspirantian authorities arrested Captain Linke and one of the passengers, Dr François Vient, who was the Director-General of the Republican Space Agency and a passenger onboard the *Stationferry* during that flight.

The domestic court in Republica dismissed the proceedings brought by Startours against Stationride and the Republican Space Agency on the basis that the Republican Space Agency is not responsible for the actions of Stationride. Evidence from an engineer during the trial demonstrated that *Starflight-1* was not sufficiently powerful or advanced to ever reach an altitude of 100 km. The verdict was protested by Startours and the Government of Aspirantia. The two countries then agreed to submit their dispute for resolution by the International Court of Justice.

The 2010 Problem was written by **Dr. H. Peter van Fenema** (The Netherlands).

PARTICIPANTS IN THE REGIONAL ROUNDS

ASIA PACIFIC:

- Amity Law School NEW DELHI, INDIA.
- Amity University Law School NOIDA, INDIA.
- Army Institute of Law MOHALI, INDIA.
- Atma Jaya Catholic University JAKARTA, INDONESIA.
- Bangalore University Law College BANGALORE, INDIA.
- Beijing Institute of Technology BEIJING, CHINA.
- China University of Political Science and Law BEIJING, CHINA.
- City University of Hong Kong HONG KONG, CHINA.
- Dr. Ram Manohar Lohiya National Law University LUCKNOW, INDIA.
- Government Law College MUMBAI, INDIA.
- Gujarat National Law University GANDHINAGAR, INDIA.
- Hidayatullah National Law University RAIPUR, INDIA.
- Indian Law Society Law College PUNE, INDIA.
- Murdoch University PERTH, AUSTRALIA.
- NALSAR University of Law HYDERABAD, INDIA.
- National Law Institute University BHOPAL, INDIA.
- National Law School of India University BANGALORE, INDIA.
- National Law University JODHPUR, INDIA.
- National University of Singapore, SINGAPORE.
- Padjadjaran University BANDUNG, INDONESIA.
- Rajiv Gandhi National University of Law PATALA, INDIA.
- SNDT Women's University MUMBAI, INDIA.
- Tamil Nadu Dr. Ambedkar Law University CHENNAI, INDIA.
- University Institute of Legal Studies CHANDIGARH, INDIA.
- University of New South Wales SYDNEY, AUSTRALIA.
- University of Petroleum and Energy Studies DEHRADUN, INDIA.
- University of Tokyo TOKYO, JAPAN.
- University of Western Sydney SYDNEY, AUSTRALIA.
- West Bengal National University of Juridical Sciences KOLKATA, INDIA.

EUROPE:

- JP II, Catholic University of Lublin, POLAND.
- Law Faculty of the People's Friendship, RUSSIA.
- Leiden University, THE NETHERLANDS.
- The Honourable Society of Inner Temple, UK.
- University of Aberdeen Law School, UK.
- University of Cologne, GERMANY.
- University of Genoa, ITALY.
- University of Lueneburg, GERMANY.
- University of Silesia, POLAND.

NORTH AMERICA:

- Drexel University Earle Mack School of Law, USA.
- Florida State University College of Law, USA.
- Georgetown University Law Center, USA.
- George Washington University, USA.
- Howard University School of Law, USA.
- Institute of Air and Space Law, McGill University, CANADA.
- Rutgers School of Law, Newark, USA.
- The University of Mississippi, USA.
- University of Dayton School of Law, USA.
- University of Nebraska College of Law, USA.



The Manfred Lachs Trophy

CONTACT DETAILS FOR THE REGIONAL ROUNDS

ASIA PACIFIC:

Mr. Jason Bonin (for the 2011 competition)
lachs moot-asiapacific@iislweb.org

EUROPE:

Mr. Raphael Milchberg
lachs moot-europe@iislweb.org

NORTH AMERICA:

Dr. Milton (Skip) Smith
lachs moot-northamerica@iislweb.org



*World Finals 2007,
Hyderabad*

WINNERS OF THE REGIONAL ROUNDS

ASIA PACIFIC: NATIONAL UNIVERSITY OF SINGAPORE

Mr. Muhammad Aidil bin Zulkifli, Mr. Dominic Wei'an Tan and Ms. Ying Li Zanetta Joan Sit
Faculty Adviser: Prof. Lim Lei Theng.

EUROPE: UNIVERSITY OF COLOGNE (GERMANY)

Ms. Lisa Küpers, Mr. Martin Reynders and Mr. Erik Pellander.
Faculty Adviser: Mr. Jan Helge Mey.

NORTH AMERICA: GEORGE WASHINGTON UNIVERSITY (USA)

Ms. Liana W. Yung, Ms. Christa J. Laser and Mr. Michael Saretsky.
Faculty Adviser: Prof. Henry Hertzfeld



World Finals 2006, Valencia

JUDGES

JUDGES FOR FINALS

- H.E. Judge Abdul Koroma, International Court of Justice
- H.E. Judge Peter Tomka, International Court of Justice
- H.E. Judge Leonid Skotnikov, International Court of Justice

JUDGES FOR SEMIFINALS

- Dr. Peter van Fenema (The Netherlands), Adj. Professor, McGill Institute of Air and Space Law, Montreal /Consultant.
- Prof. Dr. Jonathan Galloway (United States), Vice-President of the IISL.
- Prof. Steven Freeland (Australia), Associate Professor of International Law, University of West Sydney.

JUDGES FOR MEMORIALS

- Dr. Sylvia Ospina (Colombia), Consultant, International Telecommunications/Space Law, United States.
- Ms. Marcia Smith (USA), President, Space and Technology Policy Group, United States.
- Dr. Gérardine Goh Escolar (Singapore), The Hague University of Applied Sciences and researcher at the Bynkershoek Institute, The Netherlands.
- Dr. Olivier Ribbelink (The Netherlands), TMC Asser Institute, The Netherlands
- Prof. José Monserrat Filho (Brazil), Chief Adviser of International Affairs, Ministry of Science and Technology, Brazil.
- Dr. Yun Zhao (China), Associate Professor, Faculty of Law, The University of Hong Kong, China.

AWARDS

WINNING TEAM:

- Manfred Lachs Trophy on display at winning school until next competition
- Lee Love Award for Best Team: \$ 600 (USD)
- Permanent Commemorative Plaque
- Certificates for 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 (USD)
- Trophy Plate and Certificate

BEST MEMORIAL:

- Eilene M. Galloway Award for Best Memorial: \$ 400 (USD)
- Permanent Trophy Plate
- Certificates to team members

ALL PARTICIPANTS IN THE FINALS:

- Law books donated by Brill/Martinus Nihoff
- Invitation to attend the IISL Dinner
- Invitation to attend the IAF Gala Banquet

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