



INTERNATIONAL INSTITUTE OF SPACE LAW



22nd Manfred Lachs Space Law
Moot Court Competition 2013

WORLD FINALS

Thursday, 26 September 2013

Beijing Institute of Technology School of Law

Beijing, China

<http://www.iislweb.org/lachsmoot>



National Law School of India
Winner of the World Finals 2012, Naples, Italy



Contents

The International Institute of Space Law	2
Board of Directors 2012-2013	3
Moot Court Committee	5
Judge Manfred Lachs	6
The Competition	7
Summary of the Problem	9
Participants in the Regional Rounds	11
Winners of the Regional Rounds	15
Judges for the World Finals	16
Program	18
Awards for World Finals	19
Contact Details for the Regional Rounds	22
Addresses	22
Sponsors	23
Further Reading	26



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 elected on the basis of their contributions to the field of space law or other social sciences related to space activities. In addition, prospective membership is open to students and young professionals with a demonstrated interest in space law.

The IISL holds its annual Colloquium on current issues in space law at the International Astronautical Congress (IAC). During the IAC the IISL also co-organizes annual Scientific-Legal Roundtables with the International Academy of Astronautics (IAA). The IISL Proceedings, containing the Colloquium papers as well as numerous other materials, are published each year by Eleven International Publishing.

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, Indonesia, the USA and France. 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 North America, Europe, the Asia Pacific and Africa participate in preliminary competitions. Thereafter the regional champions compete in the World Finals, which take place at the IAC and which traditionally are judged each year by sitting judges of the International Court of Justice.

Board of Directors 2012-2013

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Dr. Milton "Skip" Smith (United States)

Mr. Leslie I. Tennen, Esq. (United States)

Prof. Dr. Maureen Williams (Argentina)

Prof. Haifeng Zhao (China)

(Vacancy)



Moot Court Committee

Co-Chairs

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Mr. Leslie I. Tennen, Esq. (United States)

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Mr. V. Gopalakrishnan (India), Associate Regional Organizer for Asia Pacific

Dr. Milton S. Smith (United States) Regional Organizer for North America

ECSL, Regional Organizer for Europe

Prof. Toshio Kosuge (Japan), IISL Honorary Director

Mr. Chris Johnson (United States), Member



Cape Town, 2011

Judge Manfred Lachs

Manfred Lachs was born in 1914 in Poland. He earned a Doctorate of Laws at the Cracow Jagiellonian University and held several academic positions in Austria and the United Kingdom, 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 to 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 over 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 re-published in 2010 to celebrate its 50th anniversary.

He may never have imagined that after his death his name would be used, with the permission of his family, 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.



The first IISL Moot Court Competition

Judges Manfred Lachs, Stephen M. Schwebel, and Gilbert Guillaume
with Milton "Skip" Smith (left to right), Washington, D.C. 1992



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. In 2000, the Asia Pacific Round was added, and the African Region was inaugurated in 2011.

Preliminary competitions are held between April and June in each region. 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 the IISL upon invitation by the Organizing Committee of the Competition, alternating between the different regions. The 2013 hypothetical Problem is entitled the “Case Concerning the Operation of a Lunar Station” (*Lydios v. Endymion*). This case raises issues concerning the establishment and use of a lunar facility, unilateral imposition of national environmental laws to protect the Moon, refusal to allow the docking at the lunar facility by a manned spacecraft, and liability for the failure in the deployment of scientific space probes.

Regional Rounds must comply with the Official Rules for the Competition adopted by the IISL Board of Directors. Participating teams are required to submit a ‘Memorial’ as formal written arguments for both the Applicant State and the Respondent State on the legal issues of the hypothetical case.

In the regional Preliminary Rounds each team with two speakers presents 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 four winning teams of the regional Preliminary Rounds move on to the Final Rounds.

The expenses of the teams taking part in the Final Rounds are borne by the Japan Aerospace Exploration Agency (JAXA), the European Centre for Space Law (ECSL), the Secure World Foundation, and the Aerospace Industry Support Initiative of the South African Department of Trade and Industry for the respective regions. Teams are allowed to revise their Memorials before they resubmit them for the Final Rounds. A panel of eight judges reviews and grades the Memorials, and the scores are used to determine the team pairings for the semi-finals oral arguments. These oral arguments are conducted in closed sessions before three-judge panels, and the two winning teams qualify for the Final.

The 22nd Manfred Lachs Space Law Moot Court Competition will be held in Beijing, China. The Semi-finals will be held on Tuesday, 24 September 2013. The Finals are a public event and will take place on Thursday 26 September, at the Beijing Institute of Technology School of Law and will be judged by judges of the International Court of Justice in The Hague.



African Regional 2013



European Regional 2013




Summary of the Problem

Case Concerning the Operation of a Lunar Station

(Lydios v. Endymion)

The Republic of Lydios and the Republic of Endymion are members of the Artemis Operation Agency (AOA) operating a lunar orbiting platform named Artemis. Lydios established a manned Moon complex, Luna-1, near the south polar zone of the Moon. An economic downturn forced Lydios to sell several of its space artifacts to raise revenues, including the Messenger-3 robotic rover near Luna-1, which was purchased by Mr. Billippo, an Endymion national. Lydios eventually terminated its Luna-1 program, and “abandoned” the Luna-1 facility to “the States Parties to the Outer Space Treaty.” Endymion occupied one of the Luna-1 facilities, Fortuna, without objection from Lydios, and embarked on a program for commercial tourism to visit Messenger-3 and certain Luna-1 structures.

Lydios subsequently resumed activities at Luna-1, including processing lunar resources for fuel at a facility called Diana. Hekate, a non-governmental pro-environmental organization in Lydios, operating through a shell company called Hekate-K in the Kingdom of Kandetta, procured the launch of a high-resolution lunar orbiting remote sensing satellite, Toriton-1, to monitor Lydios’ activities that could disrupt the environment of the Moon. Kandetta launched Toriton-1 by transporting the satellite to Artemis by a manned space vehicle, called Bennu. Kandetta had secured the right to use Artemis by the support of most of the AOA members, including Endymion, but not Lydios. Hekate released dramatic images from Toriton-1 which showed that Lydios’ activities on the Moon caused significant environmental damage. Lydios reacted by terminating its Luna-1 program, and promulgated the Moon Protection Act which designated buffer zones around structures and sites on the Moon, prohibited tourism, and required all states to vacate any structure within Luna-1.



In the interim, Kandetta launched Benu with Mr. Billippo on board as a paying tourist, and two cometary probes to be deployed from Artemis. Due to technical problems en route, the mission required additional fuel to deploy the probes, but not to return to Earth. The commander of Benu repeatedly requested refueling from the Diana facility, but Lydios refused. Then Benu, with permission, arrived at Fortuna to obtain propellant. A malfunction occurred in the docking mechanism of Fortuna, which damaged and rendered the docking mechanism on Benu inoperable. As a result, Benu could not deploy the twin probes from Artemis, and had to return to Earth. The docking mechanism on Benu utilized a proprietary design of Lydios, which was surreptitiously obtained by Kandetta. The cause of the malfunction at Fortuna was traced to a construction defect by Lydios. Kandetta claimed damages against Endymion for the failed deployment of the twin cometary probes.

Lydios and Endymion ask the Court to:

1. Determine whether the Moon Protection Act is valid and applicable to Endymion under international law;
2. Determine whether Lydios complied with international law in refusing to permit the Benu to dock at Diana; and
3. Determine whether Lydios is liable under international law to reimburse Endymion for the failed deployment of the two Kandetta cometary probes

The 2013 Problem was written by Prof. Setsuko Aoki (Japan).



World Finalists, Naples 2012



Participants in the Regional Rounds

Africa :

Mount Kenya University, School of Law, Nairobi, Kenya

Obafemi Awolowo University, City of Ile-Ife, Nigeria

University of Kwa-Zulu Natal, School of Law, Scottsville and Durban, South Africa

University of Pretoria, Faculty of Law, Pretoria, South Africa

Europe :

Administration and Economics University, Wroclaw, Poland

John Paul II Catholic University of Lublin, Lublin, Poland

Faculty of Law, University of Belgrade, Belgrade, Serbia

Faculty of Law, University of Bucharest, Bucharest, Romania

Faculty of Law, University of Bremen, Bremen, Germany

Faculty of Law, University of Cologne, Cologne, Germany

Faculty of Law, University of Luxembourg, Luxembourg

Faculty of Law, University of Vienna, Vienna, Austria

Faculty of Law, University of Silesia, Katowice, Poland

International Institute of Air and Space Law, Leiden University, Leiden, The Netherlands

National & Kapodistrian University, Athens, Greece

People's Friendship University of Russia, Moscow, Russia

State University of Saint Petersburg, Saint Petersburg, Russia



Participants in the Regional Rounds

North America:

Boston University, School of Law, Boston, Massachusetts, USA

Florida State University College of Law, Tallahassee, Florida, USA.

Georgetown University Law Center, Washington D.C., USA

George Washington University, Washington D.C., USA

Howard University School of Law, Washington, D.C., USA

McGill University, Institute of Air and Space Law, Montreal, Quebec, Canada

St. Thomas University School of Law, Miami, Florida, USA

Tulane Law School, New Orleans, Louisiana, USA

University of California – Davis School of Law, Davis, California, USA

University of Denver Sturm College of Law, Denver, Colorado, USA

University of Hawai'i Honolulu, Hawai'i, USA

University of Houston Law Center, Houston, Texas, USA

University of Michigan Law School, Ann Arbor, Michigan, USA

University of Mississippi, School of Law, Oxford, Mississippi, USA

University of Nebraska College of Law, Lincoln, Nebraska, USA

University of Pennsylvania, Philadelphia, Pennsylvania, USA

University of Southern California Law School, Los Angeles, California, USA



Participants in the Regional Rounds

Asia Pacific:

Amity Law School, New Delhi, India

Beijing Foreign Studies University, Beijing, China

Beijing Institute of Technology, Beijing, China

City University of Hong Kong, Hong Kong, China

China University of Political Science and Law, Beijing, China

Christ University, Bangalore, India

Chulalongkorn University, Bangkok, Thailand

Dr. Ram Manohar Lohiya National Law University, Lucknow, India

Gujarat National Law University, Gandhinagar, India

Hidayatullah National Law University, Raipur, India

ILS Law College, Pune, India

Keio University, Tokyo, Japan

Jamia Millia Islamia, Delhi, India

NALSAR University of Law, Hyderabad, India

National Law Institute University, Bhopal, India

National Law School of India University, Bangalore, India

National Law University, Delhi, India

National Law University, Odisha, India

National University of Singapore, Singapore

National Law University, Jodpur, India

Seedling School of Law and Governance, Jaipur National University, Jagatpura, Jaipur, India

Symbiosis Law School, Pune, India

The West Bengal National University Of Juridical Sciences, Kolkata, India

Universitas Padjadjaran, Bandung, Indonesia



North American Regional 2013



Asia Pacific Regional 2013



2013 Winners of the Regional Rounds

AFRICA:

UNIVERSITY OF PRETORIA, PRETORIA, SOUTH AFRICA

Students: Mr. Matsobane Robert Maremo Matlou, Ms. Alexia Katsiginis, and Ms. Reabetswe Ntekana Mampane

Faculty Advisor: Mr. Lourens Botha Grové

ASIA PACIFIC:

NATIONAL LAW UNIVERSITY (DELHI), DELHI, INDIA

Students: Mr. Himesh Krishna Kharel, Ms. Nandini Paliwal, and Mr. Raghav Shukul

Faculty Advisor: Prof. (Dr.) Srikrishna Deva Rao

EUROPE:

INTERNATIONAL INSTITUTE OF AIR AND SPACE LAW, LEIDEN UNIVERSITY, THE NETHERLANDS

Students: Mr. Philippe Carous, Mr. Matthew Maniscalco, and Ms. Sonja Radosevic

Faculty Advisor: Ms. Neta Palkovitz

Faculty Advisor Assistant: Mr. Steven Wood

NORTH AMERICA:

GEORGETOWN UNIVERSITY, WASHINGTON, D.C., USA

Students: Mr. Adam Wesolowski and Ms. Amanda Krause

Faculty Advisor: Ms. Petra Vorwig

Faculty Advisor Assistant: Mr. Zachary C. Garthe

Judges for the World Finals

Judges for the Finals

H.E. Judge Leonid Skotnikov, International Court of Justice

H.E. Judge Xue Hanqin, International Court of Justice

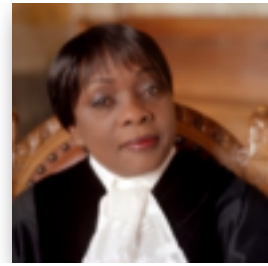
H.E. Judge Julia Sebutinde, International Court of Justice



Judge Skotnikov



Judge Hanqin



Judge Sebutinde



1992 Oral argument Washington, D.C.



Judges for Semifinals

Prof. Setsuko Aoki (Japan), Professor of International Law, Faculty of Policy Management, Keio University, Tokyo, Japan

Dr. Tare Brisibe (Nigeria), Chairman, Legal Subcommittee, COPUOS, Vienna, Austria

Diane Howard, (United States/Canada), Adjunct Faculty, Commercial Space Operations, Embry-Riddle Aeronautical University, Daytona Beach, Florida, USA

Prof. Lesley-Jane Smith (United Kingdom) Professor of Law, Leuphana University Lueneburg; Solicitor and Partner, Weber-Steinhaus & Smith, Bremen, Germany

Prof. Zhenjun Zhang (China), Secretary General & Research Fellow, China Institute of Space Law, Beijing, China

Dr. Bernhard Schmidt-Tedd (Germany) Head Legal Support, Space Administration, German Aerospace Center (DLR)

Judges for Memorials

Prof. Dr. Elisabeth Back Impallomeni (Italy), University of Padua, Italy, and IISL Director

Dr. Ulrike Bohlmann (Germany) ESA

Maury J. Mechanick, Esq. (United States), Counsel, White & Case LLP, Washington, D.C., USA

Prof. Vernon Nase (Australia), Curtin University School of Law, Perth, Western Australia

Dr. Sylvia Ospina (Colombia) Consultant, Space Law/Satellite Communications, and IISL Honorary Director

Adv. Phetole Patrick Sekhula (South Africa), Advocate of the High Court of South Africa and Councillor at South African Council for Space Affairs (SACSA), Pretoria, South Africa

Prof. Li Shouping (China), Director, Institute of Space Law of Beijing Institute of Technology, China

Ms. Millicent Ligare (Kenya), Advocate of the High Court of Kenya

Program: World Final

26 September 2013

- 2:00 p.m. Bus transport from the China National Convention Center to the Beijing Institute of Technology School of Law
Place of Bus Pick-up at CNCC: 30 meters North of the CNCC Main Entrance
- 2:55 p.m. All guests to be seated.
- 3:00 p.m. Start of the World Final.
- 5:20 p.m. Deliberations/tea break.
- 6:00 p.m. Announcement of the winning teams and presentation of awards.
- 6:30 p.m. Departure to IISL Dinner at Beijing Noble Club (for invited guests only)
Bus transport from China National Convention Center and Beijing Institute of Technology School of Law respectively
Place of Bus Pick-up at CNCC: 30 meters North of the CNCC Main Entrance
- 7:30 p.m. Drinks at the Beijing Noble Club
- 8:00 p.m. IISL Annual Awards Dinner at the Beijing Noble Club
- 10:30 p.m. Bus transport to main hotel areas.



World Finals 2007, Hyderabad, India



Awards for World Finals

Winning Team

Presentation of Lachs Trophy
Lee Love Award for Best Team
Commemorative Plaque
Certificates to team members

Runner-up

Commemorative Plaque
Certificates to team members

Participants in Semifinals

Commemorative Plaque
Certificates to team members

Best Memorial

Eilene M. Galloway Award for Best Memorial
Trophy Plate to School
Certificates to team members

Best Oralist

Sterns and Tennen Award for Best Oralist
Trophy Plate to School
Certificate to Winner

All Participants in the Finals

Law books donated by Eleven International Publishing
Law books donated by Brill/Martinus Nijhoff
Invitation to attend the IISL Dinner



Awards

Dr. Eilene M. Galloway (1906-2009) was a legend in the fields of space policy and space law, having been instrumental in the formation of the National Aeronautics and Space Administration (NASA). From 1941-1975, she worked for the U.S. Congress as a staff member of the Legislative Reference Service (later the Congressional Research Service) and was called upon by then-Senate Majority Leader Lyndon B. Johnson to advise him on how to respond to the Soviet Union's launch of Sputnik 1 on October 4, 1957. She assisted Senator Johnson as well as then-Speaker of the House John McCormack in crafting the National Aeronautics and Space Act, which created NASA. She accompanied Senator Johnson to the United Nations when he represented the United States in recommending creation of what is now known as the Committee on the Peaceful Uses of Outer Space (COPUOS). She was an official observer at COPUOS from 1970-1994. She was a founding member of the IISL, its Vice President (1967-1979), and an Honorary Director (1979-2009). She also helped establish Section 4 (Social Sciences) of the International Academy of Astronautics (IAA). She received many awards, but was especially proud of the Andrew G. Haley Gold medal that she received from the IISL in 1968.

Mrs. Lee M. Love was a pioneer in reporting on United Nations' efforts to ensure the peaceful uses of outer space for over 40 years. She wrote about the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) from its early days. Her personal relations were so close with committee members that she became one of the very few people who was able to host receptions with delegates from both the United States and the former Soviet Union in informal settings to promote understanding during the Cold War years. By the time she left the U.N., Lee had covered man's flights into space and the moon and reported on arguments over who owned the rights to outer space, seas and satellite orbits. She attended the annual International Astronautical Congress all over the world and was member of the International Institute of Space Law. The Lee Love Award for members of the winning team in the Manfred Lachs space law moot court competition, which she supported and attended each year with immense pleasure and interest, was established in her honour by her family and is sponsored by the Matthew and Lee Love Foundation. She passed away in 2008.

Patricia M. Sterns & Leslie I. Tennen. In 1997, five years after the competition started, Patricia Sterns and Les Tennen of the Law Offices of Sterns and Tennen, in Phoenix, Arizona, proposed that an award be presented to the best oralist of the World Finals. The Board of Directors accepted this proposal, together with their offer to sponsor the award, which has since become eponymous. Patricia and Les have been active members of the Institute and have participated in IISL colloquia for more than three decades. Patricia served as a Judge Pro Tem of the Maricopa County Superior Court, and after serving as a member of the Board, was elected as an Honorary Director of the IISL. Les was appointed to two terms as a Commissioner on the Arizona Space Commission, and currently is a member of the Board of Directors of the IISL and Co-Chair of the Moot Court Committee.

The Manfred Lachs Trophy



On Permanent Display, International Court of Justice
The Hague, The Netherlands

Contact Details

Regional Rounds

AFRICA:

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ASIA PACIFIC:

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EUROPE:

lachsmoot-europe@iislweb.org

NORTH AMERICA:

lachsmoot-northamerica@iislweb.org

Addresses

INTERNATIONAL ASTRONAUTICAL CONGRESS 2013:

China National Convention Center

No.7 Tianchen East Road, Chaoyang District, Beijing 100105 China

WORLD FINALS OF THE MOOT COURT COMPETITION:

Beijing Institute of Technology School of Law

No.5, Zhongguancun Nandajie, Haidian District, Beijing, China

IISL DINNER:

Beijing Noble Club

No. 16B, Hepingli Middle Street, Beijing, China



World Finals, Bremen, 2003

Local Sponsors



Sponsors of Regional Winning Teams

North American Team:



European Team:



Asia Pacific Team:



African Team:



Additional Sponsors

Dinner:



Book Donations:



Brochure Design:





Further Reading

- Aerospace Industry Support Initiative of the South African Department of Trade and Industry:
<http://www.aisi.co.za>
- Beijing Institute of Technology:
<http://www.bit.edu.cn/>
- Chinese Society of Astronautics:
<http://www.csaspace.org.cn/>
- Eleven International Publishing:
www.elevenpub.com
- European Centre for Space Law (ECSL):
www.esa.int/SPECIALS/ECSL
- European Space Agency (ESA):
<http://www.esa.int/esaCP/index.html>
- International Academy of Astronautics (IAA):
www.iaaweb.org
- International Astronautical Congress:
<http://www.iac2013.org>
- International Astronautical Federation:
www.iafastro.org
- International Court of Justice:
www.icj-cij.org
- International Institute of Space Law (IISL):
www.iislweb.org
- Japan Aerospace Exploration Agency (JAXA):
www.jaxa.jp
- Manfred Lachs Space Law Moot Court:
www.iislweb.org/lachsmoot
- Martinus Nijhoff Publishers:
www.brill.nl
- Secure World Foundation:
www.secureworldfoundation.org
- UN Office for Outer Space Affairs:
www.oosa.unvienna.org

Lachs Moot on Facebook:

<https://www.facebook.com/spacemoot>

Lachs Moot on Twitter:

<https://twitter.com/SpaceLawMoot>

IISL on Facebook:

<https://www.facebook.com/spacelaw>

IISL on LinkedIn:

http://www.linkedin.com/groups?gid=124057&trk=myg_ugrp_ovr

IISL on Twitter:

https://twitter.com/iisl_space