INTERNATIONAL INSTITUTE OF SPACE LAW

23rd Manfred Lachs Space Law Moot Court Competition 2014

WORLD FINALS

Thursday, 2 October 2014

Ministry of the Attorney General, Ontario Court of Justice, Old City Hall

http://www.iislweb.org/lachsmoot
Georgetown University
Winners of World Finals 2013, Beijing, China
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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 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.

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.
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Associate Regional Organizer for North America

Zhenjun Zhang  
(China)
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 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 re-published in 2010 to celebrate its 50th anniversary. On 3 April, 2014, a special celebration was held at the Peace Palace in The Hague to commemorate the 100th birth year of Manfred Lachs, at which President Tanja Masson-Zwaan spoke at the invitation of ICJ President Peter Tomka.

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 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 World Finals, 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 2014 hypothetical Problem is entitled the “Case Concerning Satellite Electro-Magnetic Interference (Akera v. Mheni)”, and raises issues of satellite electromagnetic interference that results in the loss of life and property on Earth. The problem also addresses actions taken to counter-act such interference which results in the destruction of the satellite. 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 (SWF), and the Nigerian National Space Research and Development Agency (NASRDA), for the respective regions. 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, 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 23rd Manfred Lachs Space Law Moot Court Competition will be held in Toronto, Ontario, Canada. The Semi-finals will be held on Tuesday, 30 September 2014. The Finals are a public event and will take place on Thursday 2 October, at the Ontario Provincial Court, Old City Hall and will be judged by judges of the International Court of Justice in The Hague.

2014 African Regional Round, Abuja, Nigeria

2014 European Regional Round, Wroclaw, Poland
Summary of the Problem

Case Concerning Satellite Electromagnetic Interference

(Akera v. Mheni)

The island nation of Akera launched a positioning, navigation and timing (PNT) satellite system, SEANAV, comprised of a constellation of 18 payloads hosted onboard a variety of commercial satellites. The SEANAV PNT capabilities have been employed by the Akeran military as well as the international private sector. Users purchase SEANAV User (SEA-U) receivers from Akera in order to access the signal. Unbeknownst to Akera, the SEANAV PNT signal also was used by the military of the neighboring Commonwealth of Mheni, utilizing unauthorized Mhenian produced SEANAV tuners.

The Mhenian government authorized the private entity Sain Communications to launch and deploy the X-12A and X-12B communications satellites which were placed in highly elliptical orbits with apogees located above the territories of Akera and Mheni. SEA-U receivers began to suffer from intermittent electromagnetic interference (EMI) which caused difficulty accessing the SEANAV PNT signal. The EMI coincided with the overflights of the X-12A satellite over Akera, and only affected SEA-U receivers which were within the communications footprint of the X-12A.

After the two X-12 satellites became fully functional, other communications and digital systems tied to the SEANAV PNT system in Akera suffered deterioration. Numerous sensitive electronic and electrical devices also were disrupted, including those used for military purposes and civil aviation. As a result of the interference of the SEANAV signal, an Akeran unmanned aerial vehicle (UAV) equipped with a SEA-U receiver crashed at a military base, destroying the vehicle, as well as a building at the base, and killed two military personnel on the ground.

The X-12A EMI prevented the use of SEA-U receivers throughout Akera’s islands and near the Langerhans Islands, an archipelago claimed by both Akera and Mheni. The inability to utilize the SEA-U receivers caused a substantial reduction in international shipping and transit through Akera’s waters as ships could not navigate safely without the receivers. While Akeran oil exports and trade declined significantly, several companies from Mheni began oil drilling operations in the Langerhans Archipelago.
Mheni denied a direct connection between the malfunctioning of the Akeran systems and devices and the transmissions of the X-12 satellites. ITU dispute resolution consultations were unsuccessful. Akera developed a second generation of SEANAV PNT satellites, which were designed to counteract and neutralize the effects of the EMI. The SEANAV-2 system was inaugurated with the launch of three dedicated satellites, Klondike, Hudson and Simcoe, in orbits close to the original SEANAV hosted payloads. While the Klondike satellite orbited in near conjunction with the X-12A, the Klondike broadcast the new SEANAV navigation signal, with information encoded and integrated to counteract the EMI. The X-12A tuner malfunctioned upon processing the Klondike’s new PNT signal, which rendered the X-12A uncontrollable and sent inaccurate navigation information to the control system. Ground controllers were unable to stabilize the X-12A or boost its orbit, and within two weeks the satellite re-entered the Earth’s atmosphere and was destroyed. With the destruction of the X-12A

Akera and Mheni ask the Court to:

1. Determine whether Mheni is liable under international law for any harmful EMI preventing access to the SEANAV satellite PNT signals

2. Determine whether Akera acted in conformity with international law by disabling the X-12A satellite which resulted in its destruction

3. Determine whether Mheni is liable to Akera for the loss of the unmanned aerial vehicle, the damage to the military facility, and the death of the two Akeran military

The 2014 Problem was written by Mahulena Hofmann (Czech Republic) with assistance of James D. Rendleman (United States)
Participants in the Regional Rounds

Africa:

Babcock University, Ilishan-Remo, Nigeria
Bayero University Kano, Kano, Nigeria
Obafemi Awolowo University, City of Ile-Ife, Nigeria
University of Cape Town, Cape Town, South Africa
University of Pretoria, Pretoria, South Africa
University of Zululand, KwaDlangezwa, South Africa

Europe:

Faculty of Law, University of Cologne, Cologne, Germany
International Institute of Air and Space Law, Leiden University, Leiden, The Netherlands
Leuphana University, Luneburg, Germany
National & Kapodistrian University, Athens, Greece
People’s Friendship University of Russia, Moscow, Russia
State University of Saint Petersburg, Saint Petersburg, Russia
Szczecin University (Law and Administration), Szczecin, Poland
Union University Law School, Belgrade, Serbia
University of Helsinki (Law), Helsinki, Finland
University of Lodz (Law and Administration), Lodz, Poland
Université de Paris Sud, Paris, France
University of Warsaw, Warsaw, Poland
University of Wroclaw, Wroclaw, Poland
Vienna University (Law), Austria
West University of Timisoara, Timisoara, Romania
Participants in the Regional Rounds

North America:

Cornell Law School, Ithaca, New York, USA
DePaul University College of Law, Chicago, Illinois, 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
McGill University, Institute of Air and Space Law, Montreal, Quebec, Canada
St. Thomas University School of Law, Miami, Florida, USA
University of California – Davis School of Law, Davis, California, 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 Virginia, Charlottesville, Virginia, USA
William and Mary Law School, Williamsburg, Virginia, USA
William S. Richardson School of Law, Honolulu, Hawaii, USA
Participants in the Regional Rounds

Asia Pacific:

Beijing Institute of Technology (BIT), Beijing, China
Beijing Foreign Language Study University (BFSU), Beijing, China
City University of Hong Kong, Hong Kong, China
China University of Political Science and Law (CUPL), Beijing, China
Civil Aviation University of China, Tianjin, China
Curtin University, Perth, Australia
Gujarat National Law University, Gandhinagar, India
Institute of Law, Nirma University, Ahmedabad, India
Murdoch University, Murdoch, Australia
NALSAR University of Law, Hyderabad, India
National Law Institute University, Bhopal, India
National Law School of India University (NLSIU), Bangalore, India
National Law University, Delhi, India
National Law University, Odisha, India
National University of Advanced Legal Studies (NUALS), Cochin, India
National University of Singapore, Singapore
National Law University, Jodhpur, India
Nepal Law Campus, Tribhuvan University, Kathmandu, Nepal
Rajiv Gandhi National University of Law, Punjab, India
School of Law, Christ University, Bangalore, India
Seedling School of Law and Governance, Jaipur National University, Jaipur, India
Symbiosis Law School, Pune, India
The University of Hong Kong, Hong Kong, China
The West Bengal National University of Juridical Sciences, Kolkata, India
University Institute of Legal Studies, Panjab University, Chandigarh, India
Zhongnan University of Economics and Law, Wuhan, Hubei Province, China
2014 North American Regional Round, Washington, US.

2014 Asia Pacific Regional Round, Beijing, China
2014 Winners of the Regional Rounds

AFRICA:

OBAFEMI AWOLOWO UNIVERSITY, CITY OF ILE-IFE, NIGERIA

Students: Mr. Ibikunle Isaac Motunrayo, Ms. Ayoola Similoluwa Adenike and Ms. Adeyemi Temitope Omolara
Faculty Advisor: Mr. Orifowomo Odunola Akinwale

ASIA PACIFIC:

NATIONAL LAW UNIVERSITY (DELHI), DELHI, INDIA

Students: Mr. Arshu John, Mr. Somil Kumar, and Mr. Linesh Lalwani
Faculty Advisor: Mr. Ruhi Paul

EUROPE:

UNIVERSITÉ PARIS SUD, PARIS, FRANCE

Students: Ms. Caroline Thro, Mr. Philippe Olive, and Ms. Katianne Crouch
Faculty Advisor: Mr. Vincent Correia

NORTH AMERICA:

FLORIDA STATE UNIVERSITY COLLEGE OF LAW, TALLAHASSEE, FLORIDA USA

Students: Mr. James Burleson and Ms. Jessica Fernandez
Faculty Advisor: Mr. Nat Stern
Assistant: Mr. Arthur Stern III
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 Joan E. Donoghue, International Court of Justice

Judge Skotnikov  Judge Xue  Judge Donoghue

World Finals 2003, Bremen, Germany
Judges for Semifinals

For Oral Pleadings

Joanne Gabrynowicz (United States), former Director, National Center for Remote Sensing, Air and Space Law and Research Professor of Law at the University of Mississippi School of Law, Mississippi, US

Stephan Hobe (Germany), Director of the Institute of Air and Space Law, University of Cologne, Germany

Mahulena Hofmann (Czech Republic), SES Chair in Satellite Communication and Media Law, University of Luxembourg, Luxembourg

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

K.R. Sridhara Murthi (India), Adjunct Faculty, National Institute of Advanced Studies, Bangalore, India, and IISL Vice-President

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

For Memorials

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

Elisabeth Back Impallomeni (Italy), Professor, University of Padua, Padua, Italy, and IISL Director

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

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

James D. Rendleman, (United States), Joint Functional Component Command for Space, Strategic Command (USA)

Fabio Tronchetti, (Italy), Professor, Harbin Institute of Technology, Harbin, China
Program: World Finals

Ontario Provincial Court, Old City Hall

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.

IISL Annual Dinner

7:30 p.m. Drinks and IISL Annual Awards Dinner at Joe Badali’s Ristorante Italiano
156 Front St W, Toronto, Canada
(For registered guests only)

10:30 p.m. End of dinner
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 Student 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

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ADDRESSES

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222 BREMMER BOULEVARD, TORONTO, ONTARIO M5V 3L9

WORLD FINALS OF THE MOOT COURT COMPETITION:
MINISTRY OF THE ATTORNEY GENERAL, ONTARIO COURT OF JUSTICE, OLD CITY HALL
60 QUEEN STREET WEST TORONTO, ONTARIO M5H 2M4

IISL DINNER:
JOE BADALI’S RISTORANTE ITALIANO
156 FRONT STREET, TORONTO, ONTARIO M5J 2L6
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Further Reading

- **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/ESA
- **International Academy of Astronautics (IAA)**: www.iaaweb.org
- **International Astronautical Congress**: http://www.iac2014.org
- **International Astronautical Federation**: www.iafastro.org
- **International Court of Justice**: www.icj-cij.org
- **Moon Express**: http://www.moonexpress.com
- **Institute of Space Law and Telecommunications**: http://www.idest-paris.org
- **International Institute of Space Law (IISL)**: www.iislaweb.org
- **Japan Aerospace Exploration Agency (JAXA)**: www.jaxa.jp
- **Manfred Lachs Space Law Moot Court**: www.iislaweb.org/lachsmoot
- **Martinus Nijhoff Publishers**: www.brill.nl
- **National Space Research and Development Agency (NASRDA)**: http://nasrda.gov.ng/en/portal/
- **Secure World Foundation**: www.secureworldfoundation.org
- **UN Office for Outer Space Affairs**: www.unoosa.unvienna.org
- **University of Nebraska**: http://law.unl.edu/spacecyberlaw/

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