INTERNATIONAL INSTITUTE OF SPACE LAW

20th Manfred Lachs Space Law Moot Court Competition 2011

WORLD FINALS AND AFRICAN INTRODUCTORY ROUND FINAL

Thursday, 6 October High Court of Cape Town, South Africa

http://www.iislweb.org/lachsmoot





George Washington University, USA Winners of World Finals 2010, Pilsen, Czech Republic

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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, Indonesia 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 have participated 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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MEMBERS

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MEMBERS OF THE IAC LOCAL ORGANISING COMMITTEE (LOC)

Dr. Peter Martinez (South Africa), Chair, LOC Ms. Carla Sharpe (South Africa)

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 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 last 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. This year students from Colombia participated, and the African Introductory Round was organized.

Preliminary competitions are held each spring in North America, Europe and 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 the IISL upon invitation by the Organizing Committee of the Competition, alternating between the three regions (Asia Pacific, Europe and North America). The 2011 hypothetical Problem is entitled the "Case concerning Environmental Contamination and Harmful Interference in Space Activities (Zuris v. Nova Freedonia)". This case considers contamination of Mars with Earthly bacteria and contamination of Earth by returning mutated bacteria.

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 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, for the respective region. 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 20th Manfred Lachs Space Law Moot Court Competition will be held in Cape Town, South Africa. The Semi-finals will be held on Tuesday, 4 October 2011, in a closed session. The Finals are a public event and will take place on Thursday 6 October, at the Cape Town Local High Court and will be judged by judges of the International Court of Justice in The Hague.



World Finals 2010, Prague/Pilsen, Czech Republic

The African Introductory Round

The prospect of holding the World Finals of the Manfred Lachs Moot Court Competition on the African continent for the first time, presented the IISL with the opportunity to expand the moot court experience to schools which have not previously participated in the Competition. We are pleased that teams from three different African countries will participate this year in the African Introductory Round. A preliminary round will be held on 5 October, and the two highest scoring teams will compete in a Final Round on 6 October, in the morning prior to the World Finals. This African Introductory Round will provide the framework for a new African Regional Round for the Lachs Competition beginning next year in 2012.

Summary of the Problem

CASE CONCERNING ENVIRONMENTAL CONTAMINATION AND HARMFUL INTERFERENCE IN SPACE ACTIVITIES ZURIS V NOVA FREEDONIA

Zuris and Nova Freedonia are bordering states and are space active. As part of its lunar program, Nova Freedonia constructed a special state of the art sample return research facility in a remote area 200 km from Resort City, a popular tourist destination in Zuris on the shores of Cape Holiday, which is world famous for its lobsters. Nova Freedonia conducted the Ares 1 mission to Mars to examine a previously discovered subsurface ice deposit, and investigate whether the ice could be used in support of future manned missions. Zuris conducted a sample return mission to Mars with probes to the planet as well as Deimos and Phobos. Pursuant to a Memorandum of Understanding ["MOU"] Zuris agreed to purchase the use of the Nova Freedonia sample return facility. The MOU provided that the parties were to perform the agreement in accordance with "international standards."

The Mars Exploration Supporters International ["MESI"], a non-profit public advocacy organization incorporated in Nova Freedonia and headquartered in Zuris, participated in the mission by providing small, self-contained canisters for the probes for Deimos and Phobos containing sealed vials with samples of life forms from Earth to study what changes, if any, occurred from exposure to the space environment. One vial contained a dormant blue halophilic bacteria. MESI neither sought nor was granted any license or other form of authorization for the canister experiment from Nova Freedonia.

Zuris contracted with the Dor-Godol Rocket Company, a private launch services company licensed by Nova Freedonia, to launch the Mars sample return mission from a Zuris offshore launch platform. Six months later, Ares 1 was launched by Nova Freedonia. The Zuris probe to Deimos developed technical problems and crashed into the ice deposit on Mars that Ares 1 was sent to explore. While the fate of the Deimos probe was unknown, the Ares 1 craft arrived and successfully landed at the ice deposit. Ares 1 determined that the ice deposit was large enough to support a future mission. However, the ice contained traces of a bacteria virtually identical to blue halophilic bacteria, except that it was purple, and rendered the entire ice deposit unusable. Ares 1 was unable to determine whether the bacteria was of terrestrial or Martian origin.

Summary of the Problem (continued)

Within months of the landing, the Ares I spacecraft failed from an accumulation of the bacteria, and Nova Freedonia and cancelled the entire program.

The other Zuris probes returned samples of the Martian and Phobos materials to Earth. The sample return facility discovered that the blue halophilic bacteria had been exposed to the environment of Phobos, and the Martian return sample, and was now purple. The bacteria replicated rapidly, and while not toxic itself, was attracted to the leaves of green plants, causing them to suffocate. The rapidly replicating bacteria threatened the physical structure of the sample return facility, but was neutralized by sodium chloride. As a precaution, Nova Freedonia evacuated the facility and sprayed a low concentration of sodium chloride around the perimeter. Zuris declared a threat to public health and safety, and ordered the evacuation of Resort City. Zuris demanded the return of the MESI canister, but Nova Freedonia responded that the canister had been destroyed as a precautionary measure. The fumigation contained and neutralized the bacteria, however, natural weather patterns carried some of the sodium chloride into Cape Holiday, raising the level of salinity in the water to a level toxic to the lobsters. The lobster population was almost decimated, but after three years approached pre-contamination levels.

The 2011 Problem was written by **Dr. Patricia Sterns and Dr. Les Tennen** (United States).

The Moot Court Committee would like to thank Dr. Catharine Conley (Planetary Protection Officer, NASA), Prof. John Rummel (Chair, COSPAR Panel on Planetary Protection), Dr. Margaret Race (Sr. Scientist, Planetary Protection and Risk Communication, SETI Institute), and Dr. Perry Stabekis (Genex Systems), for their contributions in the preparation of the 2011 Problem.



2003 Bremen audience

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Participants in the African Introductory Round

KENYA: MOUNT KENYA UNIVERSITY, SCHOOL OF LAW, NAIROBI.

Ms. Vivianne Muthoni, Mr. Michael Mathini, Mr. Claudius Mogunde, Faculty Advisor: Ms. Millicent Ligare

NIGERIA: OBAFEMI AWOLOWO UNIVERSITY, CITY OF ILE-IFE.

Students: Ms. Ojo Victoria, Mr. Akintunde Iseoluwa Christopher, Mr. Tobi Adebowale Faculty Advisor: Dr. O. A. Orifowomo.

SOUTH AFRICA: UNIVERSITY OF PRETORIA, FACULTY OF LAW, PRETORIA

Students: Ms. Serena Joy Kalbskopf, Ms. Petronell Kruger. Faculty Advisor: Mr. Lourens Grové

Judges for the African Introductory Round

JUDGES FOR FINAL

- H.E. Judge Abdul Koroma (Sierra Leone), International Court of Justice.
- Prof. Dr. Vladimír Kopal (Czech Republic), Professor, University of Pilsen, IISL Vice-President.
- Prof. Francis Lyall (United Kingdom), Emeritus Professor of Public Law, University of Aberdeen, Scotland, United Kingdom, and IISL Director.

JUDGES FOR PRELIMINARY ORALS

- Prof. Joanne I. Gabrynowicz (USA), Director, National Center for Remote Sensing, Air and Space Law, University of Mississippi, USA.
- Prof. Dr. Lesley Jane Smith (United Kingdom), Professor, Leuphana University Lueneburg; Partner, Weber-Steinhaus & Smith, Bremen, Germany.
- Dr. Marco Ferrazzani (Italy), Head of Legal Department, European Space Agency and Member of the Board of the European Center for Space Law (ECSL), France.
- Prof. Dr. Paul Dempsey (USA), Director, Institute of Air and Space Law, McGill University, Canada.
- Dr. Bernhard Schmidt-Tedd (Germany), Head Legal Support, Space Administration, German Aerospace Center (DLR).

JUDGES FOR MEMORIALS

- Prof. Vernon Nase (Australia), Director, Hong Kong Centre for Maritime and Transportation Law, City University of Hong Kong (P. Rep. of China).
- Dr. Ernst Fasan (Austria), IISL Honorary Director.
- Dr. Stephen E. Doyle (United States), IISL Honorary Director.
- Dr. Tare Brisibe (Nigeria) Director, Legal Regulatory Affairs, OnAir, Switzerland.

Participants in the Regional Rounds

ASIA PACIFIC:

- Amity University Law School NOIDA, INDIA.
- Atma Jaya Catholic University JAKARTA, INDONESIA.
- 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.
- Kalinga Institute of Industrial Technology (KIIT), University School of Law BHUBANESWAR, INDIA.
- Kyoto University KYOTO, JAPAN.
- 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 JODHPUR, INDIA.
- National University of Singapore, SINGAPORE.
- Padjadjaran University BANDUNG, INDONESIA.
- Rajiv Gandhi National University of Law PATALA, INDIA.
- San Beda College, MANILA, PHILIPPINES.
- School of Excellence in Law, Dr. Ambedkar Law University, CHENNAI, INDIA.
- Universitas Indonesia, JAKARTA, INDONESIA.
- West Bengal National University of Juridical Sciences KOLKATA, INDIA.

Participants in the Regional Rounds (continued)

EUROPE:

- John Paul II Catholic University of Lublin, POLAND.
- Leiden University, THE NETHERLANDS.
- National & Kapodistrian University of Athens, GREECE
- University of Cologne, GERMANY.
- University of Genova, ITALY
- University of Lüneburg, GERMANY.
- University of Silesia, POLAND.
- Saint Petersburg State University, RUSSIAN FEDERATION.

NORTH AMERICA:

- Catholic University Columbus School of Law, Washington D.C., USA.
- Florida State University College of Law, USA.
- Georgetown University Law Center, Washington D.C., USA.
- George Washington University, Washington D.C., USA.
- McGill University, Institute of Air and Space Law, CANADA.
- Rutgers School of Law, Newark, USA.
- University of Mississippi, School of Law, USA.
- University of Nebraska College of Law, USA.
- University of Virginia School of Law, USA.
- Universidad Sergio Arboleda, COLOMBIA.

2011 Winners of the Regional Rounds

ASIA PACIFIC: NATIONAL UNIVERSITY OF SINGAPORE, SINGAPORE

Students: Ms. Navleen Kaur, Ms. Mrinalini Singh, Mr. Firas Mohamed A.M. Alsuwaigh Faculty Advisor: Prof. Lim Lei Theng. Assistant of Faculty Advisor: Mr. Kirpalani Rakesh Gopal

EUROPE: SAINT PETERSBURG STATE UNIVERSITY, RUSSIAN FEDERATION

Students: Ms. Maria Kiskachi, Mr. Maxim Usynin Faculty Advisor: Ms. Ksenia Shestakova. Assistant of Faculty Advisor: Ms. Kristina Smirnova

NORTH AMERICA: FLORIDA STATE UNIVERSITY COLLEGE OF LAW, TALLAHASSEE, USA

Students: Ms. Lynn Guery, Ms. Tanya Cronau, Ms. Anne Marie Rossi Faculty Advisor: Prof. Nat Stern Assistant of Faculty Advisor: Arthur L. Stern III, Esq.



World Finals 2008, Glasgow

Judges for the World Finals

JUDGES FOR FINAL

- 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







Judge Tomka



Judge Skotnikov

JUDGES FOR SEMIFINALS

- Prof. Dr. Maureen Williams, (Argentina/United Kingdom), Professor, University of Buenos Aires/Conicet; Chair, Space Law Committee, International Law Association, London.
- Prof. Toshio Kosuge (Japan), Professor Emeritus, University of Electro Communication; Professor, Digitalhollywood University and IISL Director.
- Prof. Dr. Frans von der Dunk (The Netherlands), Professor, University of Nebraska-Lincoln, USA, College of Law and IISL Director.

JUDGES FOR MEMORIALS

- Dr. Sylvia Ospina (Colombia), Consultant, International Telecommunications/ Space Law, USA.
- Ms. Marcia Smith (USA), President, Space and Technology Policy Group, USA.
- Dr. Gérardine Goh Escolar (Singapore), Associate Legal Officer, International Court of Justice, The Hague, The Netherlands.
- Dr. Ranjana Kaul (India), Partner, DUA Associates Law Firm, New Delhi, India.
- Prof. Dr. Elisabeth Back Impallomeni (Italy), Prof. of University of Padua and IISL Director.
- Dr. Peter van Fenema (The Netherlands), Adj. Professor, McGill Institute of Air and Space Law, Montreal /Consultant.

Program 6 October 2011

African Introductory Round-Final

10:10 a.m. Transport to the High Court of Cape Town.

10:55 a.m. All guests to be seated.

11:00 a.m. Start of the African Introductory Round Final.

12:30 a.m. End of African Introductory Round Final.

World Final

- 2:10 p.m. Transport to the High Court of Cape Town.
- 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 delivery of awards for the African Introductory Round and the World Finals.
- 6:30 p.m. Departure to IISL Dinner at Edward Nathan Sonnenbergs Restaurant (for invited guests only).
- 7:00 p.m. Drinks and Dinner at the Edward Nathan Sonnenbergs Restaurant Ballroom, Cape Town.
- 10:30 p. m. End of dinner.
- 10:45 p.m. Buses leave to the hotels.

Awards for World Finals

WINNING TEAM:

- Lee Love Award for Best Team
- Commemorative Plate
- Certificates for team members

RUNNER-UP:

- Commemorative Plate
- Certificates to team members

2ND RUNNER-UP:

- Commemorative Plate
- 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 and Certificate

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

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 Peaceful Uses of Outer Space (COPUOS). She was an official observer at COPUOS from 1970-94. 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 Sates 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 satellites 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. She passed away in 2008.

Dr. Patricia M. Sterns & Dr. Leslie 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 the Chair of the IISL Audit Committee and is Co-Chair of the Moot Court Committee.





The Manfred Lachs Trophy



Finalists of Glasgow, 2008

Contact Details for the Regional Rounds

ASIA PACIFIC:

Mr. Jason Bonin lachsmoot-asiapacific@iislweb.org

EUROPE: Mr. Raphael Milchberg lachsmoot-europe@iislweb.org

NORTH AMERICA:

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

AFRICA: Ms. Angeline Asangire Oprong lachsmoot-africa@iislweb.org



World Finals 2007, Hyderabad, India

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Sponsors











NORTH AMERICAN TEAM



ASIA PACIFIC TEAM

ECSL European Centre for Space Law

EUROPEAN TEAM



BOOK DONATIONS



the dti Department: Trade and Industry REPUBLIC OF SOUTH AFRICA

SUPPORTER

Addresses

INTERNATIONAL ASTRONAUTICAL CONGRESS:

CAPE TOWN INTERNATIONAL CONVENTION CENTRE

Convention Square 1 Lower Long Street Cape Town 8001 South Africa

WORLD FINALS OF THE MOOT COURT COMPETITION:

High Court of Cape Town 35 Keerom Street 8001 Cape Town

IISL DINNER

IISL Dinner Edward Nathan Sonnenbergs Restaurant Room "Fourteen" 1 North Wharf Square Loop Street Foreshore, Cape Town



Further Reading

- European Centre for Space Law (ECSL): www.esa.int/SPECIALS/ECSL
- International Academy of Astronautics (IAA):
 www.iaaweb.org
- International Astronautical Congress: http://iac2011.com/
- 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



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

http://www.iislweb.org/lachsmoot

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