### INTERNATIONAL INSTITUTE OF SPACE LAW





### 21st Manfred Lachs Space Law Moot Court Competition 2012

### **WORLD FINALS**

Thursday, 4 October 2012

Palazzo du Mesnil, Università degli studi di Napoli "L'Orientale" Naples, Italy

http://www.iislweb.org/lachsmoot



Florida State University College of Law (USA)
Winners of World Finals 2011, Cape Town, South Africa

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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). 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 have participated in preliminary competitions. Thereafter the regional champions compete at the World Finals, which take place at the IAC and which traditionally are judged each year by judges of the International Court of Justice.

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# Moot Court Committee

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Dr. Milton S. Smith (United States) Regional Organizer for NORTH AMERICA

ECSL, Regional Organizer for EUROPE

Prof. Toshio Kosuge (Japan), IISL Director

Mr. Chris Johnson (United States), Administrative Assistant

### 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.

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.

## 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. The African Region was inaugurated in 2011 and participates in the World Finals for the first time in 2012.

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 2012 hypothetical Problem is entitled the "Case concerning On-orbit Collision, Non-cooperative Satellite Removal, and Damages (Verona v. Montague). This year's competition focuses on a dispute arising out of the loss of control of a satellite constellation, an on-orbit collision, and employment of non-cooperative "self-help" space debris mitigation activities against the disabled system.

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 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 Finals.

The 21st Manfred Lachs Space Law Moot Court Competition will be held in Naples, Italy. The Semi-finals will be held on Tuesday, 2 October 2012. The Finals are a public event and will take place on Thursday 4 October, at the Palazzo Du Mesnil of the Università degli studi di Napoli "L'Orientale" and will be judged by judges of the International Court of Justice in The Hague.



African Regional 2012

### Summary of the Problem

CASE CONCERNING ON-ORBIT COLLISION, NON-COOPERATIVE SATELLITE REMOVAL, AND DAMAGES

(Verona v. Montague)

The Republic of Verona launched a five satellite constellation called Juliet for earth observations and environmental monitoring. Tybalt Enterprises operated a 32-satellite remote sensing constellation called Romeo for the Commonwealth of Montague and another state, Capulet. The Juliet satellites were some of the largest satellites ever placed into orbit, with each having in-orbit dimensions of 52 x 10 x 5 meters; and a mass of 16220 kilograms. Verona's practice had been not to perform debris mitigation activities because they shorten mission life. During the 2001-2010 decade, three Verona satellites suffered catastrophic breakups after end-of-life.

Verona lost control of its entire 5-satellite Juliet constellation, which was detected by Montague's intelligence community. The loss of control was caused by a "glitch" that occurred shortly after Verona began to integrate a new software patch into the Juliet operating system. Montague informed Tybalt of Verona's loss of control of the Juliet constellation. In addition, the independent Othello Space Situational Awareness Center warned Tybalt 72 hours in advance that the Juliet-1 satellite was on course to collide with the Romeo-22 satellite.

Tybalt chose not to maneuver the Romeo-22 to avoid the collision, in part, because its contract with Capulet penalizes shortened Romeo satellite lifespans. Tybalt also concluded that the risk of collision was much less than that suggested by Othello. Still, Tybalt attempted to communicate with Verona before the conjunction. For security reasons, Verona did not respond to Tybalt's overture. The colliding satellites were both damaged, were uncontrollable, and could not be returned to operational status.

The uncontrolled Juliet satellite constellation posed hazards to the Romeo and other space systems. Without debris mitigation measures, including propellant and battery system safing at end-of-life, and collision avoidance maneuvers, it was probable that one or more uncontrolled Juliet satellites would suffer a catastrophic collision or break-up during the next 50 years. With Verona unable to control its Juliet system, Tybalt and Montague concluded that responsive conjunction avoidance maneuvers would reduce Romeo satellite life and mission capability. Tybalt offered to modify its Escalus robotic

# Summary of the Problem (continued)

servicing satellite system and perform a demonstration of its capacity to remove uncontrolled Juliet satellites from orbit. Montague agreed.

Montague briefed the press on the Escalus demonstration mission and the need to protect its and all space-faring states' rights of access to outer space. It issued a diplomatic démarche to Verona, contending that the uncontrolled Juliet system posed an immediate threat and demanded that Verona take steps to remedy the situation. Montague advised that it would protect its national interests and defend its space systems. Verona did not respond. The Escalus-1 was launched, grabbed and successfully de-orbited the Juliet-2 satellite without Verona's consent.

Verona protested saying it was working on the control issues. Shortly after the removal, Verona contracted with Benedick Systems, which solved the Juliet system control problems. However, without advance warning from the two lost Juliet satellites of an unexpected severe monsoonal storm, Verona did not mobilize its civil defense forces, prepare its population to secure property, and evacuate its population to safely escape the storm's effects on time.

The 2012 Problem was written by James D. Rendleman (United States).



European Regional 2012

### Participants in the Regional Rounds

#### AFRICA:

- Mount Kenya University, School of Law, NAIROBI, KENYA.
- North-West University, POTCHEFSTROOM, SOUTH AFRICA.
- Obafemi Awolowo University, CITY OF ILE-IFE, NIGERIA.
- University of Pretoria, Faculty of Law, PRETORIA, SOUTH AFRICA.

#### **ASIA PACIFIC:**

- Airlangga University, SURABAYA, INDONESIA.
- Amity Law School, DELHI, INDIA.
- Army Institute of Law, Mohali, PUNJAB, INDIA.
- Beijing Institute of Technology, BEIJING, CHINA.
- China University of Political Science & Law, BEIJING, CHINA.
- City University of Hong Kong, HUBEI, HONG KONG.
- Dr. Ram Manohar Lohiya National Law University, NEW DELHI, INDIA.
- Gujarat National Law University, GANDHINAGAR, INDIA.
- ILS Law College, PUNE, INDIA.
- Jaipur National University, JAIPUR, INDIA.
- Kathmandu School of Law, KATHMANDU, NEPAL.
- 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 Law University, DELHI, INDIA.
- National Law University, ORISSA, INDIA.
- National University of Advanced Legal Studies, EMAKULAM, INDIA.
- National University of Singapore, SINGAPORE.
- Nirma University, Institute of Law, AHMEDABAD, INDIA.
- Rajiv Gandhi National University of Law, PATIALA, INDIA.
- Symbiosis Law College, MAHARASHTRA, INDIA.
- Symbiosis Law School, NOIDA INDIA.
- The School of Excellence, CHENNAI, INDIA
- University of Indonesia, JAKARTA, INDONESIA.
- University Law College, Bangalore University, BANGALORE, INDIA.
- Zhongnan University of Economics and Law, WUHAN, CHINA.

#### **EUROPE:**

- Faculty Jan Monnet, University of Paris South-XI, SCEAUX-PARIS, FRANCE.
- Faculty of Law, Saint Petersburg State University, SAINT PETERSBURG, RUSSIAN FEDERATION.
- Faculty of Law, Universidade Nova of Lisbon, LISBON, PORTUGAL.
- Faculty of Law, University of Cologne, COLOGNE, GERMANY.
- Faculty of Law, University of Jaen, JAEN, SPAIN.
- John Paul II Catholic University of Lublin, LUBLIN, POLAND.
- National and Kapodistrian University of Athens, ATHENS, GREECE.
- Peoples' Friendship University of Russia, MOSCOW, RUSSIAN FEDERATION.
- The Honourable Society of the Inner Temple, LONDON, UNITED KINGDOM.
- School of Law, University of Bremen, BREMEN, GERMANY.

#### **NORTH AMERICA:**

- 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.
- New York University School of Law, NEW YORK, NEW YORK, USA.
- St. Thomas University School of Law, MIAMI, FLORIDA, USA.
- University of California Davis School of Law, DAVIS, CALIFORNIA, USA.
- University of Dayton School of Law, DAYTON, OHIO, USA.
- University of Denver Sturm College of Law, DENVER, COLORADO, USA.
- University of Mississippi, School of Law, OXFORD, MISSISSIPPI, USA.
- University of Nebraska College of Law, LINCOLN, NEBRASKA, USA.
- University of Notre Dame Law School, SOUTH BEND, INDIANA, USA.
- William S. Richardson School of Law (University of Hawai'i at Mānoa), HONOLULU, HAWAII, USA.



North American Regional 2012



Asia Pacific Regional 2012

# 2012 Winners of the Regional Rounds

### AFRICA:

OBAFEMI AWOLOWO UNIVERSITY, CITY OF ILE-IFE, NIGERIA

Students: Olabisi Esther Adeogun, Iseoluwa Christopher Akintunde,

Maryann Onyinye Nwokolo

Faculty Advisor: Dr. Odunola Akinwale Orifowomo

### **ASIA PACIFIC:**

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BANGALORE, INDIA

Students: Vinodini Srinivasan, Viraj Parikh, Prem Ayyathurai

Faculty Advisor: Dr. Sarasu E. Thomas

### **EUROPE**:

NATIONAL & KAPODISTRIAN UNIVERSITY OF ATHENS, GREECE

Students: Aikaterini Pitsoli, Melina-Asimina Stroungi, Stefania Vlachou

Faculty Advisor: Dr. Georgios Kyriakopoulos

### **NORTH AMERICA:**

UNIVERSITY OF CALIFORNIA, DAVIS, CALIFORNIA, USA

Students: James Beck, Tyler Layton

Faculty Advisor: Prof. J. Angelo Desontis

# Judges for the World Finals

### JUDGES FOR FINAL

- H.E. Judge Leonid Skotnikov, International Court of Justice
- H.E. Judge Xue Hanqin, International Court of Justice
- H.E. Judge Joan Donoghue, International Court of Justice



Judge Skotnikov



Judge Hanqin



Judge Donoghue



Bremen Audience 2003

#### JUDGES FOR SEMIFINALS

- Dr. Setsuko Aoki (Japan), Professor of International Law, Faculty of Policy Management, Keio University, Tokyo, Japa
- Prof. Dr. Elisabeth Back Impallomeni (Italy), Professor, University of Padua, Italy, and IISL Director.
- Dr. Tare Brisibe (Nigeria) Chairman, Legal Subcommittee, COPUOS, Vienna, Austria
- Prof. Ram Jahku (Canada) Associate Professor, McGill Institute of Air and Space Law, Montreal, Canada, and IISL Director.
- Mr. K.R. Sridhara Murthi (India) Adjunct Faculty, National Institute of Advanced Studies, Bangalore, India, and IISL Vice-President
- Mr. James D. Rendleman (USA) Chief, Operations Law, Joint Functional Component Command for Space, US Strategic Command, USA

#### **JUDGES FOR MEMORIALS**

- Dr. Gérardine Goh Escolar (Singapore/Spain), Associate Legal Officer, International Court of Justice, The Hague, The Netherlands
- Prof. Francis Lyall (United Kingdom), Emeritus Professor of Public Law, University of Aberdeen, Scotland, United Kingdom, and IISL Director
- Dr. Peter Martinez (South Africa), Chairman, South African Council for Space Affairs, Pretoria, South Africa
- Maury J. Mechanick, Esq. (USA), Counsel, White & Case LLP, Washington, D.C., USA
- Prof. Vernon Nase (Australia), Director, Hong Kong Centre for Maritime and Transportation Law, City University of Hong Kong, China
- 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. Marcia Smith (USA), President, Space and Technology Policy Group LLC, Arlington, Virginia, USA

#### TIME KEEPERS AND JUDGES ASSISTANTS:

Ms. Melissa K. Force

Ms. Nie Jingjing

Mr. Chis Johnson

Dr. Michael Mineiro

### Program 4 October 2012

#### World Final

1:45 p.m Bus transport from Mostra d'Oltremare to Palazzo Du Mesnil, Università degli studi di Napoli "L'Orientale". Meeting point: inside Mostra d'Oltremare.

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.

6:30 p.m. End of the Moot Court.

7:30 p.m. Drinks at Ristorante Zi Teresa (invited guests) (distance from Moot Court:

+/- 10 minutes by foot).

8:00 p.m. IISL Annual Awards Dinner at Ristorante Zi Teresa (Invited guests).

10:30 p.m. End of dinner, bus transport to main hotel areas.



World Finals, 2007, Hyderabad India

### Awards for World Finals

### WINNING TEAM:

- 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 and Certificate

### 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
- 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



On Permanent Display, International Court of Justice, The Hague

# Contact Details for the Regional Rounds

### AFRICA:

lachsmoot-africa@iislweb.org

### **ASIA PACIFIC:**

lachsmoot-asiapacific@iislweb.org

### **EUROPE**:

lachsmoot-europe@iislweb.org

### **NORTH AMERICA:**

lachsmoot-northamerica@iislweb.org

### Addresses

### INTERNATIONAL ASTRONAUTICAL CONGRESS:

Mostra d'Oltremare

Fuorigrotta district, main entrance at Piazzale Tecchio

Napoli

http://www.mostradoltremare.it

### WORLD FINALS OF THE MOOT COURT COMPETITION:

Palazzo Du Mesnil

Via Chiatamone 61/62

Napoli

http://www.iuo.it/index.php?parLingua=ENG

### **IISL DINNER**

Zì Teresa

Via Borgo Marinari 1

Napoli

http://www.ziteresa.it

# **Sponsors**

### **REGIONAL WINNING TEAMS**









### **IISL ANNUAL AWARDS DINNER**









### LOCAL SPONSORS





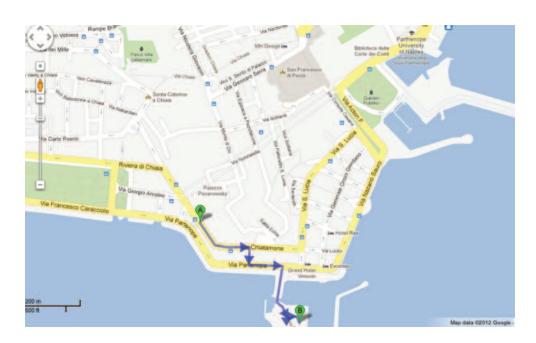


### BOOK DONATIONS, DESIGN, PRINTING









A = Palazzo du Mesnil (Moot Court)B = Ristorante Zi Teresa (IISL Diner)

Distance: 650 m

View on Google Maps: http://goo.gl/maps/bzwEg

### Further Reading

- Aerospace Industry Support Initiative of the South African Department of Trade and Industry:
  - http://www.aisi.co.za
- Consiglio Nazionale Delle Ricerche: http://www.cnr.it
- EADS North America: http://eadsnorthamerica.com
- 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://iac2012.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 Competition: www.iislweb.org/lachsmoot
- McGill University's Institute of Air and Space Law: http://www.mcgill.ca/iasl/
- Martinus Nijhoff Publishers: www.brill.nl
- Secure World Foundation: www.secureworldfoundation.org
- UN Office for Outer Space Affairs: www.oosa.unvienna.org
- Università degli studi di Napoli "L'Orientale": http://www.iuo.it/index.php?parLingua=ENG
- Università degli Studi di Napoli Federico II, Facoltà di Giurisprudenza: http://www.giurisprudenza.unina.it/en/
- Università degli Studi di Napoli Federico II, Facoltà di Economia: http://www.economia.unina.it
- University of Nebraska-Lincoln, Space and Telecom Law: http://spaceandtelecomlaw.unl.edu



George Washington University (USA), Winners of World Finals 2010, Pilsen/Prague, Czech Republic